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Attorney for Petitioner

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**Meliza Chavarria Quiroz,** )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 **Martin Frink,** Warden, Houston )  
 Processing Center; **Paul McBride,** *Field Office* )  
 *Director of Immigration & Customs Enforcement,* )  
 *Enforcement And Removal Operations Houston* )  
 *Field Office,* **Todd Lyons,** Acting Director, ICE, )  
 **Kristi Noem;** Secretary of the U.S. )  
 Department of Homeland Security; and **Pamela** )  
 **Bondi,** Attorney General of the United States, )  
 in their official capacities, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

Case No. \_ 25-6142

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**ORAL ARGUMENT  
REQUESTED**

**INTRODUCTION**

1. Petitioner, Meliza Chavarria Quiroz, is a native and citizen of Mexico who is currently detained by U.S. Immigration and Customs Enforcement at the Processing Center in Houston Texas. Ms. Chavarria has been in ICE custody since June 25, 2025. On November 12, 2025, An Immigration Judge granted Ms. Chavarria Deferral of removal and protection under the Convention Against Torture (CAT), recognizing that she faces clear probability of torture if returned to Mexico. Despite this protection order, ICE has kept her in custody more than 30 days after her grant and for a cumulative total of 180 days or more. Immigration and Customs Enforcement (ICE) refuse to release Ms. Chavarria, claiming that it is looking for alternative

countries of removal despite knowing that she lacks citizenship in or a connection to any other country.

2. Petitioner challenges her continued detention by ICE even after being granted Deferral of Removal under CAT. Absent an order from this Court, Petitioner will remain indefinitely detained without lawful justification and continue to suffer irreparable harm to her liberty and well-being despite final determination of her removal proceedings.

3. Ms. Chavarria's continued detention is arbitrary, unlawful and unconstitutional. She requests that this Court order her immediate release from ICE custody under reasonable conditions of supervision. Accordingly, to vindicate Petitioner's Constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

4. Ms. Chavarria is detained pursuant to 8 U.S.C. § 1231, which governs the detention of non-citizens with a final order of removal that has been withheld or deferred by an IJ. due to a substantial risk of persecution or torture in their home country. 8 U.S.C. § 1231(a)(1)(B)(i). Ms. Chavarria's removal order and accompanying relief grant became final when ICE failed to timely appeal her relief grant. 8 C.F.R. § 1241.1.

5. Ms. Chavarria's continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because her removal is not reasonably foreseeable. She cannot be deported to her home country of Mexico because she was granted protection under the Convention Against Torture (CAT) with respect to that country. 8 C.F.R. § 1208.17. ICE's half-hearted attempts to remove Ms. Chavarria to a random collection of unspecified alternative countries—to which she has no ties, and which have no policy or history of accepting non-citizen deportees—are speculative and futile.

6. Furthermore, the ICE San Antonio Field Office's across-the-board detention of Ms.

Chavarria and similarly situated individuals without prompt, individualized determinations of whether they should remain detained is inconsistent with ICE's own long-standing policy, thereby violating the Administrative Procedure Act (APA) and due process. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

### **JURISDICTION AND VENUE**

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

8. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas*, 533 U.S. at 687. Federal courts also have federal question jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus"). The APA affords a right of review to a person who is "adversely affected or aggrieved by agency action." 5 U.S.C. § 702. Respondents' continued detention has adversely and severely affected Petitioner's liberty and freedom.

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at Dilley Immigration Processing Center in Dilley, Tx. Furthermore, a substantial part of the events or

omissions giving rise to this action occurred and continue to occur at ICE's San Antonio Field Office in San Antonio, Texas within this division.

**REQUIREMENTS OF 28 U.S.C. § 2243**

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

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

**PARTIES**

12. Petitioner is native and citizen of Mexico who was granted Deferral of removal under the Convention Against Torture. Petitioner is currently detained at Houston Processing Center. She is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent Martin Frink is the Warden of Houston Processing Center, and is being sued in his official capacity. He has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent is a legal custodian of Petitioner.

14. Respondent, Paul McBride, is sued in his official capacity as the Field Office Director of the Houston Field Office of U.S. Immigration and Customs Enforcement. Respondent is a legal

custodian of Petitioner and has authority to release him.

