

I. PARTIES & CUSTODY

1. Petitioner Claudia Maritza Escobar Salmeron is currently detained at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Road, Conroe, Texas 77301. She has been detained continuously at that location since November 13, 2025.
2. Respondent Randy Tate, in his official capacity as Warden of the Montgomery Processing Center, currently holds Petitioner in custody as unlawfully ordered by the Houston Field office of ICE Enforcement and Removal Operations. The Warden’s detention facility is located within this Honorable Court’s judicial district.
3. Respondent Bret Bradford, in his official capacity as Director of the Houston Field Office of ICE Enforcement and Removal Operations, has refused to effect Petitioner’s release from the unlawful custody of the Warden of the Montgomery Processing Center.
4. Respondent Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, has refused to exercise her authority to oversee her department’s ICE Enforcement and Removal Operations and thereby effect Petitioner’s release from the unlawful custody of the Warden of the Montgomery Processing Center.
5. Respondent Pam Bondi, in her official capacity as Attorney General of the United States, has refused to exercise her authority to oversee her department’s ICE Enforcement and Removal Operations and thereby effect Petitioner’s release from the unlawful custody of the Warden of the Montgomery Processing Center.

II. JURISDICTION & VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to issue writs of habeas corpus when the petitioner is in custody in violation of the Constitution or laws of the United States.
7. Venue is proper in this district because Petitioner is detained within this district.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Petitioner has exhausted her administrative remedies to the extent required by law.
9. Petitioner has fully cooperated with Respondents and has not delayed or obstructed her detention.
10. Petitioner's only remedy is by way of this judicial action.

IV. FACTUAL AND PROCEDURAL BACKGROUND

11. Petitioner is a thirty-seven year old female native and citizen of El Salvador. *See attached*, Exhibit A: Petitioner's Passport. She fled El Salvador on or about as a result of persecution and threats of violence against her and her family.
12. Petitioner first entered the United States on January 30, 2016, without being admitted or paroled. On February 22, 2016, Petitioner was ordered removed. *See attached*, Exhibit B: Notice of Intent/Reinstate Order
13. Petitioner reentered the United States on November 8, 2016, seeking protection. She was detained and later received a credible fear interview. Her case was referred to the

Immigration Court, and on October 27, 2017, an Immigration Judge affirmed the removal order.

14. At the time, Petitioner was already pregnant. She later gave birth in the United States to her second child on [REDACTED]. This child is a U.S. citizen and has [REDACTED] [REDACTED], both requiring specialized medical care, ongoing therapies, and consistent in-person parental support.
15. Petitioner is also the mother of a U.S. citizen third child who has autism, is non-verbal, and requires continuous special-needs care, therapies, and structured environmental support. *See attached, Exhibit C: Children's Medical and School Reports*
16. Petitioner urgently needs to be reunified with her U.S. citizen children, who require her constant presence due to their medical vulnerability, disabilities, and specialized care needs. Her continued detention directly threatens the children's well-being and creates immediate and irreparable harm.
17. Since 2017, Petitioner has been placed under an Order of Supervision and has complied with every requirement. She has consistently appeared at all ICE check-ins, maintained updated contact information, and followed all instructions issued by DHS and ICE.
18. Despite full compliance, Petitioner was taken into ICE custody immediately after appearing for her scheduled ICE appointment on November 13, 2025. She now remains detained without any possibility of a hearing before an Immigration Judge, as her case is procedurally closed and she is subject to a final order. As a result, a habeas corpus action is her only available remedy.

19. Petitioner has no criminal history, and has demonstrated no conduct indicating that she is a threat to the United States or otherwise eligible for deportation.
20. Petitioner has also filed a stay of removal with the appropriate authorities in an effort to prevent the government from removing her while she seeks judicial review.

V. LEGAL FRAMEWORK FOR RELIEF SOUGHT

21. Under U.S. Code 28 § 2241, writs of habeas corpus may be granted by the district courts on behalf of a prisoner in several instances, including when they are (1) “in custody under or by the authority of the United States or is committed for trial before some court thereof,” (3) “in custody in violation of the Constitution or laws and treaties of the United States,” and (4) when they, “being a citizen of a foreign state and domiciled therein [are] in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations[.]”
22. Courts have consistently recognized “habeas corpus as an appropriate vehicle through which noncitizens may challenge the fact of their civil immigration detention.” *Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330, 336 (S.D. Tex. 2020) (citing *Zadvydas v. Davis*, 533 U.S. at 688 (ruling on merits of habeas petition challenging validity of indefinite mandatory detention)).

VI. CLAIMS FOR RELIEF

COUNT ONE:

**RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER
IN VIOLATION OF THE IMMIGRATION AND NATURALIZATION ACT.**

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioner's continued detention exceeds the authority granted under the Immigration and Nationality Act ("INA"). Respondents assert detention pursuant to 8 U.S.C. § 1231 (INA § 241), which governs post-order custody. However, detention under § 241 is strictly limited to the period "reasonably necessary" to effectuate removal.
25. Petitioner's final order of removal was issued on October 27, 2017. She was released under an Order of Supervision and lived in the community for nearly a decade, consistently reporting to ICE and complying with all supervision requirements. Her sudden re-detention in 2025—after years of demonstrated compliance—cannot be justified under § 241 because:
 - a. Detention under § 241 must be reasonably related to effectuating removal. Here, Petitioner has already filed a stay of removal, preventing DHS from lawfully removing her at this time.
 - b. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), prohibits indefinite or arbitrary post-order detention. Detention may not continue when removal is not reasonably foreseeable.
 - c. Petitioner poses no danger and no flight risk: she has no criminal history, has never missed an ICE appointment, and has fully complied with every condition of her Order of Supervision.

