FILED
JAN 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

Delia Moreno Martinez
[redacted]

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

DELIA MORENO MARTINEZ,	§	
AS NEXT FRIEND OF	§	
YESSICA MADELIN RODRIGUEZ CUBA,	§	**A#** [redacted]
Petitioner,	§	
v.	§	**CIVIL ACTION NO.** SA26CA0586FB
United States Attorney Western District of Texas	§	
U.S. Immigration and Customs Enforcement	§	
Enforcement and Removal Operations (ERO)	§	
San Antonio Field Office	§	
	§	
Karnes County Immigration Processing Center	§	
Respondents.	§	

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C.

This Petition challenges the prolonged and unconstitutional immigration detention of YESSICA MADELIN RODRIGUEZ CUBA, a Cuban national currently in the custody of U.S. Immigration and Customs Enforcement at the Karnes County Immigration Processing Center in Karnes City, Texas. Petitioner respectfully seeks her immediate release.

CERTIFICATE OF SERVICE

I, Delia Moreno Martinez, certify that on January 21, 2026, I served a true and correct copy of the Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 by depositing it in the U.S. Mail (postage prepaid) addressed to the following:

Karnes County Immigration Processing Center

Attn: Facility Administrator

409 FM 1144

Karnes City, TX 78118

Clerk of Court

United States District Court

Western District of Texas – San Antonio Division

655 East Cesar E. Chavez Blvd

San Antonio, TX 78206

United States Attorney's Office

Attn: Civil Process Clerk

Western District of Texas

601 NW Loop 410, Suite 600

San Antonio, TX 78216

U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations (ERO)

San Antonio Field Office

Attn: Field Office Director

1777 NE Loop 410, Suite 1500

San Antonio, TX 78217

Date: 01/21/2026

Signature: DMM

Delia Moreno Martinez

Next Friend of Yessica Madelin Rodriguez Cuba (A# [redacted])

TABLE OF CONTENTS

Exhibit A – Next Friend Passport

Exhibit B – Next Friend Driver License

Exhibit C – Yessica Madelin Rodriguez Cuba I-94 Record (Class of Admission: DT)

Exhibit D – Yessica Madelin Rodriguez Cuba Notice to Appear (NTA)

Exhibit E – BIA Appeal Fee Receipt

Exhibit F – BIA Appeal Submission (Filed)

Exhibit G – Doctor's Resume of Visit (Medical Records)

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

I. INTRODUCTION

My name is Delia Moreno Martinez. I am a United States citizen, and I respectfully file this Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 as Next Friend on behalf of my daughter-in-law, Yessica Madelin Rodriguez Cuba (A# [redacted] ("Yessica"), a Cuban national who is currently in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Karnes County Immigration Processing Center in Karnes City, Texas.

Yessica was taken into ICE custody on September 18, 2025, after being stopped late at night while traveling in an Uber near I-35 and Braker Lane in Austin, Texas. The stop was initiated by Texas DPS, and ICE officers made the arrest. Yessica was misled into believing she was being asked routine questions and would be released. She was never clearly told she would be detained, and she did not understand that ICE was involved until it was too late.

Yessica was transferred into ICE custody at the Karnes County Immigration Processing Center on September 19, 2025, where she remains detained. She is housed in [redacted] Willow Unit.

Yessica's detention is especially concerning because she has a recent and serious medical history. Approximately one month before her arrest, she required hospital care for vaginal bleeding and miscarriage-related complications, and she had low hemoglobin levels (anemia) at the time she was detained. Medical records reflect treatment related to threatened abortion and a completed spontaneous miscarriage.

Her detention caused her to miss pending medical appointments and follow-up care that were still needed. Shortly after arriving at Karnes, Yessica became dehydrated and her condition worsened. Her mother had to call the detention center to complain about her treatment and demand that she be taken to the hospital.

Yessica entered the United States through a lawful process. She has an I-94 record showing that she was inspected and admitted with Class of Admission "DT" on July 15, 2024, at Calexico, California.

She also has a pending appeal before the Board of Immigration Appeals ("BIA"), meaning her immigration case remains active and her continued detention must comply with the Due Process Clause of the Fifth Amendment.

