UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Francy Aurymar Varela Herrera,

Petitioner,

v. Case No.:

Kristi Noem, Secretary of the Department of Homeland Security; **Pamela Bondi**, Attorney General of the U.S.; **Todd M. Lyons**, Acting Director of U.S. Immigration and Customs Enforcement; and **Garrett Ripa**, ICE ERO Miami, Field Office Director,

Respondents.
_____/

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241 AND FOR IMMEDIATE RELEASE

To the Honorable Judge of Said Court:

I. INTRODUCTION

1. Petitioner, Francy Aurymar Varela Herrera (hereinafter "Ms. Varela Herrera"), seeks a writ of habeas corpus to remedy her unlawful detention by the Respondents. Ms. Varela Herrera is being unlawfully detained by Respondents in violation of her constitutional right to Due Process.

2. Ms. Varela Herrera, a 39-year-old Venezuelan national, entered the United States (hereinafter "US") on or around January 13, 2022. After having fully complied with the conditions of her release and gaining Temporary Protected Status, the Immigration Court terminated her removal proceeding on January 20, 2025 and allowed her to re-file an application for asylum before the United States Citizenship and Immigration Services (hereinafter, "USCIS"). Despite having an asylum application pending, not having prior criminal history, and complying for more than three years with all requirements imposed upon her release after entry in 2022, she was unlawfully detained on or about December 16, 2025 without probable cause or any reasonable suspicion. She

was then transferred to the Broward Transitional Center (hereinafter, "the detention center"), a facility managed and under the supervision/control of the US Department of Homeland Security (hereinafter "DHS" or "the Department") and the US Immigration and Customs Enforcement (hereinafter "ICE").

3. Ms. Varela Herrera respectfully requests this Honorable Court order Respondents to show cause why the writ should not be granted within three days and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243.

4. Ms. Varela Herrera further respectfully requests that this Honorable Court grant her a writ of habeas corpus, ordering Respondents to release her immediately.

II. PARTIES

5. Petitioner, Francy Aurymar Varela Herrera, is a 39-year-old native and citizen of Venezuela who entered the US on or about January 13, 2022, and has a pending Application for Asylum and for Withholding of Removal, Form I-589 (hereinafter, "Asylum Application"). She is being unlawfully detained by Respondents at the detention center in Florida.

6. Respondent, Kristi Noem, is the Secretary of DHS, which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Ms. Noem is the ultimate legal custodian of Ms. Varela Herrera. This Respondent is being sued in her official capacity.

7. Respondent, Pamela Bondi, is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals (hereinafter "BIA"), the Executive Office for Immigration Review (hereinafter "EOIR"), and the Immigration Courts. Ms. Bondi shares responsibility for implementation and enforcement of the immigration laws with Respondent Noem. As such, Ms. Bondi is a legal custodian of Ms. Varela Herrera. This Respondent is being sued in her official capacity.

8. Respondent, Todd M. Lyons, is the Acting Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including non-citizen detention. As such, he is a legal custodian of Ms. Varela Herrera. This Respondent is being sued in his official capacity.

9. Respondent, Garrett Ripa, is the ICE Field Office Director for the Miami Field Office. The Miami Field Office is responsible for the detention of non-citizens in Florida and at the detention center where Ms. Varela Herrera is being detained. This Respondent also effects operational, legal, and factual control over the detention center and, as such, is a legal custodian of Ms. Varela Herrera. This Respondent is being sued in his official capacity.

III. JURISDICTION AND VENUE

10. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and Art. I, Sec. 9, Cl. 2 of the US Constitution (Suspension Clause), as Ms. Varela Herrera is presently in custody under, or by color of, the authority of the US and challenges her custody as in violation of the Constitution, laws, or treaties of the US.

11. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE and to order their release. *See, e.g., Demore v. Kim*, 538 U.S. 510 (2003); *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Supreme Court upheld the federal courts' jurisdiction to review such claims in *Jennings v. Rodriguez*, 583 U.S. 281, 291-295 (2018).

12. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Ms. Varela Herrera is detained at the detention center in or near Pompano Beach, Florida, within the court's jurisdiction.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. Ms. Varela Herrera has no administrative remedies available to her and her only remedy is by way of this judicial action.

