UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DANIELA TAILY SALAZAR MARTINEZ,

Petitioner,

v.

TODD LYONS, *Acting Director Immigration and Customs Enforcement,* DORA CASTRO, *Warden of the Otero Processing Center*, MARY DE ANDA-YBARRA, *in her official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Washington Field Office*; KRISTI NOEM *in her official capacity as Secretary of the Department of Homeland Security*; PAM BONDI, *in her official capacity as Attorney General of the United States*,

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS

Case No.

INTRODUCTION

1. Petitioner Daniela Taily Salazar ("Ms. Salazar") remains in ICE custody in New Mexico despite winning her immigration case six months ago based on findings by an Immigration Judge (IJ) that she would likely be tortured if deported to her home country. Immigration and Customs Enforcement (ICE) refuses to release Ms. Salazar, claiming that it is looking for alternative countries of removal despite knowing that she lacks citizenship in or a connection to any other country. Ms. Salazar's continued detention is arbitrary and unlawful, and she requests that this Court order her immediate release from ICE custody.

2. Ms. Salazar is detained pursuant to 8 U.S.C. § 1231, which governs the detention of non-citizens with a final order of removal that has been withheld or deferred by an IJ

due to the substantial risk of persecution or torture in their home country. 8 U.S.C. § 1231(a)(1)(B)(i). Ms. Salazar's removal order and accompanying relief grant became final on April 3, 2025, when ICE waived the right to appeal the relief grant. 8 C.F.R. § 1241.1.

3. Ms. Salazar's continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because her removal is not reasonably foreseeable. She cannot be deported to her home country of Mexico because she was granted withholding of removal under the Immigration and Nationality Act § 241 (b)(3) with respect to that country. ICE's attempts to remove Ms. Salazar to a third country are speculative and futile.

4. Respondents attempts to remove Ms. Salazar to a third country in accordance with the Department of Homeland's Security adopted policy memorandum[1] stating that it would remove non-citizens to third countries with only 24 hours or less notice and no meaningful opportunity to assert a fear-based claim- just as Ms. Salazar successfully did with respect to her home country- would be a brazen violation of her statutory, regulatory, and due process rights. Respondents have not given Ms. Salazar notice and an opportunity to contest removal to a third country.

JURISDICTION & VENUE

5. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

6. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See*, *e.g.*, *Zadvydas*, 533 U.S. at 687.

[1] July 9, 2025, Third Country Removals Memo.

7. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Ms. Salazar is detained within this district at the Otero Processing Center in Chaparral, New Mexico. Furthermore, a substantial part of the events or omissions giving rise to this action occurred and continue to occur at ICE's El Paso Field Office/Otero Processing Center in Chaparral, New Mexico, within this division.

PARTIES

8. Ms. Salazar is a native and citizen of Mexico who was granted withholding of removal under the Immigration and Nationality Act § 241(b)(3) of removal on April 3, 2025. She is currently detained at the Otero Processing Center in Chaparral, New Mexico.

9. Todd Lyons is the Acting Director of Immigration and Customs Enforcement and Removal Operations, which is responsible for administering and enforcing the immigration laws.

10. Dora Castro is the Warden of the Otero County Processing Center ("Otero"), a private facility that contracts with ICE to detain non-citizens. She is responsible for overseeing Otero's administration and management. Ms. Castro is Ms. Salazar's immediate custodian. She is sued in her official capacity.

11. Mary De Anda-Ybarra is the Field Office Director of the ICE Enforcement and Removal Operations (ERO) El Paso Field Office ("ELP ICE") and is the federal agent charged with overseeing all ICE detention centers in New Mexico, including Otero. Ms. De Anda-Ybarra is a legal custodian of Ms. Salazar. She is sued in her official capacity.

12. Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Ms. Salazar. She is sued in her official capacity.

13. Pam Bondi is the Attorney General of the United States. She oversees the

immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all IJs and the Board of Immigration Appeals (BIA). She is sued in her official capacity.

