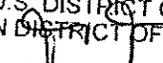


UNITED STATES DISTRICT COURT

**FILED.**

**NOV 07 2025**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY   
DEPUTY CLERK

UNITED STATES DISTRICT COURT

Western District of Texas – San Antonio Division

262 West Nueva Street

San Antonio, TX 78207

**SA25CA1441 JKP**

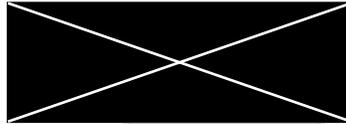
PETITION FOR WRIT OF HABEAS CORPUS

*(Emergency Request for Immediate Release Due to Prolonged and Unlawful Detention)*

Submitted by:

Ena Luz Simón Chura

Wife of Detainee Freddy Enrique Cala Zambrano (A# 



Phone: 

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## I. INTRODUCTION AND JURISDICTION

I, Ena Luz Simón Chura, the wife of Freddy Enrique Cala Zambrano, respectfully submit this Petition for Writ of Habeas Corpus under Article I, Section 9 of the United States Constitution and 28 U.S.C. § 2241.

I am not an attorney and submit this petition pro se, exercising my constitutional right to seek judicial review.

This petition seeks relief from the prolonged and unjustified detention of my husband, currently held by U.S. Immigration and Customs Enforcement (ICE) at the Karnes County Immigration Processing Center.

His detention lacks a clear legal basis and violates his constitutional right to liberty and due process under the Fifth Amendment, as well as federal statutes and controlling Supreme Court precedents.

## II. FACTUAL BACKGROUND

1. Freddy Enrique Cala Zambrano, a Venezuelan national, entered the United States lawfully under humanitarian parole on May 11, 2023.
2. He applied for Temporary Protected Status (TPS) on October 20, 2023, during the valid registration period for the 2023 designation.

3. His TPS application was approved by USCIS on May 30, 2025, valid from May 29, 2025, to October 2, 2026.
4. On September 22, 2025, ICE agents arrested Mr. Cala Zambrano while he was working, confiscated his immigration documents, and verbally told him that “TPS is not a visa.”
5. At that time, the injunction issued by U.S. District Judge Edward M. Chen in *National TPS Alliance v. Noem* (N.D. Cal.) was still in effect, blocking the termination of the 2023 TPS designation for Venezuela.
6. The U.S. Supreme Court did not authorize the cancellation of that designation until October 3, 2025, eleven days after his arrest.
7. Therefore, his detention occurred while judicial protection was still active, making the arrest premature and contrary to law.
8. Since that date, Mr. Cala Zambrano has remained in ICE custody without a bond hearing or judicial review, resulting in a prolonged and indefinite detention that violates the Constitution and established legal principles.

### III. LEGAL GROUNDS FOR RELIEF

#### 1. Violation of Due Process – Fifth Amendment

Detaining an individual under judicial protection constitutes a direct violation of the Due Process Clause of the Fifth Amendment, which guarantees that no person shall be deprived of liberty without due process of law.

#### 2. Exceeding Statutory Authority – 8 U.S.C. § 1226(a)

This statute allows ICE to detain individuals only under valid removal proceedings or where a legitimate risk of flight exists.

Mr. Cala Zambrano has no criminal record, no removal order, and no evidence of flight risk, and his detention therefore exceeds the authority granted by law.

#### 3. Prolonged and Unjustified Detention – *Zadvydas v. Davis*, 533 U.S. 678 (2001)

The Supreme Court has held that indefinite detention without a legitimate removal purpose violates constitutional principles.

The continued detention of Mr. Cala Zambrano serves no lawful purpose and must therefore end immediately.

4. Application to All Noncitizens – Clark v. Martinez, 543 U.S. 371 (2005)

The Court reaffirmed that even noncitizens without formal status cannot be held indefinitely without judicial review or a foreseeable conclusion to detention.

This principle fully applies to the present case.

5. Separation of Powers – INS v. Chadha, 462 U.S. 919 (1983)

By detaining an individual who remained protected by a valid federal injunction, ICE acted outside its lawful authority and undermined the judicial branch, violating the constitutional principle of separation of powers.

6. Arbitrary and Capricious Agency Action – 5 U.S.C. § 706(2)(A)

Under the Administrative Procedure Act, all government actions must be reasonable and in accordance with law.

The detention of Mr. Cala Zambrano during an active judicial injunction constitutes an arbitrary and capricious administrative act.

7. Deprivation of Rights Under Color of Law – 18 U.S.C. § 242

Federal law protects all persons in the United States from the intentional deprivation of constitutional rights by officials acting under color of authority.

The circumstances surrounding Mr. Cala Zambrano's detention—carried out while judicial protection remained in force—raise serious concerns regarding compliance with this fundamental safeguard.

This Honorable Court is respectfully asked to review whether such actions align with constitutional and statutory standards.

#### IV. HUMANITARIAN FACTORS

The petitioner, Ena Luz Simón Chura, is currently 35 weeks pregnant, with an expected due date of December 10, 2025.

The couple has a U.S. citizen daughter, 18 months old, who has suffered emotionally from her father's absence.

The family faces financial hardship, emotional distress, and risk of eviction due to the prolonged detention of their primary provider.

#### V. PRAYER FOR RELIEF

For the reasons stated above, the Petitioner respectfully requests that this Honorable Court:

1. Find that the detention of Freddy Enrique Cala Zambrano is unlawful and inconsistent with constitutional protections, as it occurred during an active federal injunction.

2. Consider granting his immediate release under supervision or humanitarian parole, in view of the prolonged nature of his detention and the urgent humanitarian circumstances.
  
3. Issue, if the Court deems proper, a temporary stay of removal while this petition remains under judicial review.
  
4. Grant any other relief that this Honorable Court considers fair and appropriate in the interests of justice and equity.

Respectfully submitted with humility and faith in this Court's sense of justice,



Ena Luz Simón Chura

Wife of Detainee Freddy Enrique Cala Zambrano

San Antonio, Texas  
November 7, 2025