

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARIA CRISTINA SURA ROMERO,	§	
	§	
Petitioner,	§	
V.	§	Case No. _____
	§	
JOSH JOHNSON , ACTING DALLAS FIELD OFFICE DIRECTOR,	§	PETITION FOR WRIT OF
U.S. Immigration & Customs Enforcement (ICE ERO);	§	HABEAS CORPUS
KRISTI NOEM , Secretary of the U.S. Department of	§	COMPLAINT FOR
Homeland Security; and PAMELA J. BONDI ,	§	INJUNCTIVE RELIEF
Attorney General of the United States,	§	
In their official capacities,	§	ORAL ARGUMENT
	§	REQUESTED
Respondents.	§	

CERTIFICATE OF INTERESTED PERSONS & DISCLOSURE

Pursuant to N.D. Tex. Local Civil Rule 3.1(c) and 7.4, Petitioner states:

1. The parties are: Petitioner Maria Cristina Sura Romero; Respondents Field Office Director, ICE (Dallas Field Office); Director, U.S. Immigration and Customs Enforcement; and Secretary, U.S. Department of Homeland Security.
2. There are no parent corporations and no publicly held corporation owns 10% or more of any party.
3. Counsel who may have a financial interest: Sean P. Cordobés for Petitioner.

Respectfully submitted,

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Attorney for Petitioner

ties (including by marriage to a US Citizen with form I-130 filed in 2024, employment, church attendance) and compliance to other DHS conditions, including compliance with her mandatory reporting. Her removal proceedings are pending before the El Paso immigration court, though her residence is in Dallas, Texas.

2. Petitioner, through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. §2241 and seeks emergency injunctive relief ordering Respondent to remove her ankle-monitoring device or, in the alternative, to replace it with a less restrictive ATD.
3. Accordingly, to vindicate Petitioner's statutory and constitutional rights, Petitioner asks this Court to grant the instant petition for a writ of habeas corpus and order injunctive relief against re-imposition of such condition while Petitioner's case under the Immigration and Nationality Act (INA) is being adjudicated.

JURISDICTION AND VENUE

4. This action arises under the U.S. Constitution and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question), and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. This Court may grant relief pursuant to 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651.
5. Under 28 U.S.C. § 2241, Venue is proper in the Northern District of Texas, Dallas Division, because Petitioner resides in this District and is supervised by ICE within this District. The Dallas ERO Field Office Director—the immediate custodian—exercises

day-to-day control over the challenged restraints here. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–39 (2004); *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000).

6. The REAL ID Act does not bar this suit because Petitioner does not challenge a final order of removal or her removability; she challenges only the conditions of her DHS release/supervision (GPS monitoring) during 8 U.S.C. § 1226 custody.

REQUIREMENTS OF 28 U.S.C. § 2243

7. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
8. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. “The Great Writ” has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

9. Petitioner: MARIA CRISTINA SURA ROMERO is a native and citizen of El Salvador. Petitioner is a resident of Dallas, Texas. She is in the custody, and under the direct control, of Respondents and their agents.
10. Respondent: JOSH JOHNSON is sued in his official capacity as the Acting Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement. Respondent Johnson is a legal custodian of Petitioner and has authority to release her.

11. Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent NOEM is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.
12. Respondent PAMELA J. BONDI is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

13. Petitioner is a 28-year-old citizen of El Salvador. She has strong Dallas-area ties, including: marriage to a U.S. citizen spouse, Omar Perez (see Exhibit 1); a stable residence at 
 Dallas, TX 75228, steady employment, including work as a housekeeper and at a local restaurant; owns an automobile lawfully registered in her name (see Exhibit 2 Police Report and Criminal Case Disposition/Record of Bond Posted). Administratively, Petitioner's husband Mr. Perez filed a form I-130 on her behalf on December 31, 2024. Current wait times for form I-130 are listed at 14.5-17 months.
14. On March 24, 2025, after a nearly 14-hour shift at Taco Bueno located at 8300 Lakeview Parkway, Rowlett, TX 75088, Petitioner clocked out at 10:44 pm.