LEGAL FRAMEWORK

I. WITHHOLDING OF REMOVAL AND RELIEF UNDER THE IMMIGRATION AND NATIONALITY ACT § 241 (b)(3).

14. Non-citizens in immigration removal proceedings can seek three main forms of relief based on their fear of returning to their home country: asylum, withholding of removal, and CAT relief. Non-citizens may be ineligible for asylum for several reasons, including failure to apply within one year of entering the United States. *See* 8 U.S.C. § 1158(a)(2). There are fewer restrictions on eligibility for withholding of removal, *id.* § 1231(b)(3)(B)(iii), and no restrictions on eligibility for CAT deferral of removal. 8 C.F.R. § 1208.16.

15. To be granted withholding of removal relief, a non-citizen must show that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(b). An applicant for withholding relief relief must show a higher likelihood of persecution an asylum applicant must demonstrate. *See id.*

16. When an IJ grants a non-citizen withholding relief, the IJ issues a removal order and simultaneously withholds or defers that order with respect to the country or countries for which the non-citizen demonstrated a sufficient risk of persecution or torture. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021). Once withholding or CAT relief is granted, either party has the right to appeal that decision to the BIA within 30 days. *See* 8 C.F.R. § 1003.38(b). If both parties waive appeal or neither party appeals within the 30-day period, the withholding or CAT relief grant and the accompanying removal order become administratively final. *See id.* § 1241.1.

17. When a non-citizen has a final withholding or CAT relief grant, they cannot be removed to the country or countries for which they demonstrated a sufficient likelihood of persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.17(b)(2). While ICE is authorized to remove non-citizens who were granted withholding or CAT relief to alternative countries, *see* 8 U.S.C. § 1231(b); 8 C.F.R. § 1208.16(f), the removal statute specifies restrictive criteria for identifying appropriate countries. Non-citizens can be removed, for instance, to the country "of which the [non-citizen] is a citizen, subject, or national," the country "in which the [non-citizen] was born," or the country "in which the [non-citizen] resided" immediately before entering the United States. 8 U.S.C. § 1231(b)(2)(D)-(E).

18. If ICE identifies an appropriate alternative country of removal, ICE must undergo further proceedings in immigration court to effectuate removal to that country. *See Jama v. ICE*,543 U.S. 335, 348 (2005) ("If [non-citizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, *see* 8 CFR §§ 208.16(c)(4), 208.17(a) (2004) . . ."); *Romero v. Evans,* 280 F. Supp. 3d 835, 848 n.24 (E.D. Va. 2017) ("DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise any reasonable fear claims."), *rev'd on other grounds, Guzman Chavez*, 141 S. Ct. 2271.

II. DETENTION OF NON-CITIZENS GRANTED WITHHOLDING OF REMOVAL OR RELIEF UNDER THE CONVENTION AGAINST TORTURE.

a. Statutory Framework

19. 8 U.S.C. § 1231 governs the detention of non-citizens "during" and "beyond" the "removal period." 8 U.S.C. § 1231(a)(2)-(6). The "removal period" begins once a non-citizen's removal order "becomes administratively final." 8 U.S.C. § 1231(a)(1)(B). The removal period

lasts for 90 days, during which ICE "shall remove the [non-citizen] from the United States" and "shall detain the [non-citizen]" as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). If ICE does not remove the non-citizen within the 90-day removal period, the non-citizen "*may* be detained beyond the removal period" if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6) (emphasis added).

20. To avoid "indefinite detention" that would raise "serious constitutional concerns," the Supreme Court in *Zadvydas* construed § 1231(a)(6) to contain an implicit time limit. 533 U.S. at 682. *Zadvydas* dealt with two non-citizens who could not be removed to their home country or country of citizenship due to bureaucratic and diplomatic barriers. The Court held that § 1231(a)(6) authorizes detention only for "a period reasonably necessary to bring about the [non-citizen]'s removal from the United States." *Id.* at 689. Six months of post-removal order detention is considered "presumptively reasonable." *Id.* at 701.

