

426, 435, 125 S.Ct. 2711, 159 L.Ed.2d 513 (2004). However, it is the Government Respondents, not Rodriguez, who make custodial decisions regarding those detained in immigration custody at Dilley. Rodriguez therefore has no position on the habeas relief sought, nor on the Government Respondents' legal arguments in support of Petitioner's continued detention.

II. GROUNDS FOR DISMISSAL OF NON-HABEAS CLAIMS

In addition to seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241, the Petition purports to assert claims relating to Petitioner's and M.A.G.M.'s conditions of confinement ("Conditions of Confinement Claims") and Petitioner's medical care ("Medical Claims"). Rodriguez is entitled to dismissal of these claims on the grounds set forth herein.

No Subject Matter Jurisdiction. To the extent the Petition asserts claims relating to Petitioner's or M.A.G.M.'s conditions of confinement or medical care, Rodriguez moves to dismiss such claims for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1) on the grounds that such claims are not properly asserted in a habeas action.

Failure to State Viable Conditions of Confinement Claims. Rodriguez is also entitled to dismissal of Petitioner's Conditions of Confinement Claims pursuant to Fed. R. Civ. P. 12(b)(6), as Petitioner fails to plead specific facts showing the existence of an extensive or pervasive rule, restriction, custom, or practice at Dilley not reasonably related to a legitimate governmental objective that has caused or is causing a violation of her or M.A.G.M.'s constitutional rights. A complaint that alleges nothing more than isolated incidents or makes conclusory statements, instead providing sufficient factual content to make the claim plausible on its face, fails to satisfy minimum pleading standards for a Conditions of Confinement claim.

Failure to State Viable Medical Claims. Rodriguez is also entitled to dismissal of Petitioner's Medical Claims pursuant to Fed. R. Civ. P. 12(b)(6) because Petitioner pleads no facts

to establish deliberate indifference to her or M.A.G.M.'s serious medical needs. Alternatively, Rodriguez is entitled to summary judgment on Petitioner's Medical Claims because the attached evidence conclusively rebuts Petitioner's conclusory claims of deliberate indifference to the serious medical needs of Petitioner and/or M.A.G.M. *See* Exhibit 1. Should it reach the merits, the Court should therefore deny Petitioner any relief on her Medical Claims under Fed. R. Civ. P. 56.

II. STANDARDS OF REVIEW

A. Federal Rule of Civil Procedure 12(b)(1)

When considering a Rule 12(b)(1) motion challenging subject matter jurisdiction, the court "is free to weigh the evidence and resolve factual disputes in order to satisfy itself that it has power to hear the case." *Montez v. Dep't of the Navy*, 392 F.3d 147, 149 (5th Cir. 2004); *Krim v. Pcorde.com*, 402 F.3d 489, 494 (5th Cir. 2005). The court may consider any of the following to resolve a Rule 12(b)(1) motion: "(1) the complaint alone; (2) the complaint supplemented by the undisputed facts evidenced in the record; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts." *Lane v. Halliburton*, 529 F.3d 548, 557 (5th Cir. 2008); *see also Schaeffler v. United States*, 889 F.3d 238, 242 (5th Cir. 2018). The plaintiff bears the burden of establishing subject matter jurisdiction. *Exelon Wind 1, L.L.C. v. Nelson*, 766 F.3d 380, 388 (5th Cir. 2014). If the plaintiff fails to meet his burden, the case must be dismissed. *Id.*

B. Federal Rule of Civil Procedure 12(b)(6)

Pursuant to Fed. R. Civ. P. 12(b)(6), a court takes all well-pleaded facts as true. *Randall D. Wolcott, MD, PA v. Sebelius*, 635 F.3d 757, 763 (5th Cir. 2011). However, legal conclusions are not entitled to the same assumption. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). In order to show that a plaintiff is entitled to relief, a complaint requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not suffice. *Bell Atlantic Corp. v.*

Twombly, 550 U.S. 544, 555 (2007). Factual allegations must be enough to state a claim that is not just speculative, but plausible. *St. Germain v. Howard*, 556 F.3d 261, 263 n.2 (5th Cir. 2009). A claim has facial plausibility when the factual content in the pleading allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Montoya v. FedEx Ground Package System, Inc.*, 614 F.3d 145, 148 (5th Cir. 2010) (citing *Iqbal*, 556 U.S. at 678). “[T]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice” under Rule 12(b). *Iqbal*, 556 U.S. at 678. When the allegations in a Complaint, even if true, could not raise a claim of entitlement to relief, “this basic deficiency should ... be exposed at the point of minimum expenditure of time and money by the parties and the court.” *Cuvillier v. Taylor*, 503 F.3d 397, 401 (5th Cir. 2007) (internal citations omitted).