15. At 11:19 pm, she was arrested for Driving While Intoxicated and Fleeing Police Officer Imminent Danger Serious Bodily Injury (SBI) on Lakeview Parkway (Texas State Hwy 66) in Rowlett, Texas (see Exhibit 2).
16. The police report indicates that at no time during “flight” did the speed of Petitioner’s car reach the speed limit of 50 m.p.h., and her entire drive covered less than 1 ½ miles. Her top speed was 48 m.p.h. (also in Exhibit 2).
17. After about 21 hours in Rowlett City Jail, Petitioner was released on \$1,000 cash bond posted by her US citizen husband, Omar Perez, the night of March 25, 2025 (also Exhibit 2). However, when she was released on bond from the pending charge, she was immediately detained by ICE and incarcerated at Dallas County Jail (Lew Sterrett Justice Center).
18. Petitioner obtained criminal defense counsel, David Reyna. Petitioner was set for a hearing date on May 8, 2025, at the Frank Crowley Courts building. (also Exhibit 2)
19. However, on or around April 10, DHS sent Petitioner a Notice to Appear on April 24 (see Exhibit 3 Notice to Appear/Notice of Custody Determination). The fleeing charge was subsequently dropped, and
20. She duly appeared and was detained by ICE (see Exhibit 3 Notice of Custody Determination). Petitioner was then arrested by ICE and charged with illegal entry subject to removal on April 24, 2025. Counsel for Petitioner notes that she was not formally charged until she had been detained for a full month.
21. Petitioner’s immigration counsel duly filed a Motion for Bond, which was granted on June 5, 2025. Petitioner was held in ICE detention from April 24, 2025, until June 10, 2025, when she was granted release on bond subject to the EPC ISAP GPS ankle-monitor

condition. (see Exhibit 4 Bond Motion/Notice of EOIR Address/Order of the Immigration Judge). ICE appealed bond June 30, 2025, and there has been no ruling.

22. She pled guilty to the charge in exchange for time served and completion of a 12-hour DWI Education Program, which Petitioner duly completed July 12, 2025. (see Exhibit 6 Texas DWI Education Program Certificate of Completion).

23. Petitioner has acted in full compliance with her ATD program. She appeared for her monthly video calls with ICE beginning June 11, 2025, and appeared from her home address for calls in July, August and September. ICE has visited her at home on June 12, July 23, and September 17. A future visit is set for November 12. Additionally, ICE called Petitioner October 19 informing her that the ankle bracelet lost signal. ICE ordered her to return home to check in. Although Petitioner was working at the time, she complied as soon as she was able.

24. Through immigration counsel, Petitioner requested removal of the ankle monitor or conversion to a less restrictive ATD on September 30, 2025 (Exhibit 5 Request for Removal of Ankle Monitoring device with Photos. The ICE officer present (Rodriguez) refused to give a receipt at that time, and ICE has not granted relief, verbally stating that relief would be to return to detention. Petitioner incorporates by reference Exhibit 5 to demonstrate prudential exhaustion and the absence of an adequate alternative remedy.

LEGAL FRAMEWORK

25. Habeas Jurisdiction. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of federal civil immigration detention. The writ extends to a person “in custody” under color of federal authority, and immigration detainees fall squarely within its ambit.

26. Prompt Adjudication. Under 28 U.S.C. § 2243, the Court must either grant the writ or issue an order to show cause forthwith, require a return within three days absent good cause (not to exceed twenty), and “summarily hear and determine the facts, and dispose of the matter as law and justice require.”
27. Statutory Detention Authority. Petitioner is detained under 8 U.S.C. § 1226(a), which authorizes discretionary civil detention pending removal proceedings and permits release on bond or conditional parole. Detention under § 1226(a) is not mandatory and must be exercised consistent with due process.
28. Regulatory Framework. DHS and EOIR regulations contemplate individualized custody determinations that consider danger and flight risk, and permit release on bond or reasonable conditions when appropriate. See, e.g., 8 C.F.R. § 236.1 (custody decisions; alternatives to detention).
29. Constitutional Limits—Nonpunitive Civil Detention. The Fifth Amendment’s Due Process Clause requires that civil detention be nonpunitive and reasonably related to its purpose. Detention that is excessive in relation to the government’s interests, or that ignores less restrictive alternatives, violates due process.
30. Procedural Due Process at Custody. Due process requires an individualized custody determination at which the Government bears the burden of proof (by clear and convincing evidence) to justify civil confinement, with explicit consideration of ability to pay any monetary bond and non-custodial alternatives (e.g., in-person reporting, telephonic or smartphone monitoring).
31. Prolongation and Reasonableness. Even where detention is initially permissible, it becomes unreasonable and unconstitutional when it is prolonged without meaningful,

