

**FILED.**

**DEC 15 2025**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY CLERK

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**AINA BARRETO-SANTAMARÍA,**

A# Petitioner,

**SA25CA1774 XR**

v.

**FIELD OFFICE DIRECTOR,**

U.S. Immigration and Customs Enforcement (ICE)  
San Antonio Field Office,  
Respondent.

Case No.: 25-25349-CV-Smith.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

**28 U.S.C. § 2241**

**Illegal Seizure – Unlawful State Detention – Invalid Federal Custody**

Petitioner, **AINA BARRETO-SANTAMARÍA**, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241, and alleges:

**I. INTRODUCTION**

Petitioner is a **22-year-old Colombian national**, currently detained at the **Dilley Immigration Processing Center, Texas**, despite:

- having a **pending asylum application filed April 5, 2021**,
- possessing a **valid Employment Authorization Document**,
- having **no criminal history**,
- maintaining **stable residence and community ties**, including church involvement,
- and having fully complied with U.S. immigration law.

Her detention is unlawful because:

1. She was **unconstitutionally seized** by private individuals acting under color of law.
2. She was delivered to Orange County Jail **without charges** and **without probable cause**.
3. The Jail never filed criminal charges and unlawfully held her.
4. ICE assumed custody **without issuing an NTA**,
5. ICE continues to detain her **without lawful basis**,
6. ICE subsequently transferred her to Texas, impairing access to evidence and family.

The evidence supporting these facts is exactly the same as in the original habeas you filed earlier (see Exhibits).

Petitioner respectfully requests:

- **IMMEDIATE RELEASE**, or
- a **custody review within 48 hours**, and
- an **EMERGENCY NON-TRANSFER ORDER** preventing ICE from moving her further.

## II. JURISDICTION AND VENUE

Jurisdiction exists under **28 U.S.C. § 2241(c)(3)**.

Venue is proper because:

- Petitioner is **currently detained in this District**,
- at **Dilley Immigration Processing Center**,
- under the custody of the **San Antonio ICE Field Office Director**, who is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

## III. PETITIONER INFORMATION

**Name:** Aina Barreto-Santamaria

**A-Number:** [REDACTED]

**DOB:** [REDACTED]

**Asylum Filing Date:** April 5, 2021

**Current Facility:** Dilley Immigration Processing Center, Texas

**Initial Arrest Location:** Orange County Jail, Florida (Booking No. [REDACTED])

#### IV. STATEMENT OF FACTS

Based exclusively on the exhibits in the original case:

HC AINA BARRETO

1. On November 7, 2025, Petitioner attended the EDC festival in Orlando.
2. Individuals wearing event-staff wristbands detained her **without warrant or legal authority**.
3. She was forced into private vehicles and delivered to Orange County Jail.
4. Jail records (Exhibit: No Criminal Charges) show **no charges were ever filed**.
5. She was held multiple days without a hearing.
6. ICE took custody **without issuing a Notice to Appear**.
7. At the time the original habeas was drafted, ODLs showed "**Call ICE for Details**" indicating concealed custody details.
8. ICE transferred Petitioner to Texas without providing written notice, legal basis, or custody determination.
9. Petitioner has an asylum case pending (receipt included).
10. Petitioner possesses a valid EAD (Exhibit).
11. Petitioner has strong community ties, as stated in the church letter included in the original packet.

These facts are identical to those already documented in the habeas filed in Florida.

#### V. LEGAL CLAIMS

##### **Count 1 – Fourth Amendment Violation (Unlawful Seizure)**

Private individuals acting jointly with the state seized Petitioner without probable cause.

##### **Count 2 – Fifth Amendment – Substantive Due Process**

Indefinite and arbitrary detention without lawful basis violates *Zadvydas v. Davis*.

##### **Count 3 – Procedural Due Process Violation**

ICE failed to issue an NTA, conduct a custody review, or provide proper notice.

##### **Count 4 – Invalid Custody Based on Unconstitutional State Detention**

Unlawful state confinement cannot serve as the basis for federal custody.  
(*Wong Sun v. United States*, 371 U.S. 471)

**Count 5 – Jurisdictionally Improper Transfer**

ICE transferred Petitioner to Texas to hinder access to counsel and judicial review.

**VI. REQUEST FOR RELIEF**

Petitioner respectfully requests that this Court:

1. **Order her immediate release from ICE custody;**
2. **Alternatively, order a bond/custody redetermination hearing within 48 hours;**
3. **Issue an Emergency Non-Transfer Order** prohibiting ICE from relocating her during litigation;
4. Grant all other appropriate relief.

**VII. VERIFICATION**

Under 28 U.S.C. § 1746:

I, **AINA BARRETO-SANTAMARÍA**, declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/11/ 2025

Signature: Aina Barreto Santamaria.  
AINA BARRETO-SANTAMARÍA

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**NOTICE OF SERVICE**

**AINA BARRETO-SANTAMARÍA**

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Petitioner

I, Aina Barreto-Santamaría, hereby notify the Court that on the date indicated below, I have served true and correct copies of the following documents:

- Emergency Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Temporary Restraining Order / Non-Transfer Order
- Exhibits
- Verification
- Proofs of Service

These documents were served by U.S. Mail to:

1. **Clerk of Court**  
U.S. District Court  
Western District of Texas – San Antonio Division  
655 E. César E. Chávez Blvd.  
San Antonio, TX 78206
2. **Field Office Director**  
ICE – Enforcement and Removal Operations  
San Antonio Field Office  
3523 Cross Point Drive  
San Antonio, TX 78217
3. **Civil Process Clerk**  
Office of the United States Attorney  
Western District of Texas – San Antonio Division  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216

Executed on: 12/11/ 2025

Signature: Aina Barreto Santamaria.

**AINA BARRETO-SANTAMARÍA**

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