

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AURELIA ISABEL RIVERA ESPINOZA,

Petitioner,

v.

MIGUEL VERGARA, Field Office Director of
Enforcement and Removal Operations, San
Antonio Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF
KARNES COUNTY IMMIGRATION
PROCESSING CENTER,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, AURELIA ISABEL RIVERA ESPINOZA, with A number   is a native and citizen of Honduras. She has been detained at the Karnes County Immigration Processing Center in Karnes City, Texas, since approximately January 2026, during the pendency of her removal proceedings, and has never received an individualized custody determination or meaningful procedural review assessing whether her continued detention is necessary.
2. Petitioner remains in ongoing removal proceedings before the Immigration Court in Pearsall, Texas, with an Individual Hearing scheduled for February 25, 2026.
3. Petitioner has now been detained for a prolonged period during ongoing removal proceedings without any neutral custody determination. The Government has never been required to justify her detention before an immigration judge, and no tribunal has evaluated whether detention remains necessary. Prolonged civil detention without individualized review violates fundamental due process protections.
4. As Petitioner's detention has grown prolonged during the pendency of her removal proceedings, the continued deprivation of liberty without any individualized custody determination violates due process. When civil immigration detention becomes prolonged, the Constitution requires a meaningful custody hearing at which the Government bears the burden of proving that continued detention is necessary to prevent flight or danger.
5. Civil immigration detention is constitutionally permissible only for the limited purpose of effectuating removal and ensuring appearance at proceedings. When detention becomes prolonged without meaningful procedural safeguards, it ceases to be regulatory and becomes punitive in violation of the Due Process Clause. The Constitution does not permit the

1 Government to impose prolonged pre-removal detention without providing a neutral and
2 individualized determination that continued confinement is necessary.

3 6. Petitioner has remained continuously detained, without any finding that she poses
4 a danger or flight risk, and without any meaningful review of whether detention remains
5 necessary.

6 7. At a minimum, due process requires a meaningful custody hearing at which the
7 Government bears the burden of justifying continued detention. No such process has been
8 provided here.

9 8. Petitioner therefore seeks habeas relief to remedy her unconstitutional prolonged
10 pre-removal detention and to vindicate her rights under the Fifth Amendment to the United
11 States Constitution.

12 **JURISDICTION**

13 9. Petitioner is detained pursuant to pre-removal order immigration detention
14 authority during the pendency of removal proceedings, and challenges the constitutionality of her
15 prolonged civil detention without an individualized custody determination.

16 10. Petitioner is detained in civil immigration custody at the Karnes County
17 Immigration Processing Center in Karnes City, Texas, within the Western District of Texas, San
18 Antonio Division. She has been continuously detained since approximately January 2026, during
19 the pendency of her removal proceedings, without receiving an individualized custody
20 determination or meaningful procedural review justifying her continued detention.

21 11. This action arises under the Constitution of the United States and the Immigration
22 and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq. Petitioner challenges the legality and
23 constitutionality of her ongoing civil immigration detention, which has become unreasonably
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1 prolonged and unsupported by individualized procedural safeguards, in violation of the Due
2 Process Clause of the Fifth Amendment.

3 12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
4 corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United
5 States Constitution (Suspension Clause). This Court is authorized to grant relief pursuant to 28
6 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act,
7 28 U.S.C. § 1651.

8 13. Habeas corpus is the proper vehicle to challenge unlawful civil immigration
9 detention, including challenges to prolonged pre-removal detention that violates constitutional
10 due process protections. Petitioner therefore properly invokes this Court's jurisdiction to remedy
11 her unlawful prolonged detention and to vindicate her rights under the Fifth Amendment.

12 VENUE

13 14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
14 500 (1973), venue lies in the United States District Court for the Western District of Texas,
15 because Petitioner is detained at the Karnes County Immigration Processing Center in Karnes
16 City, Texas, which is within the jurisdiction of this District.

17 15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because
18 Respondents are officers, employees, or agencies of the United States, a substantial part of the
19 events or omissions giving rise to her claims occurred in this district, and no real property is
20 involved in this action.

21 PARTIES

22 16. Petitioner, AURELIA ISABEL RIVERA ESPINOZA, is a citizen of Honduras.
23 She has been detained since January 2026, and is currently detained at the Karnes County
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1 Immigration Processing Center in Karnes City, Texas. She is in the custody, and under the direct
2 control, of Respondents and their agents.

3 17. Petitioner, MIGUEL VERGARA, is the Director of the San Antonio Field Office
4 of ICE's Enforcement and Removal Operations division. As such, MIGUEL VERGARA, is
5 Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is
6 named in his official capacity.

7 18. Respondent, KRISTI NOEM, is the Secretary of the Department of Homeland
8 Security. She is responsible for the implementation and enforcement of the Immigration and
9 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
10 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11 19. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the
12 federal agency responsible for implementing and enforcing the INA, including the detention and
13 removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal
14 custodian of Petitioner.