14. No statutory exhaustion requirements apply to Ms. Varela Herrera's claim of unlawful detention. This petition raises a constitutional law issue, and the administrative agency will not address the constitutional issue. Likewise, the agency is unable to strike down its own regulation as in violation of the statute. *See Matter of G-K-*, 26 I. & N. Dec. 88 (BIA 2013)

15. Further, Ms. Varela Herrera is detained by Respondents pursuant to immigration custody. She has no adequate administrative remedy to obtain a bond hearing in light of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), a recent precedential decision of the BIA which determined Immigration Judges (hereinafter "IJs") lack jurisdiction to consider bond for individuals present in the US without admission under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). Exhaustion is therefore futile and not required. *See* 28 U.S.C. § 2241; *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992).

V. LEGAL FRAMEWORK

Asylum and Refugee Law

16. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a right to apply for asylum to individuals seeking safe haven in the United States. The purpose of the Refugee Act is to enforce the "historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands." Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

17. The "motivation for the enactment of the Refugee Act" was the United Nations Protocol Relating to the Status of Refugees, "to which the United States had been bound since 1968." *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative purpose "to give 'statutory meaning to our national commitment to human rights and humanitarian

concerns.'" *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

18. The Refugee Act established the right to apply for asylum in the United States and defines the standards for granting asylum. It is codified in various sections of the INA.

19. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to non-citizens who satisfy the definition of "refugee." Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution or a well-founded fear thereof. 8 U.S.C. § 1101(a)(42)(A).

20. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The Refugee Act broadly affords a right to apply for asylum to any non-citizen "who is physically present in the United States or who arrives in the United States[.]" 8 U.S.C. § 1158(a)(1).

21. Because of the life-or-death stakes, the statutory right to apply for asylum is robust. The right necessarily includes the right to counsel, at no expense to the government, *see* 8 U.S.C. § 1229a(b)(4)(A), § 1362, the right to notice of the right to counsel, *see* 8 U.S.C. § 1158(d)(4), and the right to access information in support of an application, *see* § 1158(b)(1)(B) (placing the burden on the applicant to present evidence to establish eligibility).

22. Non-citizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

23. Non-citizens who are applicants for asylum are entitled to a full hearing in immigration court before they can be removed from the United States. 8 U.S.C. § 1229a. Consistent with due process, non-citizens may seek administrative appellate review before the BIA of removal orders entered against them and judicial review in federal court upon a petition for review. 8 U.S.C.

§ 1252(a) *et seq.*

Release and Indefinite, Mandatory Detention

24. The Immigration and Nationality Act (hereinafter "INA") distinguishes between detention of applicants for admission under 8 U.S.C. § 1225 and detention of other non-citizens under 8 U.S.C. § 1226.

25. Non-citizens subject to 8 U.S.C. § 1226 may be detained by DHS upon issuance of a warrant and are eligible for release on conditional parole or bond, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention under 8 U.S.C. § 1226(c); 8 C.F.R. § 236.1(b).

26. In accordance with 8 C.F.R. § 236.1(c)(8), ICE may release the non-citizen on their own recognizance through the issuance of Form I-286 but the non-citizen "must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding."

27. Non-citizens detained pursuant to 8 U.S.C. § 1226 may request a custody redetermination by an IJ. The IJ may detain the non-citizen, release the non-citizen, and determine the amount of bond, if any. 8 C.F.R. § 236.1(d). *But see Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), a recent precedential decision of the BIA which determined that all individuals present in the US without admission were detained under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), and IJs lack jurisdiction to consider bond.

28. Non-citizens subject to expedited removal or certain recent arrivals seeking admission into the country are subject to mandatory detention under 8 U.S.C. § 1225 and may be released on a temporary grant of parole by DHS pursuant to 8 U.S.C. § 1182(d)(5)(A). The grant of parole terminates automatically at the termination of the time for which parole was authorized or upon written notice. *See* 8 C.F.R. § 212.5(e).

29. Under 8 C.F.R. § 212.5(e)(2)(i), parole termination requires an individualized discretionary determination by authorized DHS officials that neither humanitarian reasons nor public benefit justify continued parole. Under *Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019), immigration judges lack jurisdiction to conduct bond hearings for individuals subject to mandatory detention under § 1225(b), which includes individuals who enter on parole as "arriving aliens." *See* 8 C.F.R. § 1003.19(h)(2)(i); 8 C.F.R. § 1.2.

30. Nonetheless, non-citizens who enter the US are entitled to due process under the Fifth Amendment to the US Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025).

31. The Fifth Amendment's Due Process Clause prevents the government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V.

32. The interest in being free from physical restraint is the most elemental liberty interest and has always been at the core of the liberty protected by the Due Process Clause. *See Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Sopo v. U.S. Attorney General*, 825 F.3d 1199, 1212 (11th Cir. 2016), vacated on other grounds.