I respectfully request that this Court grant habeas relief and order Yessica's immediate release from ICE custody, or in the alternative, order prompt and meaningful relief consistent with constitutional due process.

II. JURISDICTION AND VENUE

1. This Petition is brought under 28 U.S.C. § 2241 because Yessica is "in custody" under the authority of the United States through ICE.

2. This Court has jurisdiction to review the legality of immigration detention and to grant relief when a person is held "in violation of the Constitution or laws or treaties of the United States."

3. Venue is proper in this District because Yessica is detained in Texas and the key events leading to her detention occurred in Texas.

III. PARTIES

4. I, Delia Moreno Martinez, am the Next Friend. I am a United States citizen and Yessica's mother-in-law. I have a significant relationship with Yessica, and I am acting in good faith to protect her liberty interests and constitutional rights while she remains in ICE custody.

5. Yessica Madelin Rodriguez Cuba is a citizen and national of Cuba, born on [redacted] 2003, and she is currently in ICE custody.

IV. CUSTODY AND LOCATION INFORMATION

6. Yessica is currently in ICE custody at the Karnes County Immigration Processing Center, located at:

   409 FM 1144

   Karnes City, TX 78118

7. Yessica has been in ICE custody since September 19, 2025.

8. For identification purposes within the facility, she is housed in [redacted] Willow Unit.

V. FACTUAL BACKGROUND

9. On September 18, 2025, around midnight to approximately 1:00 a.m., Yessica was traveling in an Uber with her partner when the vehicle was stopped on the side of the road near the I-35 and Braker Lane area in Austin, Texas.

10. Texas DPS participated in the stop and questioning, and ICE officers made the arrest.

11. Officers questioned Yessica in a manner suggesting suspicion of trafficking or abuse, asking personal questions about her relationship, such as whether she knew her partner's birthday and address. Yessica explained that the person with her was her partner and showed photographs from her phone demonstrating their relationship.

12. Officers insisted she step out of the vehicle "for more questions" and repeatedly told her she would be released after answering questions. Yessica was never clearly told she would be detained. She did not understand that ICE was involved and believed she was only cooperating with questioning.

13. Despite her cooperation, Yessica was arrested and placed into immigration custody.

14. On September 19, 2025, she was transferred to the Karnes County Immigration Processing Center, where she remains detained.

VI. LAWFUL ENTRY AND IMMIGRATION STATUS

15. Yessica entered the United States on July 15, 2024, at Calexico, California, and she received an I-94 reflecting that she was inspected and admitted with Class of Admission "DT."

16. Yessica is currently pursuing immigration relief, and she has an active immigration case, including a pending appeal before the Board of Immigration Appeals (BIA).

17. Because her BIA appeal remains pending, Yessica continues to have active immigration litigation, and her continued ICE detention remains subject to the Due Process Clause of the Fifth Amendment and habeas review under 28 U.S.C. § 2241.

VII. MEDICAL HISTORY, WORSENING CONDITION IN DETENTION, AND MISSED CARE

18. Yessica has a recent medical history involving pregnancy loss and complications. Approximately one month before her arrest, she required medical care for vaginal bleeding and was diagnosed with threatened abortion.

19. Hospital records also reflect completed spontaneous miscarriage and retained products of conception, requiring continued monitoring and follow-up.

20. At the time of her detention, Yessica had low hemoglobin levels (anemia). This condition increases the risk of weakness, dizziness, complications, and medical instability, especially during stressful conditions such as detention.

21. Yessica had pending doctor appointments and follow-up medical care that she could not attend because she was taken into custody.

22. During the first days of detention at Karnes, Yessica became dehydrated and her health deteriorated. Her family became alarmed by her condition and the lack of appropriate care.

23. Yessica's mother, who resides in England, contacted me in extreme distress, and I understand that she called the detention facility to complain about Yessica's condition and to request that she be evaluated and taken to the hospital.

24. These circumstances demonstrate that Yessica is medically vulnerable, and her continued detention places her at risk of further harm, especially when she had recent miscarriage-related complications, anemia, and missed follow-up care.

VIII. RELEASE PLAN (PROPOSED CONDITIONS OF RELEASE)

25. If Yessica is released from ICE custody, she will reside with me at my home [redacted]. I will provide stable housing, transportation, and support to ensure Yessica attends all immigration-related appointments, including any court hearings, ICE check-ins, and compliance requirements.

