Delia Moreno Martinez
[redacted]

FILED
MAR 20 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

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 5:26-cv-00586**
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.	§	

NEXT FRIEND'S RESPONSE TO GOVERNMENT'S OPPOSITION

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I, Delia Moreno Martinez, a United States citizen, respectfully submit this Response as Next Friend on behalf of Yessica Madelin Rodriguez Cuba.

I. INTRODUCTION

This case presents a narrow constitutional challenge to Yessica's continued civil immigration detention, which has become arbitrary, prolonged, and medically dangerous.

This Response does not challenge the merits of her immigration proceedings. It challenges only the legality of her detention under the Fifth Amendment.

II. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. § 2241

This Court has clear jurisdiction under 28 U.S.C. § 2241 because Yessica is detained within this District and this action challenges the legality of her present physical custody.

Habeas corpus has long served as the primary mechanism to test executive detention. It applies fully to civil immigration detention.

In INS v. St. Cyr, 533 U.S. 289 (2001), the Court reaffirmed a strong presumption in favor of judicial review.

In Rumsfeld v. Padilla, 542 U.S. 426 (2004), the Court confirmed habeas is the proper vehicle to challenge present confinement.

In Boumediene v. Bush, 553 U.S. 723 (2008), the Court emphasized habeas as a structural safeguard.

Removal proceedings concern status. Habeas concerns liberty. The existence of one does not eliminate the other.

III. THIS PETITION DOES NOT SEEK REVIEW OF REMOVAL

This Petition does not request:

Review of asylum

Vacating removal

Interpretation of removability statutes

Interference with immigration proceedings

It challenges only detention.

Jurisdiction-stripping provisions do not apply.

IV. CIVIL IMMIGRATION DETENTION IS SUBJECT TO THE FIFTH AMENDMENT

Immigration detention is civil, not punitive.

Under Zadvydas, Foucha, and Jackson, detention must remain reasonable, justified, and proportionate.

Even if initially lawful, it must remain constitutionally justified over time,here, it no longer is.

V. PROLONGED DETENTION REQUIRES INDIVIDUALIZED REVIEW

Under Mathews v. Eldridge, due process requires balancing liberty, risk, and government interest.

Yessica's liberty interest is at its highest.

No individualized determination has been made.

That alone violates due process.

VI. DETENTION VIOLATES THE FIFTH AMENDMENT

Yessica's detention is no longer reasonably related to any legitimate purpose.

She has:

Pending proceedings

Her detention is now arbitrary.

Yessica filed her appeal against the judge's decision before the appeals office, so before this court we are not asking for the review of that decision, so she still does not have a final decision of deportation, because if she applies the remedy of Habeas Corpus in her case then her process is still pending.

The Fifth Amendment does not permit the Government to impose continued detention as a mandatory consequence where liberty has already been granted, and no changed circumstances justify its revocation. Once the Government has exercised its discretion to release an individual, thereby recognizing that detention was not necessary, due process requires a meaningful justification for any subsequent deprivation of liberty. Absent such justification, continued detention becomes arbitrary. Habeas corpus stands as the primary and most fundamental remedy to challenge this form of unlawful restraint, ensuring that executive detention is not imposed or maintained without a legitimate, individualized basis. Where no reasoned explanation exists for re-detention, the Constitution requires judicial intervention.

At its core, this case concerns a fundamental constitutional principle: the Government may not deprive a person of liberty without meaningful justification and judicial review.

The Constitution does not permit prolonged civil detention based solely on statutory classification. It does not permit detention to continue automatically as time passes. It does not permit liberty to depend solely on executive discretion.

Habeas corpus exists to ensure that detention remains lawful, justified, and subject to judicial oversight.

Without that protection, civil detention risks becoming arbitrary.

VII. FIFTH CIRCUIT RECOGNIZES LIMITS

The Fifth Circuit recognizes that detention is not indefinite.

It must remain tied to purpose.

Here, it is not.

VIII. DETENTION AFTER PAROLE WITHOUT CHANGED CIRCUMSTANCES IS ARBITRARY

The Government previously released Yessica on parole.

Her re-detention occurred:

After compliance

Without violation

Without explanation

This is arbitrary.

