UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jaqueline CHAVEZ TELLEZ	)
	) Case No. 5:26-cv-04169
Petitioner,	)
	)
	)
v.	)
	)
(1) Warden of South Texas Detention Center, in their official capacity	)
(2) MIGUEL VERGARA, Field Office Director of the San Antonio Field Office, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations;	)
(3) TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement	)
(4) MARKWAYNE MULLIN, Secretary of the Department of Homeland Security;	)
(5) TODD BLANCHE, Acting U.S. Attorney General, in their official capacities,	)
	)
Respondents.	)

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Jaqueline Chavez Tellez, is a citizen of Mexico detained by Respondents at the South Texas Detention Center pursuant to 8 U.S.C. § 1231.

2. At 11 years of age, in approximately August 2007, Petitioner entered the United States.

3. On June 9th, 2026, Petitioner was apprehended by law enforcement and taken into custody. She was later transferred to ICE Custody.

4. Respondents' continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment to the United States Constitution and applicable provisions of the Immigration and Nationality Act governing immigration custody determinations.

5. Petitioner seeks habeas, declaratory, and injunctive relief, including an order directing Respondents to release the Petitioner under appropriate conditions of supervision or, alternatively, to provide an individualized custody determination before a neutral decisionmaker.

JURISDICTION

6. Petitioner is in the physical custody of Respondents at South Texas Detention Center in Pearsall, Texas and is under the direct control of Respondents and their agents.

7. This action arises under the Constitution of the United States, the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act (APA), 5 U.S.C. § 551, *et seq.*

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

10. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), 1252(f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018).

11. Exhaustion of remedies: There is no statutory exhaustion requirement for habeas challenges to the legal basis of immigration detention under 28 U.S.C. § 2241. Even if exhaustion applied, it would be futile. As the Supreme Court has held, exhaustion is excused where "the administrative body is shown to be biased or has otherwise predetermined the issue before it." McCarthy v. Madigan, 503 U.S. 140, 148 (1992); see also Shalala v. 111. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000). Because of the Respondents' position that they lack authority to provide a custody redetermination under 8 U.S.C. § 1226(a), attempts at exhaustion would be futile in this case.

VENUE

12. Venue lies in the United States District Court for the Western District of Texas, the judicial district in which Petitioner currently is in custody. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973).

13. Venue is also proper in this judicial district pursuant to 28 U.S.C. § 1391(e) because Respondents are U.S. agencies and officers of the United States acting in their official capacities and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

15. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative

remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

16. Petitioner, Jaqueline Chavez Tellez, is a citizen of Mexico who has resided in the United States since approximately 2007 after entering the United States at approximately 11 years of age. Petitioner has an approved I-130 Family Petition by her US Citizen father, and an approved I-601A Provisional Waiver, and is currently waiting for her interview for her DS-260 Consular Process matter. She is currently detained by Respondents at South Texas Detention Facility. She has been detained by Respondents since June 9th, 2026. Petitioner is in the custody, and under the direct control, of Respondents and their agents.

17. Respondent Warden of the South Texas Detention Facility is sued in their official capacity and has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

18. Respondent Miguel VERGARA is sued in his official capacity as the Field Office Director of the San Antonio Field Office of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). Respondent Vergara is a legal custodian of Petitioner and has authority to release him.

19. Respondent Todd LYONS is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement, which oversees the San Antonio Field Office of U.S. Immigration and Customs Enforcement, the field office responsible for Petitioner's detention. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

20. Respondent Markwayne MULLIN is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees the U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner and has the authority to release him.

21. Respondent Todd BLANCHE is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

FACTUAL ALLEGATIONS

22. Petitioner, Jaqueline Chavez Tellez, is a citizen of Mexico detained by Respondents at the South Texas Detention Center and is being held pending removal proceedings.

23. At 11 years of age, in approximately August 2007, Petitioner entered the United States. She has resided continuously in the country since then and has significant family ties.

24. Petitioner has an approved Form I-130 immigrant visa petition filed on her behalf by her United States citizen father. Upon information and belief, Petitioner has also obtained approval of a provisional unlawful presence waiver (Form I-601A). Petitioner is currently pursuing consular processing of her immigrant visa and is awaiting scheduling of her immigrant visa interview at the appropriate U.S. consulate.

25. On or about June 2026, Petitioner was present at a Walmart store with her minor children, including an infant child who had recently undergone significant medical surgery.

26. According to the incident report prepared by law enforcement, store asset protection personnel reported that Petitioner was observed on surveillance video failing to scan or pay for certain items prior to attempting to exit the store. The total reported value of the merchandise was approximately $365.21.

27. Law enforcement reviewed the surveillance footage and documented that certain items had not been scanned or paid for.

28. The incident report further reflects that Petitioner was present in the store's asset protection office while holding her infant child, who had visible scarring consistent with recent surgery. Petitioner confirmed that the child had recently undergone serious medical treatment.

29. The responding officer noted that, due to the age and medical condition of the infant child, the officer did not effectuate an immediate arrest of Petitioner at the scene. Instead, the officer completed a report, informed Petitioner that a warrant would be sought, and advised her regarding steps to address the matter with the appropriate county authorities.

30. Petitioner was released from the scene without arrest and without custodial processing at that time.

31. Later, law enforcement sought Petitioner pursuant to an arrest warrant issued in connection with the incident. Petitioner was not present at her residence when officers attempted to make contact.

32. Petitioner later learned of the warrant and intended to address the matter. Petitioner was subsequently taken into custody by law enforcement while traveling with her family.

33. Following her arrest, Petitioner was transferred into immigration custody and is currently detained by ICE.

34. Petitioner has no prior deportations and no history of violent criminal conduct.

35. Petitioner's detention has resulted in significant hardship to her family, including her United States citizen father, who suffers from diabetes and other serious medical conditions, and her minor children, including an infant child who had recently undergone surgery at the time of the underlying incident.

