

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

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U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

DEC 01 2025

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

BY: DANIEL J. MCCOY, CLERK
DJM

Petitioner:

Dayana Verónica Flores Bermeo

A#

by and through her partner and next friend,

Christian Darío Jaya Samaniego,

A#

v.

Merrick B. Garland, Attorney General of the United States;
Director, U.S. Department of Homeland Security (DHS);
U.S. Immigration and Customs Enforcement (ICE);
Warden, South Louisiana ICE Processing Center;
and all other persons having custody of Petitioner.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA:

Petitioner, Dayana Verónica Flores Bermeo (A#) , by and through her partner
and next friend Christian Darío Jaya Samaniego (A#) , respectfully petitions

this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and states as follows:

I. INTRODUCTION

1. Petitioner is a 21-year-old Ecuadorian citizen, currently detained at the South Louisiana ICE Processing Center after being arrested on November 4, 2025, in Buffalo, New York.
2. Petitioner has a pending asylum application, which provides a lawful basis for her presence in the United States while her claim is adjudicated.
3. Petitioner is approximately 12 to 13 weeks pregnant, and continued detention poses serious risks to her physical and emotional well-being, as well as to the health and safety of the fetus.
4. Petitioner was detained without a judicial warrant, raising substantial concerns regarding violations of her rights under the Fourth and Fifth Amendments to the United States Constitution.
5. Her partner, Christian Darío Jaya Samaniego, acts as her “next friend,” as allowed under 28 U.S.C. § 2242, due to her vulnerable medical condition and limited ability to advocate for herself while in ICE custody.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241, as Petitioner is in custody under the authority of the United States.
7. Venue is proper in this district because Petitioner is detained within the Western District of Louisiana at the South Louisiana ICE Processing Center.

III. FACTUAL BACKGROUND

8. Petitioner entered the United States on April 23, 2024.
9. Petitioner was detained on November 4, 2025, despite having an active and pending asylum case.

10. Petitioner is in her first trimester of pregnancy, and the stress, uncertainty, and conditions of detention significantly increase medical and psychological risks.

11. Petitioner has no criminal history, does not pose a danger to the community, and has demonstrated no risk of flight.

12. Petitioner's detention has caused severe emotional distress to her partner, who is the father of the unborn child and fears daily for Petitioner's safety and the well-being of their baby.

IV. LEGAL GROUNDS FOR RELIEF

A. Violation of Due Process

13. Petitioner's detention without a judicial warrant is inconsistent with the protections of the Fourth and Fifth Amendments.

B. Unjustified and Prolonged Detention

14. ICE has failed to demonstrate the necessity of Petitioner's continued detention, especially given her pregnancy and pending asylum application.

C. Medical Vulnerability

15. Courts recognize that pregnant detainees face unique medical risks; under these circumstances, continued detention may constitute unconstitutional punishment.

D. Eligibility for Release Under Reasonable Conditions

16. Petitioner qualifies for release on humanitarian parole, bond, or reasonable supervision.

V. REQUEST FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

a. Order her immediate release from ICE custody;

- b. Permit release under reasonable supervision, parole, or humanitarian conditions;
- c. Grant any additional relief the Court deems just and proper.

VI. NEXT FRIEND DECLARATION

I, Christian Darío Jaya Samaniego, declare under penalty of perjury that:

- 17. I am the partner of the Petitioner and the father of the unborn child.
- 18. Due to Petitioner's pregnancy, her detention, and her limited ability to advocate for herself, I am acting as her next friend pursuant to 28 U.S.C. § 2242.
- 19. I am over the age of 18 and fully competent to serve in this role.
- 20. My contact information is:

Name: Christian Darío Jaya Samaniego

A#: [REDACTED]

Date of Birth: [REDACTED] 1995

Address: [REDACTED]

Phone: [REDACTED]

Email: dario-jay@hotmail.com

I declare under penalty of perjury that the foregoing is true and correct.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1. Issue a writ of habeas corpus ordering her immediate release;
- 2. Grant humanitarian parole or other appropriate release conditions;

3. Provide any further relief that the Court considers just and proper.

Respectfully submitted,

Christian Jaya

Christian Darío Jaya Samaniego

Next Friend / Partner of Petitioner

Date: 11/26/2025

PROOF OF SERVICE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

Petitioner:

Dayana Verónica Flores Bermeo

A#



v.

Merrick B. Garland, et al.

PROOF OF SERVICE

I, Christian Darío Jaya Samaniego, declare under penalty of perjury that I served a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241
- Explanatory Letter in Support of the Petition
- Any attached exhibits and supporting evidence

On the following parties, by depositing the documents in the United States Postal Service with proper postage prepaid, on the date indicated below:

1. U.S. Attorney for the Western District of Louisiana

United States Attorney's Office

300 Fannin Street, Suite 3201

Shreveport, LA 71101

2. Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

3. Department of Homeland Security (DHS)

Office of the General Counsel

2707 Martin Luther King Jr. Ave SE

Washington, DC 20528

4. U.S. Immigration and Customs Enforcement (ICE)

Office of the Principal Legal Advisor

500 12th St SW

Washington, DC 20536

5. Warden of South Louisiana ICE Processing Center

3843 Saint Mary Street

Basile, LA 70515

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: 11/26/2025 (date)

Signature: 11/26/2025

Name: Christian Darío Jaya Samaniego

Address: 

Phone: 

Email: dario-jay@hotmail.com