UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Wenndy Francinny Rodriguez Bent,

Petitioner,

-v-

David Venturella, Acting Director of US ICE; Mary De Anda-Ybarra, El Paso Field Office Director, US Immigration and Customs Enforcement; Daren K. Margolin, Director of the Executive Office for Immigration Review; Warden, ,El Paso Service Processing Center

Respondents.

Case No:

Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

INTRODUCTION

Petitioner Wenndy Francinny Rodriguez Bent was unlawfully detained by Respondents on or about September 5, 2025. Respondents detained Petitioner without due process or warrant, violating both the Immigration and Nationality Act as well as Petitioner's constitutional rights. Petitioner has remained detained now for over seven months. Without intervention by this Court, Petitioner will be subject to indefinite detention. There is no other avenue for Petitioner to be released from this unlawful detention. For these reasons, Petitioner prays that this Court will grant a writ of habeas corpus.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 28 U.S.C. § 1651 because Petitioner asks this Court to compel Respondents, officers of the United States, to perform their duties owed under 8 U.S.C. § 1226(a).
4. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

6. Venue is proper in this District because Petitioner is detained at the El Paso Service Processing Center located at 8915 Montana Avenue, El Paso, Texas 79925, which is within the jurisdiction of this District.
7. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

PARTIES

8. Petitioner is currently detained at the El Paso Service Processing Center and has been assigned alien number [redacted]. Petitioner is under the direct control and in the custody of Respondents and their agents.
9. Respondent David Venturella is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. David Venturella is sued in his official capacity.
10. Respondent Mary De Anda-Ybarra is the El Paso Field Office Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Mary De Anda-Ybarra is sued in his official capacity.
11. Respondent Daren K. Margolin is the Acting Director of the Executive Office for Immigration Review (EOIR). He has the legal authority to order an immigration judge to undertake any actions which this Court may order.
12. The Warden of the El Paso Service Processing Center is sued as the direct custodian of Petitioner. The Warden's name is not publicly listed on any materials that were available at the time of filing. The Warden is sued in his or her official capacity.

STATEMENT OF FACTS

13. Petitioner entered the United States on or around December 9, 2023 at the Fort Lauderdale Airport under the Nicaraguan Humanitarian Program.

14. Petitioner was immediately encountered by US Customs and Border Protection officers following this entry into the United States at the Fort Lauderdale airport.

15. Subsequently, Petitioner was released into the United States under the Nicaraguan Humanitarian Parole Program on Petitioner's own recognizance pursuant to Section 236 of the Immigration and Nationality Act, 8 U.S.C. § 1226.

16. Upon being released from custody, Petitioner began to reside in the United States and submitted a Form I-589 to USCIS on November 21, 2024.

17. Petitioner fully complied with the directions and conditions given to Petitioner by immigration officials when initially released, until ICE chose to detain Petitioner on September 5, 2025 after Petitioner was arrested for charges that were ultimately dismissed.

18. Petitioner was unlawfully arrested without a warrant in violation of 8 U.S.C. § 1226(a). Respondents did not undertake *any* legal process before this detention.

19. Subsequently, on October 15, 2025, Petitioner was issued a Notice to Appear thereby placing Petitioner into full removal proceedings under Section 240 of the Immigration and Nationality Act (8 U.S.C. § 1255) rather than being detained for expedited removal proceedings.

20. Petitioner then had Petitioner's Form I-589 transferred to EOIR from USCIS and had a pending asylum application filed with the Immigration Court.

21. During Petitioner's removal proceedings, the Immigration Court granted a motion to pretermit Petitioner's asylum claim on February 26, 2026.
22. Petitioner timely filed an appeal of this decision on March 30, 2026 with the Board of Immigration Appeals, and the appeal is still pending.
23. Following Petitioner's September 5, 2025detention, Petitioner has not been provided with the opportunity to be released, whether through bond, parole, or any other means. Respondents have not considered any alternatives to Petitioner's detention.
24. Petitioner continues to be unlawfully detained by Respondents now for over seven months.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

25. The above paragraphs are realleged and incorporated herein.
26. Petitioner has been detained for over 90 days without a bond hearing.

According to the July 2, 2026 5th Circuit Court of Appeals decision, Respondents have violated Petitioner's due process rights under the 5th Amendment, and as Petitioner never received a bond hearing within 90 days, Respondents must immediately release Petitioner from custody. *See Sosnava Rodriguez v. Ortega*, No. 26-50183 (5th Cir. 2026).

PRAYER FOR RELIEF

Petitioner respectfully asks that the Court:

A. Assume jurisdiction over this matter;
B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

C. Order that that Respondents not transfer Petitioner from this District during the pendency of this matter;

D. Order that Respondents not remove Petitioner from the United States until this matter has concluded;

E. Order that Respondents release Petitioner from detention under the same conditions of release that existed prior to the unlawful detention;

F. Order that Respondents return all personal property that was confiscated from Petitioner at the time of the unlawful detention; and

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

VERIFICATION

On Petitioner's behalf, I, Edwin E. Villa, 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.

Respectfully submitted,

/s/ Edwin E. Villa

Edwin E. Villa
Counsel for Petitioner
TX Bar #24110485
The Villa Law Firm
1400 Broadfield Blvd., Suite 200
Houston, Texas 77084
Email: edwin@villafirm.law
Phone: (832) 387-9265
Fax: (713) 510-1617