36. Petitioner's removal proceedings remain pending before the Immigration Court, including a Master Calendar Hearing that was continued to July 9, 2026.

LEGAL BACKGROUND

I. PETITIONER'S CONTINUED DETENTION VIOLATES THE FIFTH AMENDMENT'S GUARANTEE OF DUE PROCESS.

37. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Noncitizens physically present in the United States, including those in removal proceedings, are entitled to the protections of the Due Process Clause.

38. Although Congress has authorized immigration detention in certain circumstances, detention must bear a reasonable relationship to the Government's legitimate interests in ensuring appearance at future proceedings and protecting public safety. Where detention no longer serves those purposes, continued confinement raises serious constitutional concerns.

II. PETITIONER IS ENTITLED TO AN INDIVIDUALIZED CUSTODY DETERMINATION OR RELEASE.

39. Petitioner presents neither a danger to the community nor a meaningful risk of flight. She has substantial family ties within the United States, including a United States citizen father who suffers from significant medical conditions. Petitioner has spent years pursuing lawful immigration status through family-based immigration proceedings and has an approved immigrant visa petition filed on her behalf. Upon information and belief, she has also obtained approval of a provisional unlawful presence waiver.

40. The circumstances giving rise to Petitioner's detention do not demonstrate dangerousness. The underlying incident involved allegations that some of the Petitioner's minor children picked merchandise from the shelves of the store that did not go through the scanner, unbeknownst to the Petitioner, who was occupied caring for all her children, including an infant recovering from surgery. The allegations do not involve violence, weapons, narcotics, gang activity, or any conduct suggesting that Petitioner poses a threat to public safety.

41. Moreover, Petitioner's detention imposes extraordinary hardship upon her family. At the time of her arrest, Petitioner's infant child had recently undergone surgery and was exclusively breastfeeding. Petitioner's continued detention has disrupted the care and support available to her children and

family members and has imposed significant hardship on her United States citizen father.

42. Under these circumstances, continued detention without meaningful consideration of Petitioner's individual circumstances violates the Due Process Clause of the Fifth Amendment.

43. The purpose of civil immigration detention is regulatory, not punitive. Immigration detention may not be used as punishment and must remain reasonably related to legitimate governmental objectives.

44. Petitioner's history demonstrates that she has strong incentives to comply with all future immigration proceedings. Her immigration case has been pending for many years. She has actively pursued available immigration relief and currently remains in removal proceedings before the Immigration Court.

45. Petitioner has no prior deportation history. She has substantial family and community ties within the United States and remains eligible to pursue immigration relief through established legal processes.

46. Furthermore, the circumstances surrounding Petitioner's transfer into ICE custody raise substantial concerns regarding whether she knowingly and voluntarily understood the consequences of the documents she was asked to sign while in criminal custody. Petitioner believed that bond arrangements had already been completed and that she would be released. Instead, she was transferred into immigration detention.

47. Given Petitioner's significant equities, lack of dangerousness, family circumstances, and ongoing pursuit of lawful immigration status, fundamental fairness requires Petitioner's release under reasonable conditions of supervision. In the alternative, this Court should require an individualized custody determination that meaningfully considers alternatives to detention.

CAUSES OF ACTION

Count One

Violation of the Fifth Amendment of the U.S. Constitution

Substantive Due Process

48. Petitioner re-alleges all paragraphs above as if fully set forth here.

49. Petitioner's detention bears no reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

50. Petitioner's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

Count Two

Petitioner's Detention is Based on Legal Error

51. Petitioner re-alleges and incorporates the preceding allegations. Petitioner is detained during the pendency of removal proceedings and is not subject to any statutory provision mandating custody. Petitioner is detained

under the statutory framework set forth in 8 U.S.C. § 1226(a), which authorizes discretionary release on bond and assigns immigration judges authority to conduct custody redeterminations.

52. Where continued detention is based solely on misapplication of the governing statute, habeas corpus is the appropriate means to correct the classification and requires the agency to release Petitioner immediately.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

A. Assume jurisdiction over this matter;

B. Issue an order preventing Respondents from transferring or removing Petitioner from this court's jurisdiction during the pendency of this proceeding;

C. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

D. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

E. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or in the alternative, to hold a pre-deprivation bond hearing for Petitioner at which hearing Respondents must demonstrate by clear and convincing evidence the changed circumstances warranting Petitioner's re-detention and that no alternative to detention can mitigate any risk that his release would present. The Court should further order that if the

government cannot meet its burden, the IJ must order Petitioner's release on appropriate conditions of supervision, taking into account his ability to pay a bond;

F. Enjoin DHS or any other Governmental agency from requesting a stay, whether automatic, discretionary or of any other kind, in the event that, as a consequence of the Court order, a subsequent bond hearing is to be held for the Petitioner. The purpose of seeking relief through a Writ of Habeas Corpus is to end unjust deprivation of freedom that violates constitutional rights, such as due process of law. A stay in a bond hearing is an extraordinary legal device aimed at halting the release of a respondent who is detained. If that extraordinary mechanism is deployed and granted, the legal and constitutional purpose of the Writ of Habeas Corpus previously obtained would be defeated, which will prompt the detainee to once again seek protection in this federal Court. In order to avoid this situation, we ask this Court to provide the Writ with the broadest scope of effectiveness possible by enjoining DHS or any other agency from requesting and obtaining a stay of any prospective bond order for Petitioner.

G. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted this 2 day of July, 2026.

s/Pablo Palomeque
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jaqueline Chavez Tellez and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 2 day of July, 2026.

s/Pablo Palomeque
Counsel for Petitioner