15 20. Respondent, PAMELA BONDI, is the Attorney General of the United States. She
16 is responsible for the Department of Justice, of which the Executive Office for Immigration
17 Review and the immigration court system it operates is a component agency. She is sued in her
18 official capacity.

19 21. Respondent, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), is
20 the federal agency responsible for implementing and enforcing the INA in removal proceedings,
21 including for custody redeterminations in bond hearings.
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1 22. Respondent, WARDEN OF THE KARNES COUNTY IMMIGRATION
2 PROCESSING CENTER, has immediate physical custody of Petitioner. He is sued in his official
3 capacity.

4 **LEGAL FRAMEWORK**

5 23. Pursuant to 28 U.S.C. § 2243, a federal court reviewing a petition for writ of
6 habeas corpus must either grant the writ or issue an order directing the respondent to show cause
7 why the writ should not be granted. Habeas corpus is the proper vehicle to challenge unlawful
8 civil immigration detention that violates statutory or constitutional limits. See 28 U.S.C. § 2241.

9 24. Pre-removal civil immigration detention must remain reasonably related to its
10 non-punitive purpose and must be accompanied by adequate procedural safeguards. Although the
11 Immigration and Nationality Act authorizes detention during removal proceedings, the Fifth
12 Amendment requires that prolonged civil detention be supported by a meaningful individualized
13 custody determination.

14 25. The Supreme Court has confirmed that noncitizens may challenge prolonged
15 immigration detention through constitutional habeas corpus. *Jennings v. Rodriguez*, 583 U.S.
16 281, 308–09 (2018). Civil detention becomes constitutionally suspect when its duration grows
17 unreasonable and the Government fails to provide adequate procedural protections.

18 26. Freedom from physical restraint lies at the core of the liberty protected by due
19 process. When detention becomes prolonged and the Government fails to provide an
20 individualized custody hearing evaluating danger or flight risk, continued detention becomes
21 excessive, arbitrary, and unconstitutional.

22 27. Federal courts retain authority to review the constitutionality of prolonged or
23 unjustified immigration detention through habeas corpus, even where the governing statute does
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1 not expressly provide procedural protections. See *Jennings v. Rodriguez*, 583 U.S. 281, 308–09
2 (2018) (confirming availability of constitutional habeas challenges to immigration detention).

3 Due process requires that civil detention be supported by more than the mere existence of
4 statutory detention authority; it requires ongoing justification and procedural safeguards
5 sufficient to ensure that confinement does not become excessive, arbitrary, or punitive in nature.

6 28. Although immigration statutes authorize detention during removal proceedings,
7 the Fifth Amendment imposes constitutional limits. When pre-removal detention becomes
8 prolonged and the Government fails to provide an individualized custody determination,
9 continued detention becomes excessive and unconstitutional. Civil detention must remain
10 reasonably related to its regulatory purpose and cannot become punitive in nature.

11 29. Numerous federal courts recognize that prolonged immigration detention violates
12 due process and requires judicial intervention through habeas corpus. At a minimum, due process
13 requires a neutral custody hearing where the Government bears the burden of proving that
14 continued detention is necessary.

15 CLAIMS FOR RELIEF

16 **Violation of Fifth Amendment Right to Due Process**

17 30. Petitioner re-alleges and incorporates by reference all preceding paragraphs as
18 though fully set forth herein.

19 31. The Due Process Clause of the Fifth Amendment prohibits the Government from
20 depriving any person of liberty without due process of law. This protection applies to noncitizens
21 in civil immigration detention.

22 32. Petitioner has now been detained for a prolonged period without ever receiving an
23 individualized custody determination. No immigration judge has evaluated whether detention
24 remains necessary, and the Government has never been required to prove that Petitioner presents

1 a danger or flight risk. Continued detention under these circumstances is arbitrary, excessive, and
2 unconstitutional.

3 33. Petitioner, AURELIA ISABEL RIVERA ESPINOZA, a native and citizen of
4 Honduras, has been detained at the Karnes County Immigration Processing Center in Karnes
5 City, Texas, since approximately January 2026. Since then, Respondents have continued to
6 detain Petitioner without providing any meaningful individualized pre-order custody
7 determination, hearing, or procedural review assessing whether continued detention is justified.

8 34. Respondents have not found that Petitioner poses a danger to the community or a
9 flight risk, nor have they articulated any legitimate basis demonstrating that continued detention
10 meaningfully advances the civil purpose of effectuating removal.

11 35. Civil immigration detention is lawful only so long as it remains reasonably related
12 to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where
13 detention continues without individualized justification and without meaningful review, it
14 becomes arbitrary and excessive in relation to its stated purpose.

15 36. By continuing to detain Petitioner without adequate procedural safeguards
16 Respondents have violated Petitioner's right to due process under the Fifth Amendment.

17 **PRAYER FOR RELIEF**

18 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 19 (1) Assume jurisdiction over this matter;
20 (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of
21 the Fifth Amendment;
22 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
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- (4) In the alternative, order Respondents to provide an immediate custody hearing with the burden on the Government to justify continued detention;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

DATED this 11th day of February 2026.

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