

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KAREM FABIANA SUAREZ OLIVARES,

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
DILLEY IMMIGRATION PROCESSING
CENTER,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, KAREM FABIANA SUAREZ OLIVARES, with A number   is a native and citizen of Venezuela. She has been detained at the Dilley Immigration Processing Center since approximately January 28, 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 a Master Hearing scheduled for February 24, 2026.
3. Petitioner has now been detained for a prolonged period during ongoing removal proceedings without ever receiving a bond hearing or 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. This Petition does not challenge the statutory authority for detention. Instead, it challenges the constitutional limits on prolonged civil detention. Even where detention is authorized by statute, the Due Process Clause independently requires that continued confinement remain reasonably related to its regulatory purpose and be supported by adequate procedural

1 safeguards. When detention becomes prolonged and no neutral decision-maker has evaluated
2 whether continued detention is necessary, the Constitution requires judicial intervention.

3 6. Recent Fifth Circuit precedent addressing statutory detention authority does not
4 eliminate constitutional limitations on prolonged civil confinement. The Supreme Court has
5 repeatedly confirmed that habeas corpus remains available to challenge the constitutionality of
6 immigration detention, including where detention is authorized by statute. This Petition therefore
7 presents a constitutional challenge to prolonged detention, not a statutory challenge to detention
8 authority.

9 7. Civil immigration detention is constitutionally permissible only for the limited
10 purpose of effectuating removal and ensuring appearance at proceedings. When detention
11 becomes prolonged without meaningful procedural safeguards, it ceases to be regulatory and
12 becomes punitive in violation of the Due Process Clause. The Constitution does not permit the
13 Government to impose prolonged pre-removal detention without providing a neutral and
14 individualized determination that continued confinement is necessary.

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

18 **JURISDICTION**

19 9. Petitioner is detained pursuant to pre-removal order immigration detention
20 authority during the pendency of removal proceedings, and challenges the constitutionality of her
21 prolonged civil detention without an individualized custody determination.
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1 10. Federal courts retain jurisdiction to review constitutional challenges to
2 immigration detention through habeas corpus, even where Congress has authorized detention by
3 statute. See *Jennings v. Rodriguez*, 583 U.S. 281, 308–09 (2018).

4 11. Petitioner is detained in civil immigration custody at the Dilley Immigration
5 Processing Center in Dilley, Texas, within the Western District of Texas, San Antonio Division.
6 She has been continuously detained since approximately January 28, 2026, during the pendency
7 of her removal proceedings, without receiving an individualized custody determination or
8 meaningful procedural review justifying her continued detention.

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

14 13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
15 corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United
16 States Constitution (Suspension Clause). This Court is authorized to grant relief pursuant to 28
17 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act,
18 28 U.S.C. § 1651.

19 14. Habeas corpus is the proper vehicle to challenge unlawful civil immigration
20 detention, including challenges to prolonged pre-removal detention that violates constitutional
21 due process protections. Petitioner therefore properly invokes this Court’s jurisdiction to remedy
22 her unlawful prolonged detention and to vindicate her rights under the Fifth Amendment.
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VENUE

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

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

PARTIES

17. Petitioner, KAREM FABIANA SUAREZ OLIVARES, is a citizen of Venezuela. She has been detained since January 28, 2026, and is currently detained at the Dilley Immigration Processing Center in Dilley, Texas. She is in the custody, and under the direct control, of Respondents and their agents.

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

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

1 20. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the
2 federal agency responsible for implementing and enforcing the INA, including the detention and
3 removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal
4 custodian of Petitioner.

5 21. Respondent, PAMELA BONDI, is the Attorney General of the United States. She
6 is responsible for the Department of Justice, of which the Executive Office for Immigration
7 Review and the immigration court system it operates is a component agency. She is sued in her
8 official capacity.

9 22. Respondent, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), is
10 the federal agency responsible for implementing and enforcing the INA in removal proceedings,
11 including for custody redeterminations in bond hearings.

12 23. Respondent, WARDEN OF THE DILLEY IMMIGRATION PROCESSING
13 CENTER, has immediate physical custody of Petitioner. He is sued in his official capacity.
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15 LEGAL FRAMEWORK

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

20 25. The Fifth Amendment imposes independent constitutional limits on civil
21 immigration detention. Civil detention must remain reasonably related to its nonpunitive purpose
22 and cannot become excessive in relation to that purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690
23 (2001).
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1 26. Even where detention is statutorily authorized, the Constitution requires adequate
2 procedural safeguards to ensure that detention does not become arbitrary or punitive. *Jennings v.*
3 *Rodriguez*, 583 U.S. 281, 308–09 (2018).

4 27. Prolonged civil detention without a meaningful individualized custody
5 determination raises serious constitutional concerns. See *Demore v. Kim*, 538 U.S. 510, 532
6 (2003) (Kennedy, J., concurring) (“continued detention could become unreasonable or
7 unjustified”).