26. I will ensure that Yessica obtains medical follow-up care promptly and attends all necessary appointments that were interrupted by her detention.

27. I am willing to ensure Yessica complies with any reasonable conditions of release, including regular check-ins, electronic monitoring if required, and maintaining updated address information with the appropriate agencies.

IX. LEGAL STANDARD

28. The Due Process Clause of the Fifth Amendment applies to all persons in the United States, including noncitizens, and it protects individuals from arbitrary civil detention without adequate procedural safeguards.

29. Immigration detention is civil in nature, not punitive. Civil detention must bear a reasonable relationship to a legitimate government purpose, such as ensuring appearance at proceedings or protecting the community.

30. The Supreme Court has recognized that immigration detention must remain within constitutional limits and that due process imposes meaningful constraints on prolonged or arbitrary detention. See, e.g., Zadvydas v. Davis, 533 U.S. 678 (2001); Demore v. Kim, 538 U.S. 510 (2003); Jennings v. Rodriguez, 138 S. Ct. 830 (2018).

X. ARGUMENT

A. Yessica's continued ICE detention violates the Fifth Amendment Due Process Clause because it is arbitrary and not supported by individualized justification.

31. The Fifth Amendment prohibits arbitrary civil detention. Yessica was arrested after a roadside stop and was misled into believing she would be released after questioning. She was not provided a clear, individualized reason for her continued detention.

32. Continued detention without individualized justification raises serious due process concerns, particularly where less restrictive alternatives are available.

B. Continued detention is unnecessary because Yessica is not a flight risk or a danger to the community.

33. Yessica has family support and a stable home placement available. She can comply with supervision and reporting conditions if released.

34. There is no evidence that Yessica poses a danger to the community. The government can ensure compliance through reasonable conditions of supervision.

C. Continued detention is unconstitutional where it is excessive, medically harmful, and not reasonably related to a legitimate civil purpose.

35. In Zadvydas v. Davis, the Supreme Court held that civil detention becomes constitutionally problematic when it is no longer reasonably related to its purpose. 533 U.S. 678 (2001).

36. Here, continued detention is excessive and unreasonable, especially given Yessica's medical vulnerability, missed medical appointments, dehydration in custody, and the need for continued follow-up care after miscarriage-related complications.

37. Continued detention under these circumstances is punitive in effect and violates due process.

D. The Court should grant habeas relief and order release or alternatively require prompt custody review consistent with due process.

38. Release under supervision would satisfy the government's interests while respecting due process and allowing Yessica to obtain necessary medical care.

39. I respectfully request that the Court order Yessica's immediate release from ICE custody.

40. In the alternative, I respectfully request that the Court order prompt and meaningful custody review that includes an individualized assessment of flight risk and danger and considers less restrictive alternatives to detention.

XI. PRAYER FOR RELIEF

WHEREFORE, I respectfully request that this Honorable Court:

1. Grant this Emergency Petition for Writ of Habeas Corpus;
2. Order the immediate release of Yessica Madelin Rodriguez Cuba from ICE custody;
3. Alternatively, order release under reasonable conditions of supervision; and
4. Grant any other relief the Court deems just and proper.

XII. NEXT FRIEND'S SWORN STATEMENT AND COMMITMENT

1. I, Delia Moreno Martinez, solemnly affirm under penalty of perjury that the information contained in this Petition is true and correct to the best of my knowledge.

2. I understand the seriousness of this commitment and affirm my willingness to ensure Yessica's full compliance with all immigration requirements if she is released.

3. If Yessica is released, she will live with me, and I will ensure she attends all immigration-related appointments and complies with all reporting requirements and any conditions imposed by immigration authorities.

4. I will assist with transportation, stable housing, and ensure she obtains medical follow-up care and attends all necessary appointments.

XIII. VERIFICATION

I, Delia Moreno Martinez, declare under penalty of perjury that the foregoing is true and correct.

Date: 01/21/2026

Signature: DMM

Delia Moreno Martinez

Next Friend of Yessica Madelin Rodriguez Cuba (A# [redacted]

Phone: [redacted]

Email: [redacted]@yahoo.com