21. But the "*Zadvydas* Court did not say that the presumption is irrebuttable, and there is nothing inherent in the operation of the presumption itself that requires it to be irrebuttable." *Cesar v. Achim*, 542 F. Supp. 2d 897, 903 (E.D. Wis. 2008). "Within the six-month window," the non-citizen bears the burden of "prov[ing] the unreasonableness of detention." *Id.* After six months of detention, if there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the Government to justify continued detention. *Zadvydas*, 533 U.S. at 701; *see also Cesar*, 542 F. Supp. 2d at 903 ("[T]he presumption scheme merely suggests that the burden the detainee must carry within the first six months of [post-order] detention is a heavier one than after six months has elapsed").

b. Regulations and ICE Third-Country Removals Policy

22. DHS regulations provide that, before the end of the 90-day removal period that ensues upon a non-citizen's removal order becoming final, the local ICE field office with

jurisdiction over the non-citizen's detention must conduct a custody review to determine whether the non-citizen should remain detained. *See* 8 C.F.R. § 241.4(c)(1), (h)(1), (k)(1)(i). If the non-citizen is not released following the 90-day custody review, jurisdiction transfers to ICE Headquarters (ICE HQ), *id.* § 241.4(c)(2), which must conduct a custody review before or at 180 days. *Id.* § 241.4(k)(2)(ii). In making these custody determinations, ICE considers several factors, including whether the non-citizen is likely to pose a danger to the community or a flight risk if released. *Id.* § 241.4(e). If the factors in § 241.4 are met, ICE must release the non-citizen under conditions of supervision. *Id.* § 241.4(j)(2).

23. To comply with *Zadvydas*, DHS issued additional regulations in 2001 that established "special review procedures" to determine whether detained non-citizens with final removal orders are likely to be removed in the reasonably foreseeable future. *See* Continued Detention of Aliens Subject to Final Orders of Removal, 66 Fed. Reg. 56,967 (Nov. 14, 2001). While 8 C.F.R. § 241.4's custody review process remained largely intact, subsection (i)(7) was added to include a supplemental review procedure that ICE HQ must initiate when "the [non-citizen] submits, or the record contains, information providing a substantial reason to believe that removal of a detained [non-citizen] is not significantly likely in the reasonably foreseeable future." *Id.* § 241.4(i)(7).

24. Under this procedure, ICE HQ evaluates the foreseeability of removal by analyzing factors such as the history of ICE's removal efforts to third countries. *See id.* § 241.13(f). If ICE HQ determines that removal is not reasonably foreseeable but nonetheless seeks to continue detention based on "special circumstances," it must justify the detention based on narrow grounds such as national security or public health concerns, *id.* § 241.14(b)-(d), or by demonstrating by clear and convincing evidence before an IJ that the non-citizen is "especially dangerous." *Id.* § 241.14(f).

25. On July 9, 2025, Respondent Acting Director Todd Lyons issued a policy memo that states some non-citizens will be deported to third countries with literally no notice whatsoever. "If the United States has received diplomatic assurances from the country of removal that aliens removed from the United States will not be persecuted or tortured, and if the Department of States believes those assurances to be credible, the alien may be removed without the need for further proceedings. Pursuant to *D.V.D. v. U.S. Department of Homeland Security,* No. 25-10676-BEM, 2025 WL 1142968 (D. Mass. Apr. 18, 2025); *Dep't of Homeland Security v. D.V.D.*, 145 S.Ct. 2153, 2153 (2025), Respondents are directed to provide the individual with notice and an opportunity to contest removal to a third country on the basis of a fear or likelihood of persecution in such a third country. The Government is enjoined from removing noncitizens to third-party countries without providing various procedural safeguards, including a "meaningful opportunity for the alien to raise a fear of return for eligibility for [Convention Against Torture ("CAT") protections"). *D.V.D.*, 2025 WL 1142968, at *24.

