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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF TEXAS**  
10 **HOUSTON DIVISION**

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13 **LEAL GARCIA, Maria del Coral,** )

14 )  
15 Petitioner, )

16 )  
17 v. )

18  
19 **KRISTI LYNN NOEM, et al** )

20 )  
21 Respondents. )  
22

Case No. 4:25-cv-05387

Alien No. 

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**ORAL ARGUMENT  
REQUESTED**

23 **PETITIONER'S REPLY TO RESPONDENT'S RESPONSE TO**  
24 **PETITION FOR WRIT OF HABEAS CORPUS, MOTION TO DIMSISS, AND MOTION**  
25 **FOR SUMMARY JUDGMENT**  
26

27  
28 Respectfully submitted,  
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30 *Pro Bono Counsel for Petitioner*

31  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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8	Petitioner,	)
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10	v.	)
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12	KRISTI LYNN NOEM, <i>et al</i>	)
13		)
14	Respondents.	)
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 Alien No. ~~XXXXXXXXXX~~  
**PETITION FOR WRIT OF  
 HABEAS CORPUS**  
  
**ORAL ARGUMENT  
 REQUESTED**

**PETITIONER’S REPLY TO RESPONDENT’S RESPONSE TO  
 PETITION FOR WRIT OF HABEAS CORPUS, MOTION TO DIMISS, AND MOTION  
 FOR SUMMARY JUDGMENT**

Petition herein submits her reply to Respondent’s Response to Petitioner’s Habeas Petition, and respectfully requests that this Court grant her Petition under 28 U.S.C. § 2241, that this Court deny the Respondent’s Motions for Summary Judgment and Dismissal, respectively.

Respondent has alleged that Petitioner has failed to exhaust her administrative remedies, and that should be enough, alone, to deny the §2241 petition. Respondent further alleges that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225 (b)(2), based on what Petitioner believes to be an erroneous reading of the statute, and based on recent court decisions in the class action lawsuit on the same matter found at *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025). While the Respondent claims that there are persuasive decisions on this topic that should inform the Court, Petitioner respectfully disagrees. Furthermore, summary judgment is not warranted due to existence of a material dispute.

Petitioner further agrees with Respondent that the proper Respondent in this case is the federal government, given that the Warden in this particular case does not have authority in and of his own volition to order the release of any ICE detainee, and must have the permission and authority

1 of ICE, DHS, or the federal government. *See* FN 1 of Respondent’s Response to Petition for Writ  
2 of Habeas Corpus.

3 Accordingly, this Court should grant the Petitioner’s § 2241 petition, deny the  
4 Respondent’s Motion to Dismiss, and deny the Respondent’s Motion for Summary Judgment  
5 against the Petitioner.

6 **ARGUMENT**

7  
8 **A. EXHAUSTION OF ADMINISTRATIVE REMEDIES IS NOT REQUIRED**

9  
10 Generally, exhaustion of administrative remedies before filing in federal court may be either  
11 statutorily or prudentially required. The relevant statute, 28 U.S.C. §2241, does not require  
12 exhaustion before challenging the lawfulness of immigration detention through a federal habeas  
13 petition. While Respondent herein argues that the judicially created doctrine of “prudential”  
14 exhaustion applies, Petitioner disagrees. The U.S. Supreme Court has held that where prudential  
15 (or common law) exhaustion doctrine applies, “sound judicial discretion governs”—meaning that  
16 failure to exhaust can be excused.<sup>1</sup>

17 Courts have spelled out both the policies underlying administrative exhaustion, and  
18 specifically delineated “a broad array of exceptions that allow [a petitioner] to bring his case in  
19 district court despite his abandonment of the administrative review process.”<sup>2</sup> As such, while the  
20 government raises failure to exhaust as grounds for dismissing or holding a habeas petition in  
21 abeyance, Petitioner herein reiterates her argument in her Petition for Habeas Corpus, as well as  
22 alleges that there is no statutory requirement for purposes of this petition for statutory exhaustion.  
23 Further, the purposes underlying prudential exhaustion are not served by requiring the Petitioner

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<sup>1</sup> *McCarthy v. Madigan*, 503 U.S. 140, 146-49 (1992); *superseded by statute on other grounds as stated in Booth v. Churner*, 532 U.S. 731 (2001).

<sup>2</sup> *Bastek v. Federal Crop Ins Corp.*, 145 F. 3d 90, 94 (2d. Cir. 1998).