15. Respondent Todd Lyons is sued in his official capacity as the acting director of Immigration and Customs Enforcement, (ICE). In this capacity, Respondent oversees ICE, the component agency responsible for Petitioner's detention. Respondent is a legal custodian of Petitioner.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act. Respondent is a legal custodian of Petitioner.

17. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.

### **STATEMENT OF FACTS**

**1.** Petitioner is a 47-year-old citizen of Mexico who has resided in the United States for more than 11 years and has deep family, economic, and community ties in this country. She was granted deferral of removal under the Convention Against Torture (CAT) on November 12, 2025, after an Immigration Judge determined that she could not be safely returned to Mexico. She has been married to her husband for 9 years.

**2. Arrival in the United States:** Petitioner entered the United States on or about

April 2, 2014 with parole seeking safety and protection from harm in Mexico. She has not departed the United States since her entry and has no remaining ties to her country of origin as her family members are deceased.

**3. Detention by ICE:** Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) since November 22, 2025, at Dilley Immigration Processing Center.

**3. Grant of CAT Deferral:** On September 17, 2002, an Immigration Judge granted Petitioner deferral of removal under the Convention Against Torture (CAT) after finding that she would face a substantial risk of torture if returned to Mexico.

**6. Community ties:** Petitioner owns and operates a successful restaurant in Florida, where she works daily and contributes to the local economy. She also owns the commercial property associated with her business, reflecting her long-term investment in and commitment to her community. Petitioner has no criminal history and has never been arrested, charged, or convicted of any crime in the United States or abroad. Throughout her decades-long residence in the United States, she has consistently complied with U.S. law, including filing federal tax returns and meeting all legal obligations.

**7. Ongoing Harm from Detention:** Petitioner's continued detention separates her from her U.S. citizen children, threatens the stability of her family and business, and deprives her of liberty despite the fact that her removal is not reasonably foreseeable due to her CAT protection

### **LEGAL FRAMEWORK**

18. Petitioner's detention is governed by federal law, including §§ 1226 and 1231, and by

the Constitution’s Fifth Amendment, which guarantees that no person shall be deprived of liberty without due process of law. Under 8 U.S.C. § 1231(a)(1)(C), the government may not detain an individual indefinitely if removal is not reasonably foreseeable. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that prolonged detention of noncitizens whose removal is not reasonably foreseeable violates the Constitution. Individuals granted deferral of removal under the Convention Against Torture (CAT) cannot be lawfully removed to the country of concern, making detention without a lawful basis unlawful and indefinite.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)**

19. Petitioner realleges and incorporates by reference the paragraphs above. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701. Petitioner’s continued detention has become unreasonable because her removal is not reasonably foreseeable. Therefore, her continued detention violates 8 U.S.C. § 1231(a)(6), and she must be immediately released.

### **COUNT II**

#### **ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)**

21. Petitioner realleges and incorporates by reference the paragraphs above. Courts must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). ICE has deviated from its own policy in continuing to detain Petitioner after she was granted immigration relief, without

determining whether exceptional circumstances warrant his continued detention. This is arbitrary, capricious, and contrary to law in violation of the APA. As a remedy, this Court should conduct its own review of Petitioner's custody or, least, order ICE to review Petitioner's custody under the standard articulated in ICE policy.

### **COUNT III**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

22. Petitioner realleges and incorporates by reference the paragraphs above. ICE has violated Petitioner's due process rights by denying her an individualized custody review to which she is entitled under ICE policy. As a remedy, this Court should conduct its own review of Petitioner's custody or, at least, order ICE to review Petitioner's custody under the standard articulated in ICE policy.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully request that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this petition should not be granted in three days;
- c. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- d. Order Petitioner's immediate release; Alternatively, review Petitioner's custody under the standard articulated in ICE policy, or order ICE to review Petitioner's custody accordingly;
- e. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- g. Grant any further relief this Court deems just and proper.

Dated: December 19, 2025

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a horizontal line.


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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, John F. Waldron, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 19<sup>th</sup> day of December, 2025.

  
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John F. Waldron