STATEMENT OF FACTS

26. Daniela Taily Salazar Martinez was born in Chihuahua, Mexico on [redacted] Neither her nor her parents are citizens from any country other than Mexico. Ms. Salazar fled Mexico on November 4, 2024 and entered the United States November 6, 2024. Prior to her detention, she was living in Chihuahua, Mexico.

27. On December 6, 2024, the United States Department of Homeland Security issued a Notice of Referral to the Immigration Judge after it made a determination pursuant to 8 C.F.R. § 208.31(e) that Ms. Salazar had a reasonable fear of persecution or torture and the claim. After apprehension, Ms. Salazar was taken into custody at Otero, where she has been ever since. Ms. Salazar promptly retained counsel Ms. Eugene Delgado.

28. On April 3, 2025, Immigration Judge Jacinto Palomino granted Ms. Salazar withholding of removal deferral of removal under Immigration and Nationality Act § 241(b)(3). Both Ms. Salazar and the Department of Homeland Security waived their right to appeal the IJ's final order.

29. On September 24, 2025, undersigned counsel sent a release request to ELP ICE/Otero Processing Center, explaining that she qualified for post-order release and requesting that she be placed in an order of supervision. Counsel explained in her request that Ms. Salazar does not pose a flight risk nor a danger to the community. In response fifteen minutes later, without any meaningful consideration to Ms. Salazar's request, Supervisory Detention and Deportation Officer Francisco Ruiz informed counsel that Ms. Salazar "was granted withholding of removal from Mexico but is still a final order of removal and has no legal status in the United States. We are currently seeking 3rd country removal. Does your client have any ties to any other country?"

30. ICE has not identified any exceptional circumstances for wanting Ms. Salazar's continued detention, nor that removal to a third country is foreseeable or that it has charged Ms. Salazar as "especially dangerous" under 8 C.F.R. § 241.14. ICE has not informed Ms. Salazar to which third country it is purportedly seeking to remove her nor has given her opportunity to contest removal to a third country on the basis of fear or likelihood of persecution in the third country.

31. If released, Ms. Salazar will live with her husband, who is a lawful permanent resident, at [redacted]

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ARGUMENT

PETITIONER'S CONTINUED DETENTION IS UNLAWFUL UNDER *ZADVYDAS* BECAUSE HER REMOVAL IS NOT REASONABLY FORESEEABLE, AND THIS COURT SHOULD ACCORDINGLY ORDER HER IMMEDIATE RELEASE.

A. Ms. Salazar's removal is not reasonably foreseeable under *Zadvydas* and continued detention violates due process.

32. Ms. Salazar's detention is governed by 8 U.S.C. § 1231(a)(6) because she has been detained for more than 90 days since she received a final grant of withholding of removal relief. The 90-day removal period began for Ms. Salazar April 3, 2025, when the parties waived appeal of the IJ's decision. *See* 8 U.S.C. § 1231(a)(1)(B). Therefore, the *Zadvydas* framework applies to Ms. Salazar's detention, and she has been detained for more than six months since her removal order became final.

33. Ms. Salazar will very likely *never* be deported from the United States, let alone in the reasonably foreseeable future. She cannot be deported to her home country of Mexico because she has a final grant of withholding of removal. *See* 8 C.F.R. § 1208.16. Ms. Salazar is not a citizen of, has never lived in, and has no connection to *any* country besides her home country, let alone the countries to which ICE has purportedly attempted to remove individuals in the past. Unlike in *Zadvydas* itself, in which the petitioners were subject to final orders of removal and had no pending legal bar to removal, Ms. Salazar has been granted withholding of removal as to Mexico, the only country to which Ms. Salazar has a claim to citizenship or legal immigration status. Accordingly, Ms. Salazar cannot be removed to Mexico without the lifting of the order providing for withholding of removal. 8 C.F.R. § 1208.24(f). A grant of withholding of removal "substantially increases the difficulty of removal" an individual. *Munoz-Saucedo v. Pittman*, No. 25-2258-CPO, 2025 WL 1750346, at *6 (D.N.J. June 24, 2025).