C. Federal Rule of Civil Procedure 56

Summary judgment is appropriate under Rule 56 of the Federal Rules of Civil Procedure only if the pleadings, along with evidence, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also* Fed. R. Civ. P. 56(c). Once a motion has been made, the nonmoving party may not rest upon mere allegations or denials in the pleadings but must present affirmative evidence, setting forth specific facts, to show the existence of a genuine issue for trial. *Celotex Corp.*, 477 U.S. at 322-23. If the moving party meets its burden, the non-moving party must show a genuine issue of material fact exists. *Id.* at 322. Furthermore, “only reasonable inferences can be drawn from the evidence in favor of the nonmoving party.” *Eastman Kodak Co. v. Image Tech. Servs., Inc.*, 504 U.S. 451, 469 n.14 (1992) (emphasis in original) (quoting *H.L. Hayden Co. of N.Y., Inc. v. Siemens Med. Sys., Inc.*, 879 F.2d 1005, 1012 (2d Cir. 1989)).

III. ARGUMENT AND AUTHORITIES

Petitioner alleges generally that her and M.A.G.M.'s conditions of confinement "present an urgent threat to petitioner's physical safety and the child's educational and psychological wellbeing." *See* [Dkt # 7] at p. 3-5 of 16. She further claims "deliberate indifference" to her "serious medical needs." *Id.* There is no factual support for such claims, as addressed below. As a threshold matter, however, the Court need not reach the merits because Petitioner's Conditions of Confinement Claims and Medical Claims fail as a matter of law.

A. *Lack of Subject Matter Jurisdiction - Conditions of Confinement and Medical Claims May Not Be Asserted By a Habeas Petition*

Habeas corpus is not available to persons complaining of mistreatment during detention. A civil rights action, rather than a habeas petition, is the proper vehicle for challenging alleged civil rights violations. *Melot v. Bergami*, 970 F.3d 596, 599 (5th Cir. 2020) ("We have noted that a habeas petition is the proper vehicle to seek release from custody, while a civil rights suit ... is the proper vehicle to attack unconstitutional conditions of confinement and prison procedures."); *see also Burk v. Rios*, No. EP-25-CV-199-LS, 2025 WL 2524138, at *3 (W.D. Tex. Sept. 3, 2025) (same). Accordingly, district courts dismiss §2241 petitions challenging conditions of confinement for lack of subject matter jurisdiction. *See Boyle v. Wilson*, 814 F. App'x 881, 882 (5th Cir. 2020) (per curiam) (affirming dismissal of §2241 petition challenging conditions of confinement for lack of jurisdiction). Petitioner is not entitled to habeas relief on her Conditions of Confinement or Medical Claims, and these claims should be dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

B. *Alternatively, Petitioner's Conditions of Confinement and Medical Claims Are Properly Dismissed for Failure to Plead Sufficient Facts in Support of These Claims*

ICE detainees' rights are protected by due process guarantees under the Fifth Amendment. *See Rroku v. Cole*, 726 F. App'x 201, 205 (5th Cir. 2018) ("We consider a person detained for deportation to be the equivalent of a pretrial detainee; a pretrial detainee's constitutional claims are considered under the due process clause instead of the Eighth Amendment"), citing *Edwards v. Johnson*, 209 F.3d 772, 778 (5th Cir. 2000).

1. *Conditions of Confinement Claims*

A "conditions of confinement" claim is a challenge to the "general conditions, practices, rules, or restrictions of pretrial confinement." *See Toure v. Huron*, 2021 WL 75698 at *3 (W.D. Tex., Cause No. SA-20-cv-1036, January 8, 2021), citing *Hare v. City of Corinth, Miss.*, 74 F.3d 633, 644 (5th Cir. 1996) (en banc). In such a case, "the proper inquiry is whether those conditions amount to punishment of the detainee." *Id.*, citing *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). If the analysis reveals that "a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to 'punishment.'" *Id.*, citing *Bell*, 441 U.S. at 539.

