

JURISDICTION

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
6. Venue is proper because Petitioner resides and was detained in Houston, Texas, and on information and belief is detained in the Southern District of Texas.

THE PARTIES

7. The Petitioner, Maria De Lourdes GOMEZ, resides in Beaumont, Texas with her children.
8. Respondent Bret Bradford is the Houston Field Office Director for U.S. Immigration and Customs Enforcement (“ICE”).
9. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”).
11. Respondent Randall Tate is the Warden of the Montgomery Processing Center and is petitioner’s immediate custodian.
12. All respondents are named in their official capacities.

RELEVANT LEGAL DOCTRINES

Withholding of Removal

13. Federal law prohibits the government from removing a noncitizen to a country where they are more likely than not to face persecution on account of a statutorily protected ground. 8 U.S.C. § 1231(b)(3)(A). This protection is generally known as “withholding of removal.”
14. To receive a grant of withholding of removal, a noncitizen must prove that it is more likely than not to suffer persecution. “The burden of proof is on the applicant for withholding of

removal ... to establish that his or her life or freedom would be threatened in the proposed country of removal on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 C.F.R. § 1208.16(b).

15. Once granted withholding of removal, “DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021).
16. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge, and then DHS will bear the burden of proof, by a preponderance of the evidence, that grounds for termination exist. 8 C.F.R. § 1208.24(e).

Third Country Removal

17. A noncitizen with an order of withholding of removal to a particular country may only be removed to another country upon receiving notice and associated due process, including having an opportunity to apply for protection from removal to that third country. *See* 8 U.S.C. § 1231(b)(3)(A); *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021).
18. An individual with an order of withholding of removal to a particular country may also not be removed to another country with the intent or prospect of “chain refoulement”—i.e. that they will be subsequently sent to the country for which they have an order of withholding of removal. *See* 8 C.F.R. § 1208.18(a)(1).
19. Federal law also places restrictions on removal of aliens to countries to which they have no connection, or a country to where their “life or freedom would be threatened.” 8 U.S.C. § 1231(b)(3)(A); *see also Jama v. Immigr. & Customs Enf’t*, 543 U.S. 335, 348 (2005).

20. Likewise, the Convention Against Torture (“CAT”), as implemented in U.S. law through the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), prohibits Respondents from removing an individual to any country where such individual is more likely than not to face torture by or at the acquiescence of the government. *See* Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. § 1208.16(c); 8 C.F.R. § 1208.18.
21. The CAT also prohibits refolement, which includes chain refolement—where an individual will be sent to a country which will, in turn, send her to another country where she is more likely than not to be tortured.

Revocation of Supervised Release and Arrest

22. Federal regulations governing enforcement actions by immigration officers require that “[a] warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.” 8 C.F.R. § 287.8(c)(2)(ii).
23. Where an individual with a final removal order has been released on supervision, 8 C.F.R. § 241.4(l)(2) provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” That regulation also requires that an individual whose supervised release is revoked be informed as to the reasons why and be given a prompt post-deprivation opportunity to be heard as to why his supervised release should be restored.

Detention Beyond Removal Period

24. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day “removal period,” which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal.” 8 U.S.C. § 1231(a)(1)(C).
25. The Supreme Court has also recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

FACTS

26. Petitioner is a Mexican national who was ordered removed from the United States on August 2, 2011, and simultaneously granted withholding of removal to Mexico due to the dangers she would face in her native country. Exhibit 1—Removal and Withholding Order.
27. ICE did not appeal the order granting Petitioner withholding of removal.
28. Following the decision in her removal proceedings, and unable to secure a travel document or otherwise effectuate her removal, ICE placed her on an order of supervision. Exhibit 2—Order of Supervision.
29. Petitioner has at all times complied with her order of supervision and was never requested by ICE to take any specific actions to obtain a travel document from any third country. Further, she has not been arrested or charged with any criminal offense since her release from ICE custody.

30. ICE has never moved to reopen Petitioner's removal proceeding nor indicated an intention to do so.
31. On information and belief, her order of supervision was revoked, and she was detained without cause by U.S. Immigration and Customs Enforcement agents on November 12, 2025.
32. At no time was Petitioner informed as to the reasons for revoking her order of supervision nor was she given the required interview to demonstrate reasons why it should be restored.
33. Petitioner is currently in custody in the Southern District of Texas, and one or more of the Respondents is her immediate custodian. Exhibit 3—Detention Information.
34. ICE Officer Charles Scroggins, an employee or subordinate of Director Bret Bradford, informed Petitioner's counsel that ICE intends to remove Petitioner to a third country but that no third country has yet been identified.
35. On information and belief, Petitioner's removal is not likely in the reasonable, foreseeable future.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

36. Petitioner incorporates paragraphs 1-35 by reference.
37. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of her constitutional rights to due process of law.

COUNT TWO

Unlawful Arrest in Violation of Federal Regulations

38. Petitioner incorporates paragraphs 1-35 by reference.
39. When ICE arrested Petitioner on November 12, 2025, they flagrantly violated federal

regulations.

