

FILED

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KAREN N HERNANDEZ-SALAZAR

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

"DETAINED"

300 El Rancho Wy, Dilley, TX 78017

Respondent

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
U.S. District Court, Western District of Texas
655 East César E. Chávez Boulevard, Room G65
San Antonio, TX 78206**

SA25CA1548 FB

In the Matter of:

**KAREN N HERNANDEZ-SALAZAR)
Petitioner,)
VS ALEJANDRO)
MAYORKAS, Secretary of Homeland) PETITION FOR WRIT OF HABEAS
Security; PATRICK J.)
LECHLEITNER, Acting Director of U.S.) CORPUS PURSUANT TO 28 U.S.C. § 2241
Immigration and Customs)
Enforcement; FIELD OFFICE)
DIRECTOR, Dallas Field Office, U.S.)
Immigration and Customs)
Enforcement; WARDEN, Bluebonnet)
Detention Facility, ATTORNEY)
GENERAL of the United States,)**

INTRODUCTION

This case presents a constitutional emergency. The continued imprisonment of a mother lawfully paroled into the United States—without judicial review, bond determination, or opportunity for release—strikes at the heart of due process and the rule of law.

I, **Karen Nathalia Hernandez-Salazar**, appearing *pro se*, respectfully petition this Honorable Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, and in support thereof state as follows:

1. I am being unlawfully and indefinitely detained by U.S. Immigration and Customs Enforcement (“ICE”) at the South Texas Family Residential Center. My confinement is unconstitutional, arbitrary, and devoid of due process.
2. On November 6, 2025, an Immigration Judge (“IJ”) refused to exercise his lawful jurisdiction to grant me a bond hearing. While the official record reads “No action,” that notation conceals the reality: the Judge’s refusal was based on a false premise that I entered the country without inspection—a claim flatly contradicted by DHS’s own records. The result was a constructive denial of my statutory and constitutional rights.
3. Having been inspected and lawfully paroled into the United States, I am entitled to a bond hearing under INA § 236(a), 8 U.S.C. § 1226. The IJ’s refusal to act violated that statute and the Fifth Amendment.
4. This Court, as the guardian of constitutional liberty, must intervene to end an unlawful deprivation of freedom that offends both law and conscience.

JURISDICTION AND VENUE


This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to issue writs of habeas corpus to individuals held in custody in violation of the Constitution or federal law.

Venue is proper in the Western District of Texas, San Antonio Division, because Petitioner is detained at the South Texas Family Residential Center in Dilley, Texas, located within this judicial district.

PARTIES

- **Petitioner:** *Karen Nathalia Hernandez-Salazar*, citizen of Colombia, detained at the South Texas Family Residential Center.
- **Respondent Alejandro Mayorkas**, Secretary of Homeland Security, responsible for enforcing immigration law.
- **Respondent Patrick J. Lechleitner**, Acting Director of ICE, oversees national detention operations.
- **Respondent Field Office Director**, Dallas Field Office, supervises Petitioner's detention.
- **Respondent Warden**, South Texas Family Residential Center, is Petitioner's immediate custodian.
- **Respondent Attorney General** of the United States holds ultimate authority over immigration enforcement.

STATEMENT OF FACTS

1. On or about December 14, 2022, I voluntarily presented myself to U.S. Customs and Border Protection (CBP) seeking protection. I did not evade inspection.
2. After processing, I was inspected and lawfully paroled into the United States pursuant to INA § 212(d)(5).
3. I am a derivative applicant on my husband Edgar Alfonso Vera Villar's pending asylum application (USCIS Receipt No. ). We fled persecution in Colombia with our children. One of my two minor children is a two-year-old U.S. citizen.
4. Based on this pending application, USCIS—another arm of the Department of Homeland Security—recognized my lawful presence and granted me an Employment Authorization

Document (EAD). For nearly two years, I complied fully with all DHS requirements, paid taxes, and worked legally to support my family.

5. My situation exposes a profound contradiction: the same government that lawfully recognized me and issued a work permit now detains me as if I were unlawfully present. Both realities cannot coexist. This inconsistency is not only irrational but unconstitutional, violating fundamental fairness and equal protection.
6. On January 5, 2023, I was scheduled for a routine ICE check-in as part of my reporting obligations. I complied in good faith. Nearly two years later, on October 21, 2025, I appeared again as instructed—and was arrested on the spot. My detention is therefore a punishment for compliance, not defiance.
7. On November 6, 2025, I appeared before Immigration Judge Nathan L. Herbert for a bond hearing. The IJ declared he lacked jurisdiction under INA § 235(b)(2)(A) and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), despite clear evidence that I had been paroled. My attorney withdrew the motion only after the IJ's unequivocal refusal to hear the case—thus, the record's notation of "No action" reflects a **constructive denial**, not consent.
8. This detention has torn me from my children, causing ongoing emotional and psychological harm.
9. Having exhausted all administrative remedies, and because the BIA lacks jurisdiction over an IJ's refusal to hear a bond motion (*Matter of Fajardo*, 28 I&N Dec. 505 (BIA 2022)), habeas relief is my only remaining recourse.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the Immigration and Nationality Act (INA § 236(a))

