




3. The individual hearing on the merits of her case is not scheduled until February 14, 2028.
4. Petitioner's detention is unlawful and unconstitutional under the Due Process Clause and the Immigration and Nationality Act because, inter alia, it is excessive and non-individualized, and less restrictive alternatives can adequately mitigate any government interests. Petitioner seeks a writ releasing him forthwith, or alternatively, an order requiring an immediate individualized custody hearing with appropriate burden/standard and consideration of ability to pay and alternatives to detention.

#### JURISDICTION & VENUE

5. This action arises under the Constitution and the INA. The Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas) and 28 U.S.C. § 1331 (federal question), and authority to issue declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and 28 U.S.C. § 1651 (All Writs Act).
6. Venue is proper in this District because Petitioner is in custody within the Western District of Texas, San Antonio Division (Karnes County) and the immediate custodian (the Warden of Karnes Detention Center) resides in this District. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004); *Pack v. Yusuff*, 218 F.3d 448 (5th Cir. 2000).

#### PARTIES

1. Petitioner: Genesis Arianny Perez-Puerta, A#  Venezuelan national, married to a U.S. citizen; I-130 filed May 19, 2025; no criminal history; employed; long-term Dallas-area residence.



**INCORPORATION BY REFERENCE**

Petitioner attaches as Exhibit 1 the Motion for Bond filed in Immigration Court on October 23, 2025, together with its exhibits, as well as Exhibits 2-4 showing her initial jailing October 17, Denial of her Motioun for Bond with no individualized explanation, and the setting for her Individual hearing on February 14, 2028. Petitioner incorporates by reference all facts, declarations, and documentary exhibits contained therein as if set forth fully here.

**CLAIMS FOR RELIEF**

**Count I Habeas (Unlawful Civil Detention under § 1226(a) & Due Process)**

Continued detention without adequate, individualized consideration of alternatives violates 8 U.S.C. § 1226(a) and the Fifth Amendment.

**Count II Habeas/All Writs (Anti-Transfer to Preserve Jurisdiction and Access to Counsel)**

An order is necessary to maintain the status quo and protect this Court's jurisdiction over the person of the custodian and Petitioner, and to prevent irreparable harm through counsel deprivation and forum manipulation.

**Count III Declaratory/Injunctive Relief**


Declaratory judgment that Petitioner's detention is unlawful and injunctive relief ordering release or a constitutionally adequate hearing and prohibiting transfer pending final adjudication of Petitioner's I-130 or her removal proceedings, whichever takes longer (or shorter at the Court's discretion).

**PRAYER FOR RELIEF**

Petitioner requests:

- A. Immediate release under appropriate least-restrictive conditions; or a prompt bond/release hearing within 48 hours with written findings and government burden by clear and convincing evidence;
- B. Anti-transfer/anti-removal injunction preserving this Court's jurisdiction;
- C. Injunction against further ICE detention;
- D. An Order to Show Cause directing Respondents to respond within 7 days;
- E. Costs and any further just relief.

Dated: November 7, 2025  
Respectfully submitted,



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Other Admissions: New York 4069282; US District Court for the Northern District of Texas, US District Court for the Southern District of Texas, US District Court for the Eastern District of Texas