- d. The government cannot articulate any legitimate, non-punitive reason for suddenly incarcerating a person who has complied for nine years with supervision requirements. Petitioner's re-detention contradicts DHS's longstanding determination, upheld for years, that she can be safely supervised in the community.
26. Moreover, detaining Petitioner under § 241 is unlawful because this provision authorizes detention only when removal is reasonably foreseeable. Petitioner is the sole caregiver to two U.S. citizen children with severe medical and developmental disabilities, including: A daughter with Beckwith-Wiedemann Syndrome and hypotonia, requiring continuous medical oversight, therapy, and parental presence; A son with autism, who is non-verbal, dependent on structured support, and emotionally and medically reliant on Petitioner's care.
27. Her detention directly prevents her from fulfilling medically necessary caregiving functions and causes irreparable harm to her children. Nothing in § 241 authorizes detention that actively endangers U.S. citizen children.
28. Because removal is not reasonably foreseeable, Petitioner is not a danger or flight risk, and no statutory basis supports continued post-order detention, Respondents are unlawfully detaining Petitioner in violation of the INA. Petitioner therefore merits immediate release.

COUNT TWO:

**RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER
IN VIOLATION OF CONSTITUTIONAL DUE PROCESS**

29. Petitioner alleges and incorporates by reference paragraphs 1 through 28 above.

30. Petitioner's detention violates her right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.
31. Petitioner is unlawfully in custody pursuant to INA § 241(a)(6), 8 U.S.C. § 1231(a)(6) (2018) ("Section 241"). Under *Zadvydas*, that provision prohibits the indefinite detention of noncitizens who (i) cannot be repatriated in the reasonably foreseeable future, and (ii) pose no threat to the community. Any such detention is unconstitutional. *See Zadvydas*, 533 U.S. at 689, emphasis added ("In our view, the statute [Section 241], read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States. It does not permit indefinite detention.").
32. The Fifth Amendment prohibits detention without legal authority or based on arbitrary government action.
33. Petitioner has been detained since November 13, 2025, after she voluntarily appeared for her ICE check-in. Her detention has continued without any meaningful process, individualized custody review, or determination of necessity.
34. Petitioner cannot be repatriated in the reasonably foreseeable future. She has filed a Stay of Removal, and DHS has not demonstrated that her removal is imminent or practically achievable. Continued detention under these circumstances lacks statutory authority.
35. Petitioner poses no danger to the community, as she has no criminal history whatsoever and has lived in the United States for many years without incident.

36. Petitioner likewise poses no flight risk, as she lived under an Order of Supervision for nearly eight years, consistently complied with ICE requirements, and appeared voluntarily to her ICE appointment—where she was detained.
37. DHS has failed to conduct any individualized assessment of her detention, despite her long history of compliance, lack of criminal record, and extraordinary family circumstances.
38. Petitioner’s ongoing detention is inflicting severe and irreparable harm on her two U.S. citizen children, both of whom have significant medical and developmental disabilities. Her daughter suffers from Beckwith–Wiedemann Syndrome and hypotonia, and her son is autistic and non-verbal, both requiring constant care, therapy, and parental involvement.
39. Petitioner is the primary caregiver for her children. Her sudden detention has left them without the medically and developmentally necessary care she provides. This harm is immediate, life-altering, and constitutionally intolerable.
40. The Due Process Clause prohibits government action that is arbitrary, excessive, or shocks the conscience. Continued detention of a vulnerable mother, who is neither dangerous nor a flight risk, while her disabled U.S. children suffer severe harm, is precisely the type of arbitrary and punitive detention forbidden by the Fifth Amendment.
41. Petitioner’s detention no longer serves the goals of the immigration statute, is not reasonably related to effectuating removal, and therefore has become unconstitutional.
42. Because Petitioner’s prolonged detention lacks statutory authority and violates her substantive and procedural due process rights, she is entitled to immediate release from ICE custody.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court issue a writ of habeas corpus directing Respondents to show cause why Petitioner should not be released from custody, and to order Petitioner's immediate release from custody. Petitioner requests that this Court issue an injunction prohibiting her removal while judicial review remains pending; and award reasonable attorney's fees and costs, and grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Matthew Mendez _____
Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfon Street
Houston, Texas 77081
Tel. (346) 205-4343
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PETITIONER VERIFICATION

Petitioner, Claudia Maritza Escobar Salmeron, is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on her behalf, that the facts stated therein are true and correct to the best of her knowledge and belief.

/s/ Matthew Mendez _____

11/21/2025 _____

Matthew Mendez
Attorney for Petitioner
Claudia Maritza Escobar Salmeron

Date

CERTIFICATE OF SERVICE

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Randy Tate, in his Official Capacity as Warden of the Montgomery Processing Center, at Office of the Warden, 806 Hilbig Road, Conroe, Texas 77301.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Respondent

11/21/2025
Date

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office**, at the Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Respondent

11/21/2025
Date

CERTIFICATE OF SERVICE

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at the Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Respondent

11/21/2025
Date

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at the U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Respondent

11/21/2025
Date