

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

DEC - 4 2025

NATHAN OCHSNER
CLERK OF COURT

**URGENT PETITION FOR WRIT OF HABEAS CORPUS
FOR THE IMMEDIATE RELEASE OF CLAUDIA
AGUILAR MONTOYA**

Date: December 2, 2025

Petitioner's Representative: Ana Barbis Montoya

Phone: 631-220-1985

Address: 396 Auborn Ave, Shirley, NY 11967

TO:

The Honorable Judge
United States District Court
Southern District of Texas
Brownsville Division

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Petitioner:

Claudia Aguilar Montoya

v.

Respondents:

U.S. Immigration and Customs Enforcement (ICE)
Warden, El Valle Detention Facility

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

**MOTION TO PROCEED IN FORMA PAUPERIS
(Pro Se – Petitioner Appears on Her Own Behalf)**

INTRODUCTION AND STATEMENT OF FACTS

I, Ana Barbis Montoya, respectfully submit this urgent Petition for Writ of Habeas Corpus on behalf of my daughter, Claudia Aguilar Montoya, who is currently detained at El Valle Detention Facility in Raymondville, Texas. Claudia's continued detention and imminent removal violate her constitutional rights, federal protections, and humanitarian safeguards.

1. Approved Credible Fear but Removal Still Pursued

Claudia received a positive credible fear determination

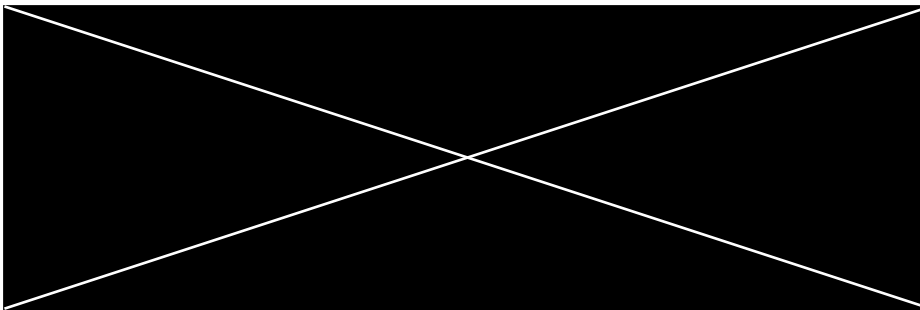
2. Pending VAWA Case Requiring Protection

Claudia has a pending VAWA petition, which provides her legal protection as a survivor of abuse. Removal at this stage would unlawfully interfere with her statutory rights.

3. Extreme Danger if Deported

ICE intends to deport Claudia to Honduras, a country where she has never lived, has no family, and faces grave and immediate danger.

4. Severe Medical and Mental Vulnerabilities



5. Harm Suffered During Detention

- Nearly three months without psychiatric medication
- Loss of over 25 pounds and visible physical deterioration
- Lack of required prescription eyeglasses for daily functioning

6. Denial of Due Process

- Deportation order issued on October 31 without adequate notice
- Denied the opportunity to defend her case at her individual hearing on November 5
- Despite intervention by Congressman Andrew Garbarino, ICE has continued deportation efforts

PRAYER FOR RELIEF

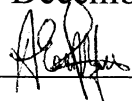
1. Order the immediate release of Claudia Aguilar Montoya from El Valle Detention Facility.

3. Grant any further relief that this Court deems just, equitable, and proper.

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on: December 2, 2025

Signature: 

Name: Ana Barbis Montoya

Address: 396 Auburn Ave, Shirley, NY 11967

Phone: 631-220-1985

ADDITIONAL RELEVANT BACKGROUND

Claudia entered the United States at the age of 12 and lived in New York for nearly twelve years before being forcibly taken out of the country by my abusive husband. The United States has been her home since childhood, and she has no family, support system, or ties in Honduras or El Salvador. Removing her now would place her in immediate danger and severe psychological harm.

On November 7, 2025, Claudia’s attorney attempted to submit a Form I-246, Stay of Removal, to ICE ERO. However, the ERO officer refused to accept the filing, stating that there was “already an appeal pending” supposedly filed by the office of Congressman Andrew Garbarino. This was inaccurate, as a congressional inquiry is not a legal appeal and does not bar a Stay of Removal. ICE’s refusal to accept the I-246 prevented Claudia from accessing a lawful remedy and further violated her right to due process.

