

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

|  |   |          |
|--|---|----------|
| MARIA DEL SOCORRO MANUEL               | § |          |
| OLGUIN                                 | § |          |
| <i>Petitioner,</i>                     | § |          |
|  | § |          |
| v.                                     | § |          |
|  | § |          |
|  | § | Case No. |
| MIGUEL VERGARA, Field Office           | § |          |
| Director,                              | § |          |
| Immigration and Customs (ICE),         | § |          |
| Enforcement and Removal Operations, in | § |          |
| his official capacity,                 | § |          |
| ORLANDO PEREZ,                         | § |          |
| Warden, Core Civics Laredo Processing  | § |          |
| Center, in his official capacity,      | § |          |
| PAM BONDI, Attorney General,           | § |          |
| in his official capacity,              | § |          |
|  | § |          |
| <i>Respondents.</i>                    | § |          |

# PETITION FOR WRIT OF HABEAS CORPUS

Maria del Socorro Manuel Olguin (“Petitioner”) brings this petition for a writ of habeas corpus to challenge his detention by the United States Immigration and Customs Enforcement (“ICE” or “the Government”). Ms. Manuel Olguin is an individual detained by Respondents since January 16, 2025. On February 27, 2025, after a full evidentiary hearing under 8 U.C.S. § 1226(a), Immigration Judge Laura Figueroa (IJ) ordered Petitioner released from ICE custody upon posting a bond in the amount of \$1,500.00 (one thousand five hundred 100/00 Dollars). The IJ found that Petitioner was not a flight risk nor a danger to the community. The Government has unlawfully refused to accept the bond and released Petitioner despite many attempts to post such bond by Petitioner’s family.

As a result, she has been imprisoned by the Government in complete disregard of

the IJ's order. Absent this Court's intervention, Ms. Manuel Olguin will continue to be detained for a prolonged period in violation of basic notions of due process. Ms. Manuel Olguin now seeks an order releasing her from detention pursuant to the IJ's order. Petitioner has been residing in Laredo, Texas for more than a decade. she has no convictions or arrests in the United States.

To date, the Government has not filed an appeal with the Board of Immigration Appeals challenging the IJ's order.

Petitioner submits that the Due Process Clause and the American Procedure Act (APA) mandates that the Government accepts the posting of bond and release Petitioner pursuant to the IJ's order.

#### **JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 2241 (habeas corpus) and Article 1, Section 9, Clause 2 of the United States Constitution ("Suspension Clause"). This Court may grant relief pursuant to 28 U.S.C. § 2241. Federal district courts have jurisdiction to hear habeas claims by non-citizens contesting the lawfulness of their immigration detention. *See Jennings v. Rodriguez*, 138 S.Ct. 830, 841 (2018). This Court may also grant relief pursuant to 5 U.S.C. § 701 et. seq.

2. Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

3. Venue is proper in the United States District Court for the Southern District of Texas because Petitioner resides and is detained in this district and Respondents Orlando Perez also reside in this district. 28 U.S.C. § 1391.

### **PARTIES**

4. Petitioner Maria Del Socorro Manuel Olguin is a national and citizen of Mexico. The Government is detaining Petitioner in the Core Civics Processing Center in Laredo, Texas, pending her removal proceedings.

5. Respondent Miguel Vergara is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Bible is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of Texas, Laredo Division. Pursuant to Respondent Bible's orders, Petitioner remains detained.

6. Respondent Orlando Perez is the warden of the Core Civic Processing Center facility in Laredo, Texas. Mr. Perez is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of Texas, Laredo Division.

7. Respondent Pam Bondi is the Attorney General of the United States. In her official capacity, Ms. Bondi is charged with, among other things, administering the Executive Office of Immigration Review ("EOIR"). The EOIR conducts removal and bond proceedings in immigration cases and decides administrative appeals of such cases. As administrator of the EOIR, Attorney General Bondi has decision-making authority regarding custodial decisions of Petitioner and the conduct of his bond and removal proceedings.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Ms. Manuel Olguin has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

### **STATEMENT OF FACTS**

2. Petitioner was born in Mexico. She has resided in Laredo, Texas for decades. She resides with her husband, Marcos Ventura, her children, Maria Guadalupe Ventura, who is blind, Alberto Manuel, and, Rosa Lizeth Ventura.