34. Even in the highly unlikely scenario that an alternative country notifies ICE of its

willingness to accept the deportation of Ms. Salazar, ICE would still be required to obtain travel documents and afford her a Reasonable Fear Interview (RFI) at which she would have the opportunity to articulate a fear of return to the country willing to accept her. *See* 8 C.F.R.§ 241.8(e). If an Asylum Officer (AO) were to find that Ms. Salazar demonstrated a reasonable possibility of persecution or torture at the RFI, or an IJ subsequently vacated a negative finding by the AO, she would enter withholding-only proceedings before an IJ in which she would again seek to demonstrate her eligibility for withholding or CAT relief with respect to that country, thereby restarting the process that took several months to complete the first time. The fact that Ms. Salazar will have the opportunity to seek further review from the Immigration Court, and then potentially file appeals from any adverse rulings, further demonstrates that removal is not likely in the reasonably foreseeable future. *Munoz-Saucedo*, WL 1750346, at *7 (finding relevant to the reasonably foreseeable analysis the fact that "even if ICE identified a third country, Petitioner…. would be entitled to "seek fear-based relief from removal to that country,' which would require 'additional, lengthy proceedings").

35. Therefore, Ms. Salazar has been detained for more than six months since receiving a final removal order, and her removal is not reasonably foreseeable because she cannot be deported to her home country due to her withholding of removal relief grant and because she does not have any ties to any other country. Furthermore, deporting Ms. Salazar to a third country would require additional, lengthy proceedings. *See Hassoun v. Sessions*, No. 18-cv-586-FPG, 2019 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019) (finding removal not reasonably foreseeable where several countries had declined to issue travel documents and several others had provided no response or timeline for response); *Kacanic v. Elwood*, No. 02-cv-8019, 2002 WL 31520362, at *5 (E.D. Pa. Nov. 8, 2002) (finding removal not reasonably foreseeable where the country of origin had "been in possession of all the information [ICE] is capable of providing to it" but had "never

stated that the Petitioner is likely to be granted travel papers" and was "unable to tell the [ICE] when a decision will be reached").

36. Ms. Salazar has demonstrated that her continued detention is unreasonable under *Zadvydas*. Post-removal order detention for less than six months may still be unreasonable in unique circumstances where she can meet her burden of demonstrating that removal is not reasonably foreseeable. *See Cesar*, 542 F. Supp. 2d at 904 ("The burden might be on the detainee within the first six months to overcome the presumptive legality of his detention, but where a[] [non-citizen] can carry that burden, even while giving appropriate deference to any Executive Branch expertise, his detention would be unlawful."); *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) ("*Zadvydas* established a 'guide' for approaching detention challenges, not a categorical prohibition on claims challenging detention less than six months."); *Ali v. DHS*, 451 F. Supp. 3d 703, 708 (S.D. Tex. 2020) ("Whereas the *Zadvydas* Court established a presumption that detention that exceeded six months would be unconstitutional, it did not require a detainee to remain in detention for six months or to prove that the detention was of an indefinite duration before a habeas court could find that the detention is unconstitutional.").

37. For the reasons stated above, Ms. Salazar has clearly met any burden of proof that this Court may place on her. Unlike *Zadvydas* and the vast majority of its progeny, which analyzed whether ICE will foreseeably remove non-citizens to their home country or country of citizenship, *see, e.g., Zadvydas*, 533 U.S. at 684-85, the question here is whether ICE will be able to deport Ms. Salazar to a third country to which she has no connection whatsoever. The answer to that question has been no from the moment Ms. Salazar's relief grant became final, and the likelihood of third-country removal has only decreased since then. Ms. Salazar has been detained for more than 6 months after her grant of withholding of removal, and Respondents either made no efforts to remove her, or any such efforts were unsuccessful. To the extent that no third country has been identified, it is reasonable to infer, that any efforts will likely be unsuccessful.

