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WESTERN DISTRICT OF TEXAS
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JUDGE KATHLEEN CARDONE

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Palma Herrera, Leucaris Del Carmen

Petitioner

v.

Department of Homeland Security

Respondent
(name of warden or authorized person having custody of petitioner)

Case No. [redacted]
(Supplied by Clerk of Court)

EP26CV2185

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Palma Herrera, Leucaris Del Carmen
   (b) Other names you have used: n/a
2. Place of confinement:
   (a) Name of institution: El Paso SPC, Department of Homeland Security
   (b) Address: 8915 Montana Ave, El Paso Texas 79925
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   Department of Homeland Security
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: n/a
   (b) Docket number of criminal case: n/a
   (c) Date of sentencing: NA.
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: n/a

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*: n/a

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: El Paso SPC, Department of Homeland Security 8915 Montana Ave, El Paso Texas 79925

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I am challening my continued detention by ICE. I was taken into ICE custody on 08/01/2026. I have a pending asylum case, no criminal record, and I have complied with my immigration requirements, including attending my ICE check-ins. I am requesting review of my detention, and an individualized bond hearing.

(d) Date of the decision or action: 08/01/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: n/a

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: n/a

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not appeal: I have not had to file an appeal.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: n/a

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: n/a

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a second appeal: I have not filed a first appeal.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: n/a

(2) Date of filing: NA

(3) Docket number, case number, or opinion number: n/a

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a third appeal: I have not filed a first appeal.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: n/a

(2) Case number: n/a

(3) Date of filing: NA

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: n/a

(2) Case number: n/a

(3) Date of filing: NA

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: n/a

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/01/2026

(b) Date of the removal or reinstatement order: NA.

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing: NA

(2) Case number: n/a

(3) Result: n/a

(4) Date of result: NA

(5) Issues raised: n/a

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: n/a

(2) Date of filing: NA

(3) Case number: n/a

(4) Result: n/a

(5) Date of result: NA .

(6) Issues raised: n/a

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☑ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: I-589, Application for Asylum and for Withholding of removal

(b) Name of the authority, agency, or court: USCIS

(c) Date of filing: 06/25/2025

(d) Docket number, case number, or opinion number: [redacted]

(e) Result: pending

(f) Date of result: Pending

(g) Issues raised: I am seeking asylum and protection in the U.S based on my fear or persecution in Venezuela. My asylum proceedings remain pending. Before my detention, I was in the process of becoming eligible to apply for employment authorization, but I do not currently have a work permit. I am requesting from the courts for the opportunity of a bond hearing so that I may continue with my asylum case outside of detention.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I am a national of Venezuela; I entered legally into the United States on October 18,2024, through the San Ysidro Port of Entry, California. I was issued a I-94 and an alien registration number.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I am asking the court to review the legal basis for my continued detention and, if legally available to me, to order a individualized custody or bond hearing.

(b) Did you present Ground One in all appeals that were available to you?
☐ Yes ☑ No

GROUND TWO: I submitted my asylum application in June 2025. Less than a year after my arrival, due to back logs my asylum application took 4 months to be in the system. This case is still pending. Since entering the U.S I have complied with my immigration requirements. I attended my required ICE check-ins and all of my immigration court hearings.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I believe this shows the courts that I am not a flight risk. I am respectfully requesting from the courts the opportunity of a bond hearing so that I may continue my with my asylum case outside of detention.

(b) Did you present Ground Two in all appeals that were available to you?
☐ Yes ☑ No

GROUND THREE: I do not have a criminal record; I am not a danger to the community. I have a sponsor who is a lawful permanent resident of the United States and is willing to support me and provide me with a stable place to live if I am released.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I have established ties in the U.S and intend to continue complying with all immigration requirements and court proceedings.

(b) Did you present Ground Three in all appeals that were available to you?
☐ Yes ☑ No

GROUND FOUR: My asylum proceedings remain pending. Before I was detained, I was complying with my immigration obligations and pursuing my asylum case. I was taken into ICE custody on 08/01/2026.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I respectfully request review of my continued detention so that, if I am legally eligible for release, I may continue pursuing my asylum proceedings outside of detention subject to any conditions imposed upon me.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I have not previously presented these grounds because I have not received a bond hearing or other individualized custody hearing concerning my current detention. I was taken into ICE custody on 08/01/2026, I did not receive paperwork explaining the specific basis for my detention. I am currently detained and do not have an attorney representing me in this habeas matter.

Request for Relief

15. State exactly what you want the court to do: I respectfully ask the court to review the legal basis for my continued immigration detention. I ask the court to consider my individual circumstances, including my pending asylum case, my lack of a criminal record, and my history of attending all required ICE check-ins, immigration hearings, and appointments. If a bond hearing or other individualized custody hearings is legally available to me, I respectfully request the court to order one. I ask to be released subject to reasonable conditions.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system: 08/18/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/18/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

For: **LEUCARIS DEL CARMEN PALMA HERRERA**

U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Note to employers, local, state or federal agency granting benefits:
Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: [redacted]

Arrival/Issued Date: 2024 October 18

Class of Admission: DT

Admit Until Date: 2026 April 24

Details provided on the I-94 Information form:

Last/Surname: PALMA HERRERA

First (Given) Name: LEUCARIS DEL CARMEN

Birth Date: 1991 [redacted]

Document Number: [redacted]

Country of Citizenship: Venezuela

- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94/I-95. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- What to do if someone requests your admission info: If an employer, local, state or federal agency requests admission information, present your admission (I-94/I-95) number along with any additional required documents requested by that employer or agency.
- For security, close your browser after retrieving your I-94/I-95 number.
- Nonimmigrant travelers departing the United States by land or private vessel can now use the CBP Link Mobile Application to report their departure. Please note that departure should only be reported after you have physically left the United States. If you departed by air or sea, your departure was likely recorded automatically.

OMB No. 1651-0111
Expiration Date: 08/31/2026