FAILURE OF ICE TO RESPOND

Failure of ICE and Facility Staff to Respond to Repeated Urgent Communications

I have sent multiple written requests, medical updates, and urgent emails to ICE ERO and to El Valle Detention Facility regarding Claudia’s deteriorating mental health, her pending VAWA protection, and the danger she faces if

removed. These communications included medical letters, psychiatric evaluations, and evidence of her credible fear finding. Despite the urgency and the severity of her condition, none of these emails were acknowledged or answered. ICE’s failure to respond to these repeated notices further deprived Claudia of due process and demonstrates a disregard for her safety, medical needs, and pending legal protections.

I have also made multiple phone calls to ICE ERO and to El Valle Detention Facility, none of which were ever answered. Despite repeated attempts through emails, calls, and submission of medical evidence, I received no response or assistance. I have exhausted every administrative and humanitarian avenue available to me, which is why I am now turning to this Court through a Petition for Writ of Habeas Corpus in hopes of obtaining a fair and lawful resolution for my daughter.

Regarding Claudia’s pending VAWA petition, I do not yet have the official I-797 receipt notice from USCIS.

However, I can confirm that USCIS Nebraska Service Center received the VAWA filing on November 8, 2025. I have the official USPS tracking number showing delivery to the Nebraska facility, and I am submitting that tracking confirmation as evidence in place of the I-797 receipt notice, which USCIS has not yet issued.

□

SUPPLEMENTAL ADDENDUM

SUPPLEMENTAL ADDENDUM – EMERGENCY FACTS AND NEW EVIDENCE

1. Bullying, Harassment, and Abuse Due to Cognitive Disability

Claudia Aguilar Montoya has been subjected to ongoing bullying, intimidation, and ridicule by both detention facility staff and other detainees. Due to her cognitive limitations, she functions at approximately the level of a 10–12 year-old child, which causes her to speak, behave, and respond in ways that others do not understand. This has made her an easy target for mistreatment, verbal harassment, mocking, and emotional intimidation.

2. Severe Vulnerability and Child-Like Functioning

Claudia does not comprehend adult interactions or the complexity of immigration proceedings. Her mental disability places her at extreme risk of harm in a detention environment. She requires protection, supervision, and psychological stability, none of which she has received while detained at El Valle Detention Facility.

3. Deterioration of Mental and Emotional Health

As a result of bullying and her inability to understand what is happening around her, Claudia has experienced severe emotional distress and worsening psychological symptoms. She has been placed in suicide watch on three separate occasions.

4. Negligence in Medical and Mental Health Care

Claudia continues to suffer from untreated anemia, weight loss of more than 25 pounds, and lack of access to her psychiatric medications for nearly three months. Her condition places her at high risk for further psychological collapse.

5. Imminent Risk of Removal Based on Verbal Notification

Although Petitioner does not possess written documentation stating an exact removal date, Claudia was verbally informed by detention facility staff that she may be removed at any moment without further notice. Given her disability and emotional fragility, removal under these conditions would cause immediate and irreversible harm.

6. Request for Emergency Stay and TRO

Based on the new facts outlined above, Petitioner renews her urgent request for:

- An immediate Temporary Restraining Order (TRO) preventing the removal of Claudia Aguilar Montoya.
- An emergency stay of removal while this Court reviews

- An order requiring ICE to provide an immediate response explaining the legal basis for her detention and removal efforts.

Respectfully submitted,


Ana Barbis Montoya

Mother of the Petitioner



December 3, 2025

The Honorable Judge
United States District Court
Southern District of Texas
Brownsville Division

Re: Emergency Habeas Corpus – Claudia Aguilar Montoya
(A# )

Your Honor,

Enclosed please find an Emergency Petition for Writ of Habeas Corpus filed on behalf of my daughter, Claudia Aguilar Montoya, who is currently detained at El Valle Detention Facility.

Due to her cognitive disability, psychological deterioration, and the imminent threat of removal despite a pending VAWA petition, I respectfully request urgent judicial review.

Thank you for your time and consideration.

Respectfully,

Ana Barbis Montoya


Shirley, NY 11967

Phone: 

Email: emilypalma12@icloud.com