UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL No. _____

Alexandra Maria De La A Garcia,	§	
	§	
Petitioner	§	
	§	**PETITION FOR**
v.	§	**WRIT OF HABEAS CORPUS**
	§	
	§	**PURSUANT TO 28 U.S.C § 2241**
Randall "Randy" Tate, in his official capacity as Warden of the Montgomery Processing Center;	§	
BRET BRADFORD, in his official capacity as Field Office Director of ICE Enforcement and Removal Operations Houston Field Office;	§	
KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security;	§	
PAM BONDI, in her official capacity as Attorney General of the United States, Respondents.	§	

PETITION FOR HABEAS CORPUS

TO THE HONORABLE UNITED STATES DISTRICT COURT:

INTRODUCTION

1. Petitioner, Alexandra Maria De La A Garcia, is in the physical custody of Respondents at the Montgomery Processing Center, located at 806 Hilbig Rd., Conroe, TX 77301, and seeks emergency relief to obtain her release and prevent her unlawful removal to Ecuador.

2. She now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

3. Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

4. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

6. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

7. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

9. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Montgomery Processing Center, located at 806 Hilbig Rd., Conroe, TX 77301.

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of Texas, the judicial district in which Petitioner currently is detained.

13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

15. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

EXHAUSTION NOT REQUIRED 5th Circuit Court

16. Exhaustion is not required where a claimant raises a constitutional claim that the agency would reject. *Gallegos-Hernandez v. United States*, 688 F.3d 190, 194 (5th Cir. 2012)

17. No statutory exhaustion requirement applies to a petition challenging immigration detention. *See, e.g.*, *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017)("Unlike 28 U.S.C. § 2254, Section 2241's text does not require exhaustion."

UNLAWFUL RE-DETENTION AFTER A PRIOR § 236 DETERMINATION

18. ICE's prior decision to release Petitioner on her own recognizance under INA § 236 was, by definition, a government determination that she posed no danger to the community and no flight risk. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd, 905 F.3d 1137 (9th Cir. 2018). That initial release created a protected liberty interest—long recognized in analogous criminal detention contexts—as well as an "implied promise" that Petitioner would not be re-detained absent a violation of her conditions of release. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973). Yet more than a year later, and without any allegation of noncompliance, new criminal conduct, or changed circumstances, ICE abruptly altered her detention scheme and placed her back into custody. Such an unexplained reversal is arbitrary, procedurally defective, and constitutionally impermissible, as it disregards the agency's prior risk determination and deprives Petitioner of her liberty interest without notice, reasoned justification, or the minimal due process required before revoking a previously granted release.

LEGAL FRAMEWORK

1. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

2. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

3. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

4. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

5. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

6. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

7. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited

Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

8. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

9. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

10. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

11. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

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[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

12. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

13. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

14. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025

WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g.*, *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not §1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

15. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

16. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

17. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress

creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

18. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

19. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

20. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

STATEMENT OF FACTS

21. Petitioner is a thirty-five-year-old female and a native and citizen of Ecuador. *See attached,* Exhibit 1: Petitioner's Work Permit.

22. Petitioner first entered the United States through Miami, Florida, on or about December 27, 2023, pursuant to a B-1 visa.

23. Petitioner subsequently fled Ecuador due to escalating violence, targeted threats, and severe economic instability that placed her safety and well-being in immediate jeopardy. She arrived in the United States at or near Lukeville, Arizona, on or about April 14, 2024, seeking protection from the dangerous conditions she faced. *See attached*, Exhibit 2: Notice to Appear.

24. Petitioner was apprehended by DHS and placed in removal proceedings before the Houston Greenspoint Park Immigration Court pursuant to 8 U.S.C. § 1229(a), alleging inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i). *See id.*

25. Petitioner was subsequently released on her own recognizance pursuant to Section 236 of the INA, reflecting DHS's determination that she posed no danger to the community and no flight risk. *See attached*, Exhibit 3: Order of Release on Own Recognizance. Courts have long recognized that such a release creates a protected liberty interest and an "implied promise" that the individual will not be re-detained absent a violation of release conditions or a material change in circumstances. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd, 905 F.3d 1137 (9th Cir. 2018); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

26. Petitioner has developed substantial ties to the United States during her period of residence. She has embraced the culture and values of this country and has been an active, contributing member of her community.

27. On or about February 13, 2025, Petitioner filed an affirmative asylum application with the Executive Office for Immigration Review (EOIR). She had an initial master calendar hearing set for 2027. That application remains pending and unresolved. See attached, Exhibit 4: Form I-589 Application.

28. Petitioner has no criminal history whatsoever and poses no risk to the community. Nothing in her background indicates she is a danger to the United States or that her detention is necessary for public safety.

29. On or about November 21, 2025, Petitioner was arrested while attending her scheduled ICE check-in. Without warning or explanation, she was taken into ICE custody and is currently detained at the Montgomery Processing Center, located at 806 Hilbig Rd., Conroe, Texas 77301.

30. Petitioner's abrupt re-detention—after over a year of full compliance with all ICE check-ins and immigration requirements—lacks any valid procedural or substantive justification. *See attached*, Exhibit 5: Evidence of Petitioner's ICE Check-Ins. The government has identified no violation of conditions, new derogatory information, or changed circumstances that would justify revoking the liberty previously granted under INA § 236. Such a sudden reversal is arbitrary, procedurally defective, and constitutionally impermissible, as it disregards DHS's original risk assessment and Petitioner's reliance on her prior release to build a stable life and prepare her asylum case. Her continued confinement severely impairs her ability to prepare her claim, consult with counsel, and support her family. These harms are immediate, concrete, and irreparable.