40. Petitioner was under a valid Order of Supervision following her 2011 grant of withholding of removal. She had fully complied with all requirements.
41. Respondents violated 8 C.F.R. § 241.4(I)(1), which requires that upon revocation of supervised release, “the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.”
42. Respondents provided Petitioner with no written notification of revocation, no explanation of the reasons for revocation, and no opportunity to contest the revocation.
43. Respondents further violated 8 C.F.R. § 241.4(I)(2), which provides that only the Executive Associate Commissioner or a district director may revoke supervised release, and the district director may do so only “when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” Upon information and belief, no such determination was made by the Executive Associate Commissioner or district director, and no exigent circumstances existed that would have prevented referral to the proper authority.
44. These regulations were promulgated to safeguard due process rights of noncitizens, and Respondents’ violations severely prejudiced Petitioner. Had these regulations been followed, Petitioner would have had a meaningful opportunity to contest the revocation of her supervised release, demonstrate her compliance with the Order of Supervision, and prevent her unlawful detention.
45. Under the well-established Accardi doctrine, when an agency fails to follow its own

procedures or regulations, that agency's actions are generally invalid. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)).

46. This Court must not permit Defendants to benefit from their flagrant regulatory violations.

47. As relief, Petitioner asks the Court to immediately order Respondents to release her from custody and restore her Order of Supervision on the same conditions as before her November 2025 arrest.

COUNT THREE
Unlawful Detention Beyond Removal Period

48. Petitioner incorporates paragraphs 1-35 by reference.

49. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen for removal only during the 90-day “removal period,” which begins when the removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(A)-(B)(i). This period may be extended only if the noncitizen “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal.” 8 U.S.C. § 1231(a)(1)(C).

50. The Supreme Court has recognized a constitutional limitation on post-removal- period detention: such detention is permissible only when there is a “significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). After six months of detention—the “presumptively reasonable period”—the government bears the burden of proving this likelihood if the noncitizen provides “good reason to believe” that removal is not reasonably foreseeable. *Id.*

51. Petitioner was initially released from custody in August 2, 2011, because she could not be removed from the United States due to her order for withholding of removal.

52. Petitioner’s removal order became final in 2011, and her 90-day removal period ended on

November 2, 2011. Her 180-day *Zadvydas* presumptively reasonable period expired February 2, 2012.

53. Over thirteen (13) years later, Petitioner remains unremovable to Mexico due to her still-valid order for withholding of removal. As of the filing of this petition, Respondents have not designated any other country for her removal.
54. Even if Respondents were to designate a third country, Petitioner would be entitled to apply for withholding of removal or protection from refoulement under, among other things, the Convention Against Torture with respect to that country, and those proceedings would further delay any potential removal.
55. Petitioner has established far more than a “good reason to believe” that there is no significant likelihood of her removal in the reasonably foreseeable future as (1) she cannot legally be removed to Mexico; (2) no other country has agreed to accept her; and (3) even if such a country were identified, Petitioner would be entitled to apply for protection from removal to that country, including on the basis that the country would send her to Mexico, a process that would take many months if not years to complete.
56. Under *Zadvydas*, Respondents cannot detain Petitioner indefinitely while they search for a country that might accept her or while they pursue lengthy legal proceedings to try to overcome her withholding protection. Such detention violates both the statutory limitations of 8 U.S.C. § 1231(a)(6) and her constitutional due process rights.
57. As relief, Petitioner requests an order from this Court immediately releasing her from Respondents’ custody and placing her under an order of supervision pursuant to 8 U.S.C. § 1231(a)(3).

COUNT FOUR
Third Country Removal Without Opportunity to Seek Protection

58. Petitioner incorporates paragraphs 1-35 by reference.
59. The Convention Against Torture, as implemented in U.S. law, prohibits Respondents from removing an individual to any country where such individual is more likely than not to face torture by or at the acquiescence of the government. *See* Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note); 8 C.F.R. §§ 1208.16(c), 1208.18. This prohibition extends to chain refoulement—the practice of deporting someone to a country which will in turn deport that person to be tortured elsewhere. *See* 8 C.F.R. § 1208.18(a)(1).
60. For an individual with an order of withholding of removal to a particular country, like Petitioner, Respondents can only remove her to another country if she first receives notice and an opportunity to apply for protection from removal to that third country. *See* 8 U.S.C. § 1231(b)(3)(A).
61. Petitioner has no claim to citizenship or permanent residence in any country other than Mexico. Accordingly, any third country to which she might be deported would, in turn, likely deport her to Mexico, where it has already been held that she faces a substantial risk of persecution.
62. Respondents have communicated to Petitioner’s counsel that they intend to remove her to a third country but have not yet determined which country.
63. Petitioner could face persecution or torture if removed directly to various other countries, including but not limited to countries with notorious human rights abuses like Libya, South Sudan, and Eritrea. Without knowing which country Respondents intend to try to remove her to, Petitioner cannot prepare or file an application for protection.
64. As relief, Petitioner request an order from this Court that Respondents may not remove

Petitioner from the continental United States without first providing her and her counsel with written notice of the specific country they intend to remove her to, and a reasonable period of time—which Petitioner respectfully suggests is at least fifteen days—to file an application for relief under, among other things, the withholding of removal statute and the Convention Against Torture with respect to such country.

