

UNITED STATES DISTRICT COURT

FILED

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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: [Signature] COUNTY 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# )

3800 Parkdale Dr., Apt. 211

San Antonio, TX 78229

Phone: (929) 738-8273

Email: enaluze.91@gmail.com

## 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.

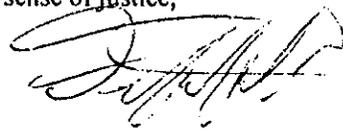
#### V. PRAYER FOR RELIEF

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,



Era Luz Simón Chura

Wife of Detainee Freddy Enrique Cala Zambrano

San Antonio, Texas  
November 7, 2025

JS 44 (Rev. 10/20)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Freddy Enrique Cala Zambrano By Ena Luz Simon Chura, Wife

(b) County of Residence of First Listed Plaintiff Karnes  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Karnes County Immigration Processing Center  
 409 FM1144  
 Karnes, Texas 78118

**DEFENDANTS**

Warden, Karnes County Immigration Processing Center

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**SA25CA1441 JKP**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACTS	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Product Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input checked="" type="checkbox"/> 463 Alien Detainees <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Reopened  
 5 Transferred from Another District (specify)  
 6 Multidistrict Litigation - Transfer  
 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 28:2241  
 Brief description of cause:  
 Petition for Writ of Habeas Corpus

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS  
 CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See Instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 11/07/2025 TT, Deputy Clerk SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE **MJ-ESC**

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**U.S. District Court**

**Texas Western - San Antonio**

Ena Luz Simon Chura

Receipt Date: Nov 7, 2025 10:36AM

Rcpt. No: 9017

Trans. Date: Nov 7, 2025 10:36AM

Cashier ID: #TT (6587)

CD	Purpose	Case/Party/Defendant	Qty	Price	Amt
202	Writ of Habeas Corpus		1	5.00	5.00

CD	Tender			Amt
MO	Money Order	#19-793684903	11/6/2025	\$5.00
Total Due Prior to Payment:				\$5.00
Total Tendered:				\$5.00

Comments: Case No. 5:25-cv-01441, Zambrano v. U.S. Customs and Enforcement

Clerk, US District Court - San Antonio Division - 262 W Nueva, Ste 1-400, San Antonio, TX 78207 (210) 472-6550 - [www.txwd.uscourts.gov](http://www.txwd.uscourts.gov)

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