1 to seek relief from the Immigration Judge (IJ) or the Board of Immigration Appeals (BIA)<sup>3</sup> Further,  
2 in this particular case, Petitioner Maria Coral Leal Garcia has met recognized exceptions to the  
3 prudential exhaustion doctrine.<sup>4</sup> Specifically, and as laid out in the Original Petition, the available  
4 remedies to the Petitioner provide no genuine opportunity for adequate relief. Petitioner at this  
5 time has been detained since June 23, 2025, for a period of 178 days. She has sought bond, and  
6 was denied bond based on the new policy interpretation of ICE/DHS. She then continued to fight  
7 her detention, ultimately being granted Cancellation of Removal, only to find her self continually  
8 detained due to DHS's late hour appeal. Upon the decision granting Class Certification and  
9 extending the prior injunction to the Class, Petitioner again filed a Motion for Bond with the  
10 Immigration Judge. However, this bond was again denied, citing the government position that the  
11 Petitioner is being held under statutory mandatory detention. However, the Immigration Judge  
12 made an alternative finding, stating "*If the Court did possess jurisdiction to entertain a bond*  
13 *request, it would conclude that the Respondent is not a danger to the community and would not be*  
14 *a flight risk if a minimal bond of \$1,500 were posted, given her longstanding ties to the United*  
15 *States and the Court's judgment that she qualifies for cancellation of removal.*" See IJ Bond Order  
16 dated 12/02/2025.

17 Furthermore, while Respondent has filed an appeal with the Board of Immigration Appeals of  
18 the original denial of her bond dated July 17, 2025, which is currently pending before the BIA, the

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<sup>3</sup> See *Beharry v. Ashcroft*, 329 F.3d 51, 56 (2d Cir. 2003) (purposes of exhaustion include protecting the authority of agencies, conserving judicial resources, and developing factual record); see also *Weinberger v. Salfi*, 422 U.S. 749, 765 (1975) (rationale includes giving courts the benefit of agency expertise and compiling record for judicial review).

<sup>4</sup> See *Laing v. Ashcroft*, 370 F.3d 994 (9th Cir. 2004); accord *Beharry*, 329 F.3d at 62 (exhaustion may be excused where "(1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate judicial relief; (3) administrative appeal would be futile; and (4) in certain instances a plaintiff has raised a substantial constitutional question.").

1 fact is that *Matter of Yajure Hurtado* was decided after her initially filed bond appeal.<sup>5</sup> Thus, it is  
2 likely that the BIA will not grant her appeal and apply its own precedent to her appeal. Thus,  
3 continuing to wait for the ever expanding docket on the BIA side to get to her appeal, only to deny  
4 it based in *Yajure Hurtado*, would be futile.

5 **B. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C.**  
6 **§ 1225**  
7

8 Petitioner herein disagrees with the Governments position that she is subject to mandatory  
9 detention under 8 U.S.C. §1225(b)(2). Further, while the Respondent appears to argue that *Matter*  
10 *of Hurtado* is binding in this case, we allege that the BIA's decision in *Matter of Hurtado* is  
11 erroneous and otherwise not in line with federal law. Furthermore, while Respondent has claimed  
12 that there are persuasive decisions from other district courts, there has been other, higher action on  
13 this matter. As the Respondent states in FN 3 of its Response, there has been an order of Class  
14 Action judgment in another federal case. the Department of Justice's position is that the decision  
15 in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr.* No. 5:25-cv-01873-SSS-BFM (C.D. Cal.  
16 Nov. 25, 2025). Furthermore, while DHS indicates that there was no class wide injunction, based  
17 on a plain reading of the decision in that matter, this is wrong. The decision of Judge Sunshine  
18 Sykes at page 14 of 15 of her order, the Judge specifically extended the "same declaratory relief  
19 granted to Petitioners to the Bond Eligible Class as a whole." Thus, Respondent's allegation that  
20 there is no class-wide injunction is patently false. *See Maldonado Bautista*, --- F. Supp. 3d ---,  
21 2025 WL 3288403, at \*9.

22 Petitioner herein reiterates her argument found in the Original Petition for Habeas Corpus filed  
23 in this matter. There has been no allegation by the government whether the Petitioner herein is or

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<sup>5</sup> 29 I & N. Dec 216 (BIA 2025)

1 is not a member of the purported Class in that matter. Thus, we alternatively argue that Petitioner  
2 is detained under § 1226 (a), and regardless of any class membership, she is still seeking a claim  
3 for habeas corpus individually as to her unlawful prolonged detention.

4 **C. RESPONDENT HAS NOT ADDRESSED PETITIONERS DUE PROCESS CLAIMS**

5  
6 Respondent claims that the Due Process claims of the Respondent have no merit. However,  
7 individuals in the United States who have pursued lawful status in the United States have claims  
8 under the Due Process Clause of the Fifth Amendment. Thue fundamental requirement of due  
9 process is the opportunity to be heard “at a meaningful time and in a meaningful manner.”<sup>6</sup>  
10 Procedural due process “imposes constraints on government decisions which deprive individuals  
11 of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or  
12 Fourteenth Amendment.”<sup>7</sup>

13 Once a party has identified a protected liberty or property interest, the Court must determine  
14 whether the constitutionally sufficient process has been provided. In making this determination,  
15 the Court balances: (1) “the private interests that will be affected by the official action;” (2) “the  
16 risk of an erroneous deprivation of such interest through the procedures used, and the probable  
17 value, if any, that additional or substitute procedural requirement would entail;” (3) “the  
18 government’s interest, including the function involved and the fiscal and administrative burdens  
19 that the additional or substitute procedural requirement would entail.”<sup>8</sup>

20 Due process cases recognize a broad liberty interest rooted in both the *fact* of deportation and  
21 the *process* or removal proceedings.<sup>9</sup> While this liberty interest typically arises in removal

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<sup>6</sup> *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

<sup>7</sup> *Id.* At 332.