"[A] detainee challenging [an institution's] conditions must demonstrate a pervasive pattern of serious deficiencies in providing for his basic human needs; any lesser showing cannot prove punishment in violation of the detainee's Due Process rights." *Shepherd v. Dallas Cty.*, 591 F.3d 445, 454 (5th Cir. 2009). "Proving a pattern is a heavy burden, one that has rarely been met in our caselaw." *Id.* at 452.

Petitioner has not shown a pervasive pattern of serious deficiencies in providing for her or M.A.G.M.'s basic human needs and therefore fails to state a legally cognizable claim for a lack of

substantive due process based on conditions of confinement. Where a petitioner fails to provide any facts to demonstrate a pervasive pattern of serious deficiencies, dismissal under Rule 12(b)(6) is proper. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007) (providing that a conclusory complaint—one that fails to state material facts or merely recites the elements of a cause of action—may be dismissed for failure to state a claim).

2. *Medical Claims*

Petitioner also fails to plead facts in support of her claim that officials acted with deliberate indifference to her serious medical needs. *See Baughman v. Garcia*, 254 F. Supp. 3d 848, 868–69 (S.D. Tex. 2017) *aff'd sub nom. Baughman v. Seale*, 761 F. App'x 371 (5th Cir. 2019) (applying deliberate indifference standard to a due process claim).

Indeed, the Petition establishes on its face that Petitioner has received medical care (antibiotics). *See* [Dkt 7] at p. 3 of 16. Although Petitioner complains the access to medical care she has been provided is insufficient because “the facility has not taken her for external medical evaluation,” she fails to plead facts suggesting Respondents subjectively knew or believed the measures taken were inadequate so as to demonstrate Respondents were deliberately indifferent to Petitioner’s medical needs or safety. *See Valentine v. Collier*, 956 F.3d 797, 801–03 (5th Cir. 2020).

3. *Dismissal under Fed. R. Civ. P. 12(b)(6) is Proper*

A complaint “must contain sufficient factual matter ... to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Because the Petition and Supplement fail to state a legally cognizable claim that Petitioner’s conditions of confinement violate her due process rights, her Conditions of Confinement Claims are properly dismissed under Fed. R. Civ. P. 12(b)(6). Further, because the Petition fails to plead facts in support of Plaintiff’s claim of deliberate indifference to

her serious medical needs, her Medical Claims are also properly dismissed under Fed. R. Civ. P. 12(b)(6).

C. *Alternatively, Summary Judgment on Petitioner's Medical Claims is Proper*

Alternatively, Rodriguez is entitled to dismissal of Petitioner's Medical Claims pursuant to Fed. R. Civ. P. 56 because the evidence attached hereto conclusively rebuts Petitioner's claims of deliberate indifference to her or M.A.G.M.'s serious medical needs.

Specifically, M.A.G.M. has received the following medical and mental health care since arriving at Dilley on October 4, 2025:

- On October 4, 2025, M.A.G.M. was evaluated by the medical provider for pain to her left foot and medication was initiated.
- On October 5, 2025, M.A.G.M. was evaluated by mental health services and M.A.G.M. was noted as eating all meals and snacks and sleeping well.
- On October 8, 2025, M.A.G.M. had a syncope episode that was evaluated by an onside provider and treatment was initiated and labs were ordered.
- On October 10, 2025, M.A.G.M. had an EKG conducted.
- On October 12, 2025, M.A.G.M.'s wellness check noted that M.A.G.M. was eating all meals and snacks and sleeping well.
- On October 16, 2025, the pediatrician visited M.A.G.M. and provided results of labs and EKGs, noting all within normal limits. Regarding M.A.G.M.'s pain to the left foot, the pain medication was changed and ace bandage was provided.
- On October 19, 2025, mental health wellness check noted M.A.G.M. as eating all meals and snacks and sleeping well.
- On October 22, 2025, M.A.G.M.'s mother (Ms. Montoya-Sanchez) refused medication for pain. The refusal was signed.
- On October 29, 2025 and November 9, 2025, mental health visits occurred for M.A.G.M.
- On November 20, 2025, a pediatrician visited and Ms. Montoya-Sanchez stated that M.A.G.M. needed a vegetarian diet and is referred to a chaplain.