31. If not enjoined, Petitioner faces months or even years of prolonged detention despite her strong equities, pending asylum claim, documented compliance history, and the absence of any risk factors. Such ongoing custody violates her constitutional rights and undermines the procedural protections afforded under federal law.

32. Petitioner respectfully seeks this Court's emergency intervention to restore her liberty and prevent further irreparable harm while her underlying immigration proceedings continue.

33. The Government has failed to provide any meaningful justification for her sudden arrest or continued detention. Given the absence of individualized findings supporting custody, the arbitrary revocation of her prior release, and the grave and immediate harms at stake, Petitioner now submits this Emergency Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and respectfully requests that this Honorable Court order her immediate release.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

34. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

35. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

36. Petitioner has a fundamental interest in liberty and being free from official restraint.

37. The government's detention of Petitioner without a bond redetermination hearing to determine whether she is a flight risk or danger to others violates her right to due process.

COUNT II

Violation of Due Process

38. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

39. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. Petitioner has a fundamental interest in liberty and being free from official restraint.

41. The government's detention of Petitioner without a bond redetermination hearing to determine whether she is a flight risk or danger to others violates her right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Honorable Court:

42. **Assume jurisdiction** over this matter;

43. **Order Respondents to show cause** within three (3) days why this Petition should not be granted;

44. **Issue a Writ of Habeas Corpus** requiring that Respondents immediately release Petitioner, or in the alternative, provide Petitioner with a constitutionally adequate bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days;

45. **Declare Petitioner's detention unlawful**, finding that continued detention violates the Due Process Clause of the Fifth Amendment and applicable statutory provisions;

46. **Set an expedited hearing** on Petitioner's motion for preliminary injunction, and after hearing, issue a **Preliminary Injunction** maintaining the above-requested relief during the pendency of this action;

47. **Waive the security requirement** under Fed. R. Civ. P. 65(c) due to Petitioner's indigent status, or alternatively, set security in a nominal amount;

48. **Award Petitioner attorney's fees and costs** under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and

49. **Grant such other and further relief** as this Court deems just and proper.

NOTICE

50. Petitioner has taken **reasonably calculated steps to effect service of process** on each of the Respondents named herein and has provided them with copies of this Petition and accompanying motion as detailed in the Certificate of Service below.

Respectfully submitted,

CEDILLO LAW FIRM

By: /s/ Stephanie M. Pimentel, Esq.
Stephanie M. Pimentel
State Bar No.24119264
Southern District of Texas Bar No. 3792560
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719 Sawdust Rd. Ste., 100
The Woodlands, TX 77384
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Fax: (346) 239-1822

CERTIFICATE OF EMERGENCY

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render her habeas corpus petition moot and cause irreparable constitutional harm.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

CERTIFICATE OF CONFERENCE

I hereby certify that due to the emergency nature of this motion and the imminent threat of removal, I have been unable to confer with opposing counsel regarding this motion.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Randall "Randy"Tate, in his Official Capacity as Warden of the Montgomery Processing Center**, at (1) Office of the Warden, 806 Hilbig Road, Conroe, Texas 77301, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 (1) U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; and (2) to the Assistant Attorney General for Administration, U.S. Department of Justice, Justice Management Division, 950 Pennsylvania Avenue, NW, Room 1111, Washington, D.C. 20530; and (3) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/Stephanie M. Pimentel 12/09/2025
Stephanie M. Pimentel Date
Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL No. _____

Alexandra Maria De La A Garcia,	§	
	§	
Petitioner	§	
	§	**PETITION FOR**
v.	§	**WRIT OF HABEAS CORPUS**
	§	**PURSUANT TO 28 U.S.C § 2241**
Randall "Randy" Tate, in his official capacity	§	
as Warden of the Montgomery Processing Center;	§	
	§	
Et. al,	§	
	§	
Respondents.	§	

PROPOSED ORDER GRANTING WRIT OF HABEAS CORPUS

Having considered Petitioner's Petition for Writ of Habeas Corpus, and good cause appearing, IT IS HEREBY ORDERED that:

1. The Court ORDERS the immediate release of Petitioner, Alexandra Maria De La A Garcia, from the Department of Homeland Security ("DHS") custody at the Montgomery Processing Center, located at 806 Hilbig Road, Conroe, Texas 77301, under appropriate safeguards to be determined and implemented by DHS;
2. Petitioner shall comply with all reporting and supervision requirements set by DHS/ICE while her removal proceedings remain pending before the Houston Immigration Court;
3. Respondents, their agents, employees, and successors are RESTRAINED AND ENJOINED from removing Petitioner from the United States during the pendency of her removal proceedings;
4. Respondents shall immediately notify all relevant personnel, including but not limited to ICE Enforcement and Removal Operations, that Petitioner shall not be removed from the United States;
5. Petitioner must be present for the next hearing in this Court, if any;
6. This Order may be served by facsimile, email, or other means reasonably calculated to provide immediate notice.

SIGNED this _____ day of _____, 2025.

_____