Congress created a clear statutory distinction between arriving aliens seeking admission and those, like Petitioner, who have been inspected and paroled. The former are governed by INA § 235, while the latter fall under INA § 236(a), which expressly authorizes release on bond after an individualized hearing.

The IJ's refusal to exercise jurisdiction usurps Congressional intent and nullifies the protections Congress built into § 236(a). His finding that Petitioner "entered without inspection" is a legal impossibility contradicted by DHS's own grant of parole.

In *Gonzalez Garcia v. Barr*, No. 19-CV-694, 2020 WL 555395 (W.D.N.Y. Feb. 3, 2020), the court held that "continued detention under § 235 is unauthorized once parole is granted." Similarly, *Calderon v. Sessions*, 330 F. Supp. 3d 944 (S.D.N.Y. 2018), confirmed that parolees are not "applicants for admission" for bond purposes. The IJ's misclassification is therefore a blatant statutory violation requiring correction by this Court.

SECOND CAUSE OF ACTION

Violation of the Fifth Amendment (Due Process Clause)

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. This protection extends to all persons within the United States. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Procedural due process requires notice and a meaningful opportunity to be heard. *Demore v. Kim*, 538 U.S. 510 (2003), allows civil detention only when accompanied by a fair and neutral hearing. Petitioner was denied that right. The IJ's predetermined refusal to act extinguished any meaningful review, amounting to a constructive denial of due process.

Substantive due process further prohibits arbitrary detention once confinement ceases to serve a legitimate regulatory purpose. Petitioner has no criminal record, has complied with all directives, and supports a U.S. citizen child. Her continued confinement is punitive and conscience-shocking. *County of Sacramento v. Lewis*, 523 U.S. 833 (1998).

Each day she remains detained without individualized review deepens an ongoing constitutional injury that only this Court can remedy.

THIRD CAUSE OF ACTION

Violation of the Fourth Amendment (Unreasonable Seizure)

The Fourth Amendment protects against unreasonable seizures. An arrest and its ensuing confinement constitute a seizure. *Gerstein v. Pugh*, 420 U.S. 103 (1975). Even a seizure initially lawful becomes unconstitutional when prolonged without judicial review.

Petitioner's continued confinement—months after lawful parole, without a finding of danger or flight risk—has become an unreasonable, arbitrary seizure. The denial of a bond hearing deprived her of the only legal mechanism to test the legitimacy of her detention. *Ochoa v. Campbell*, 266 F. Supp. 3d 1237 (E.D. Wash. 2017).

This prolonged detention violates the Fourth Amendment's reasonableness requirement and constitutes an abuse of executive power.

PRAYER FOR RELIEF

WHEREFORE, Petitioner **Karen Nathalia Hernandez-Salazar** respectfully prays that this Honorable Court:

A. Assume jurisdiction over this matter;

- B. Grant this Petition for Writ of Habeas Corpus;
- C. Order Petitioner's immediate release from unlawful custody; or, in the alternative,
- D. Direct Respondents to provide a constitutionally and statutorily adequate bond hearing within 48 hours; and
- E. Grant such other and further relief as this Court deems just and proper to uphold justice and the Constitution.

Dated: November 10, 2025

Respectfully submitted.

/s/ Karen Nathalia Hernandez-Salazar
Karen Nathalia Hernandez-Salazar

Karen Nathalia Hernandez-Salazar.

Pro Se A-Number



South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017

VERIFICATION

I, Karen Nathalia Hernandez-Salazar, declare under penalty of perjury under the laws of the United States of America that the foregoing Petition for Writ of Habeas Corpus is true and correct to the best of my knowledge and belief.

Executed on November 10, 2025.

/s/ Karen Nathalia Hernandez-Salazar
Karen Nathalia Hernandez-Salazar

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2025, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus by U.S. Mail, postage prepaid. on:

Office of the U.S. Attorney
Northern District of Texas
1100 Commerce Street, Third Floor
Dallas, TX 75242

Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528
Office of the Chief Counsel, ICE
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/s/ Karen Nathalia Hernandez-Salazar
Karen Nathalia Hernandez-Salazar