8 28. Although recent Fifth Circuit precedent addresses statutory detention authority, it
9 does not eliminate constitutional limits on prolonged detention. Even where detention is
10 authorized, due process requires that detention remain reasonable in duration and accompanied
11 by meaningful procedural safeguards. Habeas corpus remains available to remedy
12 unconstitutional detention. *Jennings*, 583 U.S. at 308–09.

13 29. When civil detention becomes prolonged, due process requires a neutral custody
14 determination evaluating whether continued detention is necessary to prevent flight or danger.
15 Without such procedural protection, continued detention becomes arbitrary and constitutionally
16 excessive.

17 30. Pre-removal civil immigration detention must remain reasonably related to its
18 non-punitive purpose and must be accompanied by adequate procedural safeguards. Although the
19 Immigration and Nationality Act authorizes detention during removal proceedings, the Fifth
20 Amendment requires that prolonged civil detention be supported by a meaningful individualized
21 custody determination.

22 31. The Supreme Court has confirmed that noncitizens may challenge prolonged
23 immigration detention through constitutional habeas corpus. *Jennings v. Rodriguez*, 583 U.S.
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1 281, 308–09 (2018). Civil detention becomes constitutionally suspect when its duration grows
2 unreasonable and the Government fails to provide adequate procedural protections.

3 32. When detention becomes prolonged and the Government fails to provide an
4 individualized custody hearing evaluating danger or flight risk, continued detention becomes
5 excessive, arbitrary, and unconstitutional.

6 33. Federal courts retain authority to review the constitutionality of prolonged or
7 unjustified immigration detention through habeas corpus, even where the governing statute does
8 not expressly provide procedural protections. See *Jennings v. Rodriguez*, 583 U.S. 281, 308–09
9 (2018) (confirming availability of constitutional habeas challenges to immigration detention).

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

13 34. Although immigration statutes authorize detention during removal proceedings,
14 the Fifth Amendment imposes constitutional limits. When pre-removal detention becomes
15 prolonged and the Government fails to provide an individualized custody determination,
16 continued detention becomes excessive and unconstitutional. Civil detention must remain
17 reasonably related to its regulatory purpose and cannot become punitive in nature.

18 35. Numerous federal courts recognize that prolonged immigration detention without
19 a meaningful bond hearing violates due process and requires judicial intervention through habeas
20 corpus. At a minimum, due process requires a neutral custody hearing where the Government
21 bears the burden of proving that continued detention is necessary.

CLAIMS FOR RELIEF

Violation of Fifth Amendment Right to Due Process

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

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

38. Even if detention is statutorily authorized, the Constitution independently limits prolonged civil confinement. Continued detention without an individualized determination evaluating flight risk, danger, and the necessity of detention violates procedural due process.

39. Respondents have not demonstrated that Petitioner's continued detention meaningfully advances the regulatory purpose of ensuring appearance at proceedings or effectuating removal. As detention becomes prolonged, the Government must justify continued confinement with individualized findings. No such justification has been provided here.

40. As the duration of detention grows, the Government's interest in detention weakens while the individual's liberty interest strengthens. Prolonged civil detention without procedural safeguards becomes constitutionally excessive.

41. Petitioner has now been detained for a prolonged period without ever receiving a bond hearing or individualized custody determination. No immigration judge has evaluated whether detention remains necessary, and the Government has never been required to prove that Petitioner presents a danger or flight risk. Continued detention under these circumstances is arbitrary, excessive, and unconstitutional.

42. Petitioner, KAREM FABIANA SUAREZ OLIVARES, a native and citizen of Venezuela, has been detained at the Dilley Immigration Processing Center since approximately

1 January 28, 2026. Since then, Respondents have continued to detain Petitioner without providing
2 any meaningful individualized pre-order custody determination, hearing, or procedural review
3 assessing whether continued detention is justified.

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

7 44. Civil immigration detention is lawful only so long as it remains reasonably related
8 to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where
9 detention continues without individualized justification and without meaningful review, it
10 becomes arbitrary and excessive in relation to its stated purpose.

11 45. By continuing to detain Petitioner without adequate procedural safeguards,
12 Respondents have violated Petitioner's right to due process under the Fifth Amendment.

13 **PRAYER FOR RELIEF**

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

- 15 (1) Assume jurisdiction over this matter;
- 16 (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of
17 the Fifth Amendment;
- 18 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- 19 (4) In the alternative, order Respondents to provide an immediate individualized bond or
20 custody hearing with the burden on the Government to justify continued detention;
- 21 (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on
22 any other basis justified under law; and
- 23 (6) Grant any further relief this Court deems just and proper.
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2 DATED this 23rd day of February 2026.
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4 Respectfully,

5 *Lorena Villalon*

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