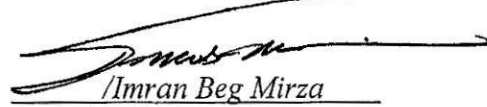
65. Additionally, as access to counsel is critical to preparing any potential application for relief, Petitioner asks that such order be further narrowed to prohibiting Respondents from removing her or relocating her to a detention facility outside the Southern District of Texas.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the Southern District of Texas;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days and setting an immediate hearing.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Issue an order that Petitioner's Order of Supervision be restored and that she continues supervision under the same terms as in place prior to November 12, 2025.
- (7) Issue an order that Petitioner be provided notice and an opportunity to request protection from removal to any third country that the Respondents may identify.
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,



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Date: November 17, 2025

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

MARIA DE LOURDES GOMEZ,)
)
 Petitioner,)
)
 v.)
)
 RANDALL TATE Warden, Montgomery)
 Processing Center, BRET BRADFORD, Houston)
 Field Office Director, TODD LYONS, Acting)
 Director U.S. Immigrations and Customs)
 Enforcement, and KRISTI NOEM, U.S. Secretary)
 of Homeland Security,)
)
 Respondents.)
)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INDEX OF EXHIBITS

- Exhibit 1—Removal and Withholding Order
- Exhibit 2—Order of Supervision
- Exhibit 3—Detention Information

3.9

IMMIGRATION COURT
2320 LA BRANCH ST., RM 2235
HOUSTON, TX 77004

In the Matter of

GOMEZ, MARIA DE LOURDES
Respondent

Case No.: 

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on August 2, 2011. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to MEXICO or in the alternative to *Such removal to be considered.*
- Respondent's application for voluntary departure was denied and respondent was ordered removed to MEXICO or in the alternative to .
- Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to MEXICO.

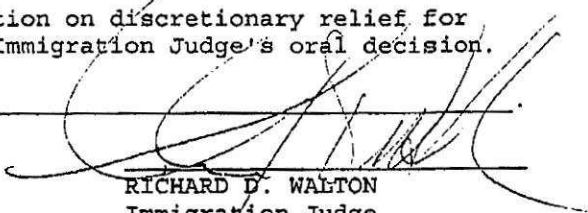
Respondent's application for:

- Asylum was () granted () denied () withdrawn.
- Withholding of removal was () granted () denied () withdrawn.
- A Waiver under Section _____ was () granted () denied () withdrawn.
- Cancellation of removal under section 240A(a) was () granted () denied () withdrawn.

Respondent's application for:

- Cancellation under section 240A(b)(1) was () granted () denied () withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Cancellation under section 240A(b)(2) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Adjustment of Status under Section _____ was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Respondent's application of () withholding of removal () deferral of removal under Article III of the Convention Against Torture was () granted () denied () withdrawn.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other:

Date: Aug 2, 2011




RICHARD D. WALTON
Immigration Judge

Appeal: ~~Waived~~/Reserved Appeal Due By:

Sept 1, 2011

EXH. 1

ALIEN NUMBER: 

ALIEN NAME: GOMEZ, MARIA DE LOURDES

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP DHS
DATE: 8-2-11 BY: COURT STAFF
Attachments: EOIR-33 EOIR-
28 Legal Services List Other

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-220B

Alien Name Gomez, Maria De Lourdes		File Number 	Date September 29, 2016
 Alien Signature Alien's Address 		 Photo Right Index Print	

PERSONAL REPORT RECORD

Date	Officer	Comments / Charges
09/29/2015	G-184	Subject to be placed on O/S for Humanitarian Reasons Subject's initial report date is 10/29/2015. (See EARM Comments)
		Reported As Required
	M.S.G.	Officer Initials
	Nov 3, 2016	Next report date
		Nov 2, 2017
	M.S.G.	Reported As Required
	Nov 7, 2019	Officer Initials
		Next report date
	J.S.	Reported As Required
		Next report date
		Next report date Nov 09, 2020
		Nov - G 2020
		(By Phone) 8:45 am.
		Next Report
		Nov - 9 - 2021
		Officer
		Cabler

EXH. 2

search

11/17/25, 12:10 PM

Official Website of the Department of Homeland Security



Report Crimes: Email or Call 1-866-DHS-2-ICE

Home | Who We Are | **What We Do** | Newsroom | Information Library | Contact ICE

Search Results: 1

MARIA DE LOURDES GOMEZ

Country of Birth : Mexico

A-Number:

Status : In ICE Custody

State: TX

Current Detention Facility: MONTGOMERY PROCESSING CTR (IHSC)

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

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 - About the Detainee Locator
 - Brochure
 - ICE ERO Field Offices
 - ICE Detention Facilities
 - Privacy Notice

- #### External Links
- Bureau of Prisons Inmate Locator



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EXH. 3