IX. FULL COMPLIANCE NEGATES FLIGHT RISK

Yessica:

Appeared voluntarily

Complied fully

Has no criminal history

Has a U.S. citizen sponsor

There is no evidence of flight risk.

X. BUENROSTRO DOES NOT BAR RELIEF

Buenrostro addresses statutory bond issues.

This case is constitutional.

Yessica:

Is not seeking bond

Challenges detention

Faces prolonged custody

Habeas remains available.

XI. HABEAS CORPUS IS THE PRIMARY SAFEGUARD

Habeas is not secondary.

It is the core protection against unlawful detention.

As stated in Boumediene, it preserves liberty and judicial oversight.

XII. FEDERAL COURTS SUPPORT HABEAS RELIEF

As this Court recently recognized in Arias v. Noem, Civil Action No. SA-26-CV-415-FB (W.D. Tex. Jan. 31, 2026), habeas corpus remains a central and indispensable constitutional safeguard against prolonged and unjustified immigration detention. In Arias, the Court emphasized that individuals challenging their confinement seek nothing more than "some modicum of due process and the rule of law," and granted relief where detention lacked a sufficient, individualized justification.

The significance of Arias lies not only in its outcome, but in its reaffirmation of a fundamental principle: that liberty cannot be restrained without lawful justification and meaningful judicial review. In that case, the Court ensured that constitutional protections prevailed over unexamined detention, reinforcing the rule of law in circumstances where executive custody lacked sufficient basis.

That same principle applies with full force here. Like the petitioner in Arias, Yessica does not seek immigration relief from this Court. She seeks only what the Constitution guarantees—protection from continued detention that has become prolonged, automatic, and unsupported by any meaningful explanation.

Where the Government fails to provide an individualized and reasoned basis for continued custody, detention ceases to serve a legitimate regulatory purpose and becomes constitutionally infirm. Arias confirms that in such circumstances, judicial intervention through habeas corpus is not discretionary, it is required.

This case presents the same fundamental question of liberty and legality. Respectfully, the same commitment to the rule of law that guided the Court's decision in Arias supports granting relief here, ensuring that Yessica's detention is evaluated under the Constitution, and that justice is governed by law, not by unchecked discretion.

Other cases confirm:

Zadvydas

Diouf Guerrero-Sanchez

Prolonged detention requires review.

XIV HABEAS CORPUS IS NOT A SECONDARY REMEDY, IT IS THE PRIMARY CONSTITUTIONAL SAFEGUARD AGAINST EXECUTIVE DETENTION

Habeas corpus is not a remedy of last resort. It is the first and most fundamental safeguard against unlawful detention.

The order exists precisely for the circumstances in which a person is detained and seeks judicial review of said confinement. Its purpose is to ensure that freedom does not depend solely on executive discretion.

The Supreme Court has repeatedly emphasized that habeas corpus is a structural protection built into the Constitution. In Boumediene v. Bush, 553 U.S. 723, 745 (2008), the Court explained that the order is designed to prevent arbitrary arrests and preserve the separation of powers by ensuring that the judiciary can review executive restraint.

This case falls perfectly within that central function. She is still detained. It challenges the legality of that detention. No additional procedural steps are required before habeas corpus jurisdiction is invoked.

Any suggestion that habeas corpus should wait for other forms of redress to be pursued misinterprets its constitutional role. Habeas corpus does not depend on the availability or exhaustion of alternative remedies. It exists independently as a direct check on illegal detention

XIII FINAL CONSTITUTIONAL PRINCIPLE

The Government cannot detain Yessica indefinitely without justification.

Liberty cannot depend solely on executive discretion.

Habeas exists to prevent arbitrary detention.

XIV. REQUEST FOR RELIEF

WHEREFORE, I respectfully request:

Grant the Writ of Habeas Corpus

Order immediate release

Issue a no-transfer order

Grant any further relief

XV VERIFICATION

Delia Moreno Martinez

Next Friend of Yessica Madelin Rodriguez Cuba

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.

Respectfully submitted,

Delia Moreno Martinez

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

Phone: (512) 659-9729

Email:

Date: 03-17-2026

Signature: DMM