<sup>8</sup> *Id.* at 335.

<sup>9</sup> See *Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (deportation “visits a great hardship on the individual and deprives him of the right to stay and live and work in this land of freedom); See also *Chhoeun v. Marin*, 306 F. Supp. 3d

1 proceedings, courts have found procedural due process violations for persons not in removal  
2 proceedings.<sup>10</sup>

3 In this case, the Petitioner has sought legal status in the United States of America. Despite her  
4 continued and allegedly unlawful detention, she has steadily remained faithful in the justice as  
5 promised by our forefathers, and has prevailed on her application for Cancellation of Removal,  
6 arguably one of the most strict forms of discretionary relief with regard to burden of proof. Despite  
7 this, Respondent still refuses to recognize her Due Process rights, and has continued to detain her  
8 thought she is not a criminal nor presents any risk whatsoever to American society. Not only that,  
9 but her mere arrest violated Due process, given that the Fourth Amendment of the U.S.  
10 Constitution requires agents to have probable cause to arrest an individual, and hers was a  
11 warrantless arrest.<sup>11</sup> Despite all this, she has remained detained, against her will, and fighting her  
12 case as the law allows, and was granted relief, but still has not been released due to the unlawful  
13 interpretation of policy by DHS and Respondent herein.

14 Previously to the large backlog in immigration courts and the Board of Immigration Appeals  
15 at the current date, courts has previously held that the vast majority of immigration cases are  
16 concluded within 90 days, and that detention lasts about five months in the minority of cases in  
17 which the alien chooses to appeal.<sup>12</sup> Notably, that Court did not consider the possibility that a  
18 noncitizen might be granted relief and the government appeal, as in this case. While there have

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1147, 1160 (C.D. Cal. 2018) (finding a noncitizen possesses a “strong liberty interest” where being deported means being separated from home and family.)

<sup>10</sup> See e.g., *Walters v. Reno*, 145 F.3d 1032 (9<sup>th</sup> Cir. 1988)(forms issued to noncitizens charged with civil document fraud violated due process clause); *Rojas v. Johnson*, 305 F. Supp. 3d 1176, 1187 (W.D. Wash. Mar. 29, 2018)(concluding that “Agency Defendants do not provide sufficient notice of the one-year deadline to satisfy the Due Process Clause” to asylum seeker subclasses both in and out of removal proceedings.

<sup>11</sup> *Gerstein v. Pugh*, 420 U.S. 103, 111 (1975); *Johnson v. United States*, 333, U.S. 266, 273 (1973) (holding that a warrantless search of a car by immigration agents also requires probable cause.).

<sup>12</sup> See *Demore v. Kim*, 538 U.S. 510, 529-30 (2003).

1 | been some cases on this issue of requirements for bond hearings during mandatory detention, some  
2 | courts post *Jennings* have found that the Due Process Clause imposes some form of  
3 | ‘reasonableness’ limitation upon the duration of detention.<sup>13</sup> Many district courts have developed  
4 | their own frameworks to determine whether the continued detention without the opportunity to be  
5 | released on bond is “consistent with the law’s purposes of preventing flight and dangers to the  
6 | community.”<sup>14</sup> The test for determining whether prolonged mandatory detention has become  
7 | unreasonable under the Due Process Clause varies across circuits and district courts, but in general,  
8 | each test broadly focuses on the length of the detention and the reason for the delay. In this case,  
9 | no delay can be attributed to the Petitioner, as she has steadfastly pursued legal status in the United  
10 | States and been granted the same. In fact, DHS actually waited until the last possible day to file  
11 | appeal, completely “hiding the ball” from the Petitioner, almost in an attempt to continue her  
12 | suffering indefinitely. It certainly can be argued that had they really wished to appeal, they should  
13 | not have waited until the last day of the appeal deadline before doing so. Any argument otherwise  
14 | is illogical. The purpose of waiting until the last day can be chalked up to nothing more than a  
15 | desire to continue the indefinite suffering of the Petitioner in this case.

### 16 | CONCLUSION

17 | For the foregoing reasons, Petitioner respectfully requests this Court to deny the Respondent’s  
18 | motions for summary judgment and for dismissal, and grant the instant Writ of Habeas Corpus,  
19 | and order her immediate release from the custody of Respondent. This court should enter judgment  
20 | in favor the Petitioner and find that Petitioner is not lawfully subject tot mandatory detention  
21 | pursuant to 8 U.S.C. §1225(b)(2)

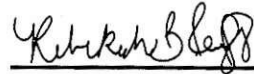
22 | Respectfully submitted,  
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<sup>13</sup> *Reid v. Donelan*, 17 F.4th 1, 7 (1st Cir. 2021).

<sup>14</sup> *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232 (3d Cir. 2011).

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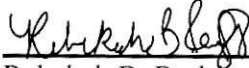
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Instrument was sent via ECF on December 18, 2025 to all counsel of record.

  
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Rebekah B. Rodriguez  
*Pro Bono* Counsel for Petitioner