3. On or about January 16, 2025, DHS agents arrested Petitioner and detained him at Core Civic Processing Center in Laredo, Texas.

4. Through his attorneys, Petitioner promptly requested a re-determination of his custody status before an Immigration Judge.

5. On February 27, 2025, after two continuances sought by the Government to obtained admissible evidence, IJ Laura Figueroa held a custody re-determination hearing to determine Petitioner's custody status. Through his attorney, Petitioner presented evidence that she was not a flight risk, that she had deep family ties to the United States, and that she was eligible for relief.

6. At the hearing, DHS failed to present admissible evidence to challenge Petitioner's request for bond.

7. Because Petitioner did not have a criminal record and was not flight a risk, IJ Figueroa determined that Petitioner was eligible for bond. And, after hearing arguments from the parties and reviewing Petitioner's evidence that he was not a flight risk or a danger to the public, IJ Figueroa determined that Petitioner should be released upon the posting of a \$1,500 bond. Exh. 1.

8. DHS reserved its right to appeal, but to date, no notice of appeal has been filed. Petitioner waived appeal of IJ's order.

9. On February 28, 2025, Petitioner's wife attempted to post bond at DHS offices in Laredo. DHS officials refused to accept payment for the bond. On the same date, Respondent's family attempted to post bond online and DHS refused to take the bond. On March 4, 2025, Respondent's family were met with the same answer by DHS. Undersigned Counsel wrote to the Office of the Principal Legal Adviser and ICE advising them that if they continue refusing to take the bond, Petitioner will see this Court's intervention.

10. To date, Respondents have not answered Petitioner's attorney. Instead, Respondents and its agents have advised Petitioner and her family that they will not comply with the IJ's order.

11. Even though IJ Figueroa determined that Petitioner is not a flight risk, entitle to a bond and not a danger to the community, Petitioner remains behind bars.

12. Petitioner is detained even though an independent examiner reviewed Petitioner's eligibility for release and ordered him released upon the posting of bond.

13. Petitioner has been found not to be a flight risk or a danger to the community. Petitioner has every reason to appear at any future hearings in his removal proceedings.

14. Petitioner is not one of the non-nationals described in 8 U.S.C. §1226(c) and thus she is not subject to mandatory detention.

15. There is no justification for Respondents' decision to continue to detain Petitioner. There is no better time for the Court to consider the merits of Ms. Manuel

Olguin's request for release.

16. Respondent's actions unlawfully deprive Petitioner of his liberty and family.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE CONSTITUTIONAL CLAIM**

17. Petitioner realleges and incorporates by reference the factual allegations made above.

18. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

#### **COUNT TWO STATUTORY CLAIM**

19. Petitioner realleges and incorporates by reference the factual allegations made above.

20. Petitioner's continued detention violates the Immigration and Nationality Act because Respondents lack authority to detain Petitioner.

#### **COUNT THREE STATUTORY CLAIM**

21. Petitioner realleges and incorporates by reference the factual allegations made above.

22. Respondents' refusal to honor the Immigration Judge's bond decision is in violation of federal regulations.

#### **COUNT FOUR ADMINISTRATIVE PROCEDURES ACT**

23. Petitioner realleges and incorporates by reference the factual allegations

made above.

24. By failing to give effect to the Immigration Judge's bond decision and allowing Petitioner to be released, Respondents have violated the Administrative Procedures Act because their actions constitute agency action that is arbitrary and capricious, and not in accordance with law. 5 U.S.C. §§ 701 et seq.

**COUNT SIX  
ATTORNEY'S FEES**

25. If he prevails, Petitioner requests attorney's fees and costs under applicable federal law.

**PRAYER FOR RELIEF**

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

1. Assume jurisdiction over this matter
2. Declare unlawful Petitioner's detention;
3. Order Petitioner's release from custody;
4. Order Respondents/Defendants Ramos, Luna, and other unknown federal officers to pay compensatory and punitive damages for violating Mr. Bahram's rights;
5. Award to Petitioner reasonable costs and attorney's fees; and,
6. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

Alfonso Otero  
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Alfonso Otero /s/  
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ATTORNEYS FOR PETITIONER

**VERIFICATION OF COUNSEL**

I, Alfonso Otero, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

Alfonso Otero /s/  
Alfonso Otero