

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

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS – HOUSTON DIVISION

Petitioner:

Martha Lucía Tapasco Sierra,

by and through her daughter and "next friend,"

Jennifer Andrade Tapasco

United States Courts
Southern District of Texas
FILED

DEC 09 2025

Nathan Ochsner, Clerk of Court

v.

Merrick B. Garland, Attorney General of the United States;

U.S. Department of Homeland Security (DHS);

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

Warden/Administrator of CoreCivic Houston Processing Center;

and all other persons having custody of the Petitioner.

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

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Petitioner, Martha Lucía Tapasco Sierra, a citizen of Colombia, by and through her daughter and next friend, Jennifer Andrade Tapasco, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. §2241, and states as follows:

I. INTRODUCTION

Petitioner has been detained for nearly a full year in immigration custody under conditions that are medically dangerous, procedurally improper, and constitutionally unlawful.

She voluntarily presented herself at the border with her husband to seek protection. However:

- He was released the following day.
- She was taken into custody and has not been released since.

Her prolonged detention violates due process, federal precedent, and ICE's own standards.

Petitioner has suffered severe medical deterioration, including three falls—one during transport while shackled, and two additional falls inside the detention facility—resulting in significant injury to her already damaged knee, her shoulder, and dental trauma to her mouth. Despite these injuries, she has not received adequate medical care.

Petitioner also suffers from Class 3 (morbid) obesity, a condition requiring a medically appropriate diet that the facility does not respect.

Petitioner contracted COVID-19 while detained, was isolated for five days without proper medical supervision, and her family was never notified by the facility.

With the arrival of winter, her joint and knee pain have worsened, yet the detention center continues to deny proper medical attention.

Petitioner respectfully requests her immediate release or any other relief the Court deems just and proper.

II. JURISDICTION AND VENUE

Jurisdiction is proper under 28 U.S.C. §2241, as Petitioner challenges the legality and constitutionality of her detention.

Venue is appropriate because Petitioner is detained at:

CoreCivic Houston Processing Center

15850 Export Plaza Dr.

Houston, TX 77032

which is located within the Southern District of Texas, Houston Division.

III. PARTIES

Petitioner:

Martha Lucía Tapasco Sierra



DOB: 

Nationality: Colombian

Currently detained at the Houston Processing Center.

Next Friend (Daughter):

Jennifer Andrade Tapasco

A# [REDACTED]

DOB: [REDACTED]

[REDACTED]

Email: [REDACTED]

Nationality: Colombian

She serves as next friend because the Petitioner is detained and lacks meaningful access to counsel.

IV. FACTUAL BACKGROUND

1. Petitioner entered the United States on December 21, 2024, presenting herself at the border with her husband to request protection.

- He was released the following day.
- She was detained and has remained in custody for nearly one year.

2. Petitioner was first detained in McAllen, Texas, and later transferred to Houston. During the transfer, while shackled, she suffered a serious fall due to her pre-existing knee problems. Officers ignored her warnings regarding her medical condition before and during the transfer.

3. While detained in Houston, Petitioner suffered two additional falls inside the facility, resulting in:

- Severe impact on her injured knee
- Shoulder injury
- A fall to her face causing dental damage

Despite these incidents, she did not receive adequate medical evaluation or treatment.

4. Petitioner suffers from:

- Hypertension
- Prediabetes
- Degenerative joint issues
- A severely damaged knee
- Class 3 (morbid) obesity

Despite these conditions, the detention center does not provide proper medical care or comply with her required medical diet.

5. Petitioner contracted COVID-19 inside the detention center, was placed in isolation for five days without proper monitoring, and the facility never notified her family.

6. With winter temperatures, her joint and knee pain have intensified, and ICE continues to deny her necessary medical care.

7. Petitioner has been pressured, threatened, and coerced by officers attempting to force her to sign removal documents. Her daughter filed a complaint regarding officer misconduct, which received no response.

8. At the time of her mother's detention, Jennifer Andrade Tapasco was pregnant. Due to the stress of her mother's prolonged detention, her pregnancy shifted from normal risk to high risk.

9. Petitioner's husband, who was released, has suffered significant emotional distress, worsening his diabetes, hypertension, and cardiovascular problems.

10. Petitioner has an appeal pending before the Board of Immigration Appeals (BIA). Under 8 C.F.R. §1003.6, she cannot be removed while her appeal is pending. Petitioner and her daughter previously received threats from drug cartels in Colombia due to their work rehabilitating individuals suffering from addiction. Returning to Colombia would place Petitioner at severe risk of harm.

11. Petitioner has no criminal record, poses no danger to the community, and has a stable family support network willing to provide housing and financial support.

V. LEGAL ARGUMENTS

1. Prolonged detention without individualized review violates due process under *Zadvydas v. Davis* and *Demore v. Kim*.

2. ICE's failure to provide adequate medical care constitutes deliberate indifference in violation of the Constitution, pursuant to *Estelle v. Gamble*.

3. Coercive attempts to force the Petitioner to sign deportation documents violate the Fifth Amendment.

4. Continued detention while her BIA appeal is pending is unnecessary and punitive, and removal is legally stayed under 8 C.F.R. §1003.6.

5. Release is appropriate due to:

- Serious medical conditions
- Vulnerability factors
- Strong family support and no risk to the community

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

1. Order her immediate release under reasonable supervision conditions; or

2. In the alternative, order a bond hearing before an immigration judge;
3. Grant any further relief the Court deems just and proper.

VII. DECLARATION

I, Jennifer Andrade Tapasco, declare under penalty of perjury that the facts stated herein are true and correct to the best of my knowledge.

JENNIFER ANDRADE A

Jennifer Andrade Tapasco

Next Friend / Daughter

Date: _____