And although agreements have been reached with foreign nations to accept third-country removals, Respondents have not identified any third-country in Ms. Salazar's case or that it plans to remove her to a third country were such agreements are in place.

B. This Court should order Ms. Salazar's immediate release.

38. Because Ms. Salazar's removal is not reasonably foreseeable, *Zadvydas* requires that she be immediately released. *See* 533 U.S. at 700-01 (describing release as an appropriate remedy); 8 U.S.C. § 1231(a)(6) (authorizing release "subject to . . . terms of supervision"). To order her immediate release, this Court need only determine that Ms. Salazar's removal is not reasonably foreseeable under *Zadvydas*; it need not analyze whether she poses a danger to the community or a flight risk. *See* 533 U.S. at 699-700 ("[I]f removal is not reasonably foreseeable; the court should hold continued detention unreasonable and no longer authorized by statute.").

39. *Zadvydas* explicitly held that flight risk is already baked into the reasonable foreseeability analysis, *see id.* at 690 (observing that the "justification . . . [of] preventing flight . . . is weak or nonexistent where removal seems a remote possibility at best"), and that dangerousness cannot unilaterally justify indefinite civil detention barring "special circumstances," which may include the non-citizen being a "suspected terrorist[]" but do not include the non-citizen's "removable status itself." *Id.* at 691. *See also Kansas v. Hendricks*, 521 U.S. 346, 358 (1997) ("A finding of dangerousness, standing alone, is ordinarily not a sufficient ground upon which to justify indefinite involuntary [civil detention]."). With respect to Ms. Salazar's detention, ICE has not invoked the regulations governing these "special circumstances" determinations. *See* 8 C.F.R. § 241.14.

40. To the extent this Court considers any factors outside of the foreseeability of Ms. Salazar's removal, which it need not do, Ms. Salazar has significant equities that warrant release.

Ms. Salazar does not have any criminal history in Mexico nor the United States. She is a lawyer in Mexico and was able to prove that it is more likely than not that she will be persecuted if returned to Mexico. Ms. Salazar has been exemplary detainee at Otero and has not had any disciplinary actions against her. She does not pose any risk or danger to the community. Ms. Salazar also does not pose a flight risk. She is married to Gerardo Cadena; a lawful permanent resident and she has one US citizen stepchild. Mr. Cadena owns his home and business in Colorado. He has the means to support Ms. Salazar.

41. Additionally, this Court or ICE is free to impose conditions on release to mitigate any potential concerns regarding flight risk or danger. *See Zadvydas*, 533 U.S. at 700 ("[T]he [non-citizen]'s release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances.").

CLAIM FOR RELIEF

COUNT I

VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6) AND DUE PROCESS

42. Petitioner realleges and incorporates by reference the paragraphs above.

43. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for "a period reasonably necessary to bring about the alien's removal from the United States." 533 U.S. at 689, 701.

44. Petitioner's continued detention has become unreasonable because her removal is not reasonably foreseeable. Therefore, her continued detention violates 8 U.S.C. § 1231(a)(6), and She must be immediately released.

45. Petitioner has established that there is no significant likelihood that she will be removed in the foreseeable future and thus also violates due process under the U.S. Constitution.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

a. Assume jurisdiction over this matter;

b. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

c. Order Petitioner's immediate release;

d. Alternatively, review Petitioner's custody or order Respondents to conduct an individualized review of her custody at a bond hearing before an Immigration Judge.

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

Respectfully submitted,

/s/ Brenda M. Villalpando
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Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: October 2, 2025

Respectfully submitted,

/s/Brenda M. Villalpando
Brenda M. Villalpando
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

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Dated: October 2, 2025

Respectfully submitted,

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