- On November 23, 2025 and November 30, 2025, mental health visits for wellness checks were conducted for M.A.G.M.
- On December 1, 2025 and December 4, 2025, dental visits occurred for M.A.G.M.
- On December 7, 2025, a mental health visit occurred for M.A.G.M.
- On December 10, 2025, M.A.G.M. fell in recreation and landed on her right hand. An x-ray of the hand was ordered.
- On December 11, 2025, the pediatrician follow-up occurred noting that the x-ray was normal and no fracture occurred for M.A.G.M.
- On December 16, 2026, M.A.G.M received further treatment for the wrist injury, noting that the x-ray was normal but that M.A.G.M. still had pain.
- On December 19, 2025, M.A.G.M was evaluated by the medical provider, noting no concerns regarding her current dietary restrictions.
- On December 23, 2025, M.A.G.M had a follow-up medical appointment to review her x-ray results and a mental health referral was offered to M.A.G.M.

See Exh. 1 at ¶ 4.

With regard to Petitioner herself, she has received the following medical and mental health care since arriving at Dilley on October 4, 2025:

- On October 4, 2025, Ms. Montoya-Sanchez arrived to the facility and voiced no medical or mental health concerns.
- On October 7, 2025, Ms. Montoya-Sanchez met with the provider on site for a health appraisal and voiced no complaints.
- On October 9, 2025, Ms. Montoya-Sanchez received treatment at a sick call.
- On October 19, 2025, Ms. Montoya-Sanchez received treatment at a sick call
- On November 15, 2025, Ms. Montoya-Sanchez received treatment at a sick call and labs were ordered.
- On November 20, 2025, at the follow-up appointment, Ms. Montoya-Sanchez's medication was changed based on the lab results for her medical issue.

- On December 1, 2025, at the follow-up appointment it was noted that Ms. Montoya-Sanchez's condition improved with treatment.
- On December 2, 2025, Ms. Montoya-Sanchez received treatment at a sick call.
- On December 2, 2025, at a provider follow-up, Ms. Montoya-Sanchez had labs ordered and her current medication regimen continued.
- On December 2, 2025, Ms. Montoya-Sanchez received a mental health evaluation.
- On December 7, 2025, Ms. Montoya-Sanchez received a mental health follow-up.
- On December 10, 2025, Ms. Montoya-Sanchez received a medical follow-up, where it was noted all her lab results were normal.
- On December 15, 2025, Ms. Montoya-Sanchez received medical treatment.
- On December 23, 2025, Ms. Montoya-Sanchez received medical treatment for a follow-up appointment, where she was referred to an OBGYN for further evaluation and treatment.
- On December 31, 2025, Ms. Montoya-Sanchez received treatment for a follow-up appointment post-ER visit. Ms. Montoya-Sanchez was prescribed antibiotics. It was noted on that date that her condition is doing much better after the ER visit and that her symptoms had resolved.
- On numerous occasions, Ms. Montoya-Sanchez has missed doses of her medication due to not presenting to the pill window.

Id. at ¶ 5.

Because the evidence attached negates a claim of deliberate indifference to Petitioner's or M.A.G.M.'s serious medical needs, her Medical Claims are properly dismissed under Federal Rule of Civil Procedure 56.

IV. MEDICAL RECORDS REQUESTED WERE PROVIDED DECEMBER 13, 2025

In her Supplemental filing made on December 8, 2025, Petitioner's representative Richard Ospina made a claim that "[t]he facility also refuses to produce her medical records unless

Petitioners obtain HIPAA authorization – which is being processed – but the Court has inherent authority to order production immediately.” *See* [Dkt 7] at p. 4 of 16. As Mr. Ospina was advised by email on Monday, December 15, 2025, medical records for Petitioner and M.A.G.M. were provided to Petitioner on Saturday, December 13, 2025. *See* Exhibit 2. Petitioner’s claims relating to obtaining copies of her medical records is therefore moot.

V. CONCLUSION

For the reasons stated above, Respondent Rodriguez moves to dismiss all Petitioner’s claims for relief other than habeas relief, including any claims relating to her or M.A.G.M.’s conditions of confinement and medical care, under Federal Rules 12(b)(1), 12(b)(6) and/or 56.

Dated January 9, 2026.

Respectfully submitted,

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**ATTORNEYS FOR RESPONDENT
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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, I electronically filed the foregoing pleading with the U.S. District Court for the Western District of Texas in this cause. I further certify that pro se Petitioner, who is not a registered E.C.F. user, was served by U.S. Mail at her address listed on the Court's docket:

Maria Alejandra Montoya Sanchez



Dilley Immigration Processing Center
300 El Rancho Way
Dilley, TX 78017

/s/ Danya W. Blair