individualized reassessment, especially where removal is not reasonably foreseeable and where less restrictive measures can achieve the Government's objectives. At present, Petitioner's 210 days of combined detention and monitored custody is beyond sentencing guidelines for the Class B misdemeanor for which she was charged criminally.

32. Remedial Authority. In habeas, the Court may order immediate release on recognizance or the least restrictive conditions that reasonably assure appearance, or alternatively order a prompt, constitutionally adequate bond hearing with the correct burden and required findings. See 28 U.S.C. §§ 2241, 2243; 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act).
33. Compliance. Petitioner been fully compliant with all supervision and court obligations, acting in compliance with at least eight (8) ICE home and video check-ins since June 11, 2025. Respondent has maintained GPS monitoring without individualized findings showing it is necessary, especially considering the successful use of readily available, less restrictive alternatives as demonstrated herein.
34. Physical Harm. Since placement, the device has caused persistent bruising, skin irritation, and pain at the contact site, interfering with sleep, daily activities, and work.
35. Community Ties. Petitioner has strong Dallas-area ties, including marriage to a U.S. citizen spouse, Omar Perez, and a stable residence at 11110 Wood Meadow Pkwy., Apt. 406, Dallas, TX 75228.
36. Work History. Petitioner maintains steady employment, including work as a house cleaner and at a local restaurant, Taco Bueno (now 1336 N. Town East Blvd, Mesquite, TX), noting that she is still employed, despite her absence due to ICE detention and her current ICE custody.

37. Immigration Posture. Petitioner is pursuing relief in immigration court; her U.S. citizen husband filed a Form I-130 petition naming her as beneficiary on December 31, 2024. Current wait time posted on USCIS.GOV is 14.5-17 months, which would mean a decision on the application by her husband between February and May 2026.
38. Less Restrictive Means Ignored or Rejected by DHS. Petitioner proposed less restrictive alternatives—e.g., telephonic reporting (which, in fact, is already happening), SmartLINK/app-based monitoring, or standard in-person check-ins—but ICE has continued GPS without individualized justification.
39. Criminal History. Petitioner has a single DWI conviction with a sentence of time served (21 hours) plus completion of a 12-hour DWI Education Program, which she completed July 12 (Ex. 6). It is neither an aggravated felony nor a crime involving moral turpitude. *Leocal v. Ashcroft*, 543 U.S. 1 (2004).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

40. The allegations in the above paragraphs are realleged and incorporated herein.
41. The continued imposition of 24/7 GPS monitoring is an excessive restraint not rationally related to ensuring Petitioner's appearance or protecting the community in light of her compliance history, stable residence, employment, and family ties. The government's interests can be achieved by less restrictive alternatives (telephonic/app-based reporting), such as the monthly ICE video-based check-in with which Petitioner has already complied. Maintaining GPS without individualized, evidence-based findings violates Peititioner's right to due process. The Government's continued insistence on electronic shackling

implies a desire on Petitioner's part to flee the Government's jurisdiction—the USA—when in fact when in fact both the Government and Petitioner know only the opposite is true. She wants to stay. The Government ignores less restrictive alternatives, which renders the restraint unconstitutional and unlawful, whereas release without GPS is reasonably manageable through in-person or SmartLINK reporting, or even the monthly video calls with which Petitioner is already compliant.

