UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Ebelyn Lisseth Suniga,

Petitioner,

-v-

Todd Blanche, Acting United States Attorney General; David J. Venturella, Senior Official Fulfilling the Duties of the Director of US Immigration and Customs Enforcement; Miguel Vergara, San Antonio Field Office Director, US Immigration and Customs Enforcement; Daren K. Margolin, Director of the Executive Office for Immigration Review; Warden, Dilley Immigration Processing Center,

Respondents.

Case No: 5:26-cv-4438

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

INTRODUCTION

Petitioner Ebelyn Lisseth Suniga was unlawfully detained by Respondents on July 7, 2026. Respondents detained Petitioner without due process or warrant, violating both the Immigration and Nationality Act as well as Petitioner's constitutional rights. Without intervention by this Court, Petitioner will be subject to indefinite detention as there is no other avenue for Petitioner to be released. 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 authorize 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 Dilley Immigration Processing Center located at 300 El Rancho Wy, Dilley, TX 78017, 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 a citizen of Honduras who is currently detained at the Dilley Immigration 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 Todd Blanche is the Acting United States Attorney General. Respondent is sued in his official capacity.
10. Respondent David J. Venturella is the senior official currently fulfilling the duties of the Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to detain or release Petitioner. Respondent is sued in his official capacity.
11. Respondent Miguel Vergara is the San Antonio Field Office Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Miguel Vergara is sued in his official capacity.
12. Respondent Daren K. Margolin is the 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.
13. The Warden of the Dilley Immigration 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

14. Petitioner entered the United States on or around June 6, 1998 without inspection or admission. She was immediately detained by immigration officers following her entry for approximately one day.

15. Petitioner was released from detention by immigration and told that she was being given a six month permit. She was not told to return to an immigration court or given any appointment. No notice was given of any hearings or other obligations. *See* Exhibit A.

16. Within months of her arrival, Honduras was designated for Temporary Protected Status (TPS). Petitioner applied for TPS and was approved on August 10, 1999. She maintained TPS for 26 years until it was terminated on September 8, 2025. *See* Exhibit B.

17. In addition to maintaining lawful status, Petitioner developed significant ties in the United States over her 26 years of residence. She married, and she and her husband had a child who is a US Citizen. She is a grandmother to two US Citizen girls who she cares for regularly. Petitioner has also been gainfully employed as long as she has been authorized to work. She has no criminal history. *See* Exhibit C.

18. As a recipient of TPS, Petitioner applied for and received travel authorization known as advance parole. She traveled to Honduras and returned on March 7, 2023. When she returned, she was paroled for one year and resumed TPS. *See* Exhibit D.

19. On May 9, 2023, after Petitioner's US Citizen son turned 21 years old, she filed for adjustment of status. *See* Exhibit E. Petitioner qualifies for adjustment of status as the recipient of a family petition who was admitted or paroled into the United States. 8 U.S.C. § 1255(a). After waiting more than three years, she was called for an interview at the USCIS San Antonio Field Office. At her interview, a USCIS officer accused her of

having an outstanding removal order under a different name. USCIS believes that Petitioner was ordered removed under the name Evelin Lisette Pacheco-Cruz, with alien number [redacted].

20. Petitioner was detained at the San Antonio Field Office and transferred to ICE custody. She was detained at 3523 Crosspoint, San Antonio, TX 78217 for approximately four days. She was then transferred to the Dilley Immigration Processing Center.

21. Respondents intend to remove Petitioner without any hearing based on a removal order from 1999 with someone else's name and alien number. She has no procedural path to challenge this removal order because it is not under her name, associated with her case, and it does not bear her alien number.

22. Petitioner was given no notice of USCIS' allegation that she had a removal order under a different name during her 26 years in the United States. Despite having registered with USCIS since January of 1999, and having undergone dozens of background checks using her biometric information, there was never any indication that her personal or biometric information was associated with someone who had been ordered removed.

23. Even assuming that Petitioner has a valid removal order, which she disputes, she has multiple options short of removal that would allow her to remain in the United States. She would be eligible to reopen her removal proceedings, assuming they actually relate to her and not another person. She also qualifies for an I-212 waiver.

24. Respondents will remove Petitioner to Honduras without any due process. She will not be placed in removal proceedings or have the opportunity to contest the removal order before an immigration judge. Respondents will not afford Petitioner any hearing in which she can review the evidence against her with counsel and provide a defense to the

accusations against her. Respondent's 26-year history of lawful residence in the United States, extensive ties to this country, and her pending application for adjustment of status require some process before she is removed.

25. Respondents have no lawful basis to detain Petitioner. She is authorized to remain in the United States while her application is pending. An outstanding removal order in someone else's name with a different alien number does not justify her detention in these circumstances.

26. 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.

27. Following this detention, 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.

28. Petitioner continues to be unlawfully detained by Respondents.

CLAIMS FOR RELIEF

COUNT I

Petitioner's Detention is in Violation of Due Process

29. The above paragraphs are realleged and incorporated herein.

30. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

31. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (*quoting Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government

custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. Petitioner's warrantless detention, in violation of 8 U.S.C. § 1226(a), is a deprivation of due process. Respondents have violated both the Immigration and Nationality Act as well as longstanding regulations at 8 CFR 236.1(b)(1).

33. Respondents' detention of Petitioner is unjustified because they have not demonstrated that Petitioner needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Petitioner's detention is justified by either of these goals.

34. The Supreme Court has insisted that agencies follow their own procedures, in particular when they implicate an individual's rights. "Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures. This is so even where the internal procedures are possibly more rigorous than otherwise would be required." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

35. Every noncitizen who has been paroled or released into the interior of the country has been found by a government official to pose neither a security risk nor a flight risk. *See* 8 C.F.R. § 212.5(b); 241.4(e).

36. Following parole or release into the United States, specific procedures govern the termination of parole or revocation of supervised release. *See* 8 C.F.R. § 212.5(e)(2)(i); 241.4(l)(2).

37. Regulations at 8 C.F.R. § 236.1(c)(9) and (g) also require specific procedures to release or revoke the release of an individual. These regulations limit the authority to make these decisions to specific enumerated officers.

38. Respondents violated the provisions at 8 C.F.R. § 236.1(c)(9) and (g) because one of the specified officers did not make individualized findings specific to Petitioner's circumstances prior to the detention.

39. Furthermore, even if a statute permits detention, Petitioner's indefinite detention without the possibility of bond violates due process here. *See Zadvydas*, 533 U.S. at 690 (finding that a "statute permitting indefinite detention of an alien would raise a serious constitutional problem."). Congress did not intend to establish an unlimited detention authority for noncitizens who have been released from detention into the United States. If Respondents argue that unlimited detention without the possibility of release is authorized by statute, Petitioner argues that that interpretation is unconstitutional as applied to Petitioner.

40. Having been unlawfully detained, Petitioner requests the only appropriate relief from this Court: "*release* from unlawful detention". *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).

41. The warrantless arrest and continued detention are both violations of Petitioner's rights under the Fifth Amendment of the US Constitution.

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 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 conditions of release no more restrictive than those which 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, Joseph Krebs Muller, 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/ Joseph Krebs Muller

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