COUNT TWO
Ultra Vires / Contrary to Law (In the Alternative)
Violation of 8 U.S.C. § 1226(a) and Implementing Regulations

42. The allegations in the above paragraphs are realleged and incorporated herein.
43. Under 8 U.S.C. § 1226(a), DHS may detain or release a noncitizen on bond or conditional parole pending removal proceedings; that authority must be exercised individually and lawfully, not as a default to custody or electronic monitoring. Respondents acted contrary to law by imposing and maintaining EPC ISAP GPS ankle monitoring without a constitutionally adequate, individualized determination and without meaningful consideration of less restrictive alternatives and ability to pay.
44. The governing regulations—8 C.F.R. § 236.1(c)(8) (authorizing release on bond or conditional parole) and § 236.1(d)(1)–(3) (initial custody determination; seven-day IJ jurisdiction to ameliorate terms; subsequent ICE review; BIA appeal)—require reasoned, individualized custody decisions and provide mechanisms to review and modify conditions of release. Respondents' refusal to remove or modify the EPC ISAP GPS condition, despite Petitioner's equities and ongoing harm, is ultra vires and contrary to these regulations.

45. Additionally, 8 C.F.R. § 103.6 (immigration bonds) vests bond authority in DHS but requires that bond conditions be administered lawfully and reasonably to serve their appearance-related purpose; using GPS ankle monitoring as a de facto punitive restraint exceeds that authority and is contrary to law.
46. For these reasons, Petitioner's ongoing EPC ISAP GPS ankle-monitor custodial condition violates 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1(c)(8), 236.1(d)(1)–(3), and 103.6.
47. To the extent ICE has adopted or applied a practice of defaulting compliant supervisees to GPS without individualized assessment, that practice exceeds statutory and regulatory authority and is arbitrary and capricious. Petitioner seeks habeas relief from this unlawful restraint or, alternatively, injunctive relief directing an individualized reassessment that considers less restrictive means and Petitioner's current circumstances.

IRREPARABLE HARM, BALANCE OF EQUITIES, AND PUBLIC INTEREST
(TRO/PI)

48. Petitioner suffers ongoing physical harm and significant intrusion on liberty and dignity each day the device remains. These injuries cannot be remedied by money damages.
49. The balance of equities favors narrow relief: removing or replacing GPS with a phone-based alternative preserves the government's appearance interest while preventing unnecessary injury.
50. The public interest favors tailoring ATD conditions to actual risk based on individualized facts, not defaulting to the most intrusive technology for compliant individuals.

PRAYER FOR RELIEF

Petitioner respectfully asks the Court to:

- (1) Assume jurisdiction over this matter under 28 U.S.C. § 2241 and 28 U.S.C. § 1331.

- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's challenged continuous custody violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and/or 8 C.F.R. § 236.1(c)(8);
- (4) Issue a Writ of Habeas Corpus releasing Petitioner from the ankle-monitor condition and order immediate removal of the GPS device;
- (5) Enjoin reimposition of GPS absent written, individualized findings supported by evidence that no less restrictive alternative will reasonably assure appearance and community safety;
- (6) In the alternative, convert supervision to a less restrictive ATD (e.g., telephonic or app-based monitoring; routine in-person reporting);
- (7) Require the immediate custodian to provide Petitioner written reasons and an opportunity to be heard before imposing any future GPS monitoring;
- (8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Award such other relief as law and justice may require.

Respectfully submitted,

/s/ Sean P. Cordobés
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Attorney for Petitioner

VERIFICATION

I, Maria Cristina Sura Romero, declare under penalty of perjury that the facts stated herein are true and correct to the best of my knowledge.

Date: October 20, 2025

Signature:  _____

Name: Maria Cristina Sura Romero

CERTIFICATE OF SERVICE

I certify that I will serve a copy of this Petition and Complaint for Injunctive Relief on the U.S. Attorney's Office for the Northern District of Texas, the Attorney General of the United States, the Field Office Director ICE EROP and the Secretary of the Department of Homeland Security.

Date: October 20, 2025

Respectfully submitted,

/s/ Sean P. Cordobés
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Dallas, TX 75209
Tel: 646-784-2376
Email: seancordobes@gmail.com
Attorney for Petitioner

SO ORDERED.

Dated: _____, 2025

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United States District Judge