33. The essence of procedural due process is that a person risking a serious loss be given notice and an opportunity to be heard in a meaningful manner and at a meaningful time. *See Mathews v. Eldridge*, 424 U.S. 319, 348 (1976).

34. Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979).

35. Immigration detention should not be used as a punishment and should only be used when, under an individualized process, a determination is made that the non-citizen is a danger to the community or a flight risk because she is unlikely to appear for immigration court. *Zadvydas v.*

Davis, 533 U.S. at 690.

36. ICE has the authority to re-detain a non-citizen and revoke their release pending the outcome of removal proceedings only when there has been a change in circumstances since the individual's initial release. *See Matter of Sugay*, 17 I. & N. Dec. 637, 640 (B.I.A. 1981).

VI. FACTS AND PROCEDURAL HISTORY

37. Ms. Francy Aurymar Varela Herrera, is a 39-year-old native and citizen of Venezuela who entered the US on or about January 13, 2022.

38. Ms. Varela Herrera has no criminal history.

39. At the time of her entry, Ms. Varela Herrera was encountered by immigration officers. She expressed a fear of returning to Venezuela and the next day she was released on a humanitarian parole in accordance with INA § 212(d)(5). **Exhibit A.** She was also placed on a GPS monitor under an ICE alternatives to detention program ("ATD") and instructed to appear before ICE. **Exhibit B.**

40. After her release, and within one year of having entered the country, Ms. Varela Herrera filed an Asylum Application on August 22, 2022, because she fears returning to her home country. **Exhibit C**.

41. After complying with the ICE ATD program for more than nine (9) months, on October 31, 2022, Ms. Varela Herrera was issued a Warrant for Arrest of an Alien, served with a Notice to Appear (hereinafter "NTA") ordering her to appear before an IJ, and released from custody pending a hearing before an IJ. *See*, Warrant and NTA attached hereto as **Exhibits F** and **D**, respectively. Notably, the NTA alleges that Ms. Varela Herrera is an alien present who has not been admitted or paroled, suggesting clear custody authority under 8 U.S.C. § 1226.

42. Ms. Varela Herrera was also issued a Form I-286, Notice of Custody Determination indicating that she was being released on her own recognizance pursuant to INA section 236, after

having established to the "satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." *See* 8 C.F.R. § 236.1(c)(8). *See*, Notice of Custody Determination attached hereto as **Exhibit E**.

43. Subsequently, ICE filed the NTA with the Immigration Court, placing Ms. Varela Herrera in full removal proceedings under 8 U.S.C. § 1229.

44. On or about November 21, 2024, Ms. Varela Herrera filed and was approved for Temporary Protected Status in accordance with INA § 244 until April 2, 2025. **Exhibit H.** See 8 U.S.C. § 1254a(d).

45. On January 20, 2025, based on her grant of Temporary Protected Status, an IJ terminated Ms. Varela Herrera's removal proceedings, allowing her to pursue her application for asylum in a nonadversarial manner before USCIS. **Exhibit I.**

46. On February 28, 2025, Ms. Varela Herrera renewed her asylum application with USCIS and the government acknowledged that her I-589 remained pending. **Exhibit J.**

47. Ms. Varela Herrera obtained employment authorization and, at the time of her detention, she was gainfully employed and authorized to drive in the State of Florida. *See*, Employment Authorization Document and Florida Driver's License attached hereto as **Exhibit K** and **L**.

48. Since her release in 2022, Ms. Varela Herrera had complied with the conditions of said release for over 37 months and with the Court's order terminating her removal proceedings by maintaining a current address, appearing at check-ins, complying with GPS monitoring orders, and subsequent phone video/photographic check-ins as well as renewing her asylum application with USCIS.

49. Nonetheless, on or about December 16, 2025, Ms. Varela Herrera was targeted in an unlawful sting operation lacking probable cause or any reasonable suspicion. While on her way to

work she was suddenly, and without any justified cause, detained by Border Patrol agents who then transferred her to ICE custody. Afterwards, she was transferred to the detention center.

50. Despite no change in circumstances since the Immigration Court terminated proceedings on January 20, 2025, on December 16, 2025, ICE issued a new notice to appear charging Ms. Varela Herrera in INA § 240 proceedings (not § 235 proceedings for arriving aliens) with being subject to removal for having entered without inspection. **Exhibit M.**

51. At the time of her current detention on or around December 16, 2025, there had been no change in Ms. Varela Herrera's circumstances since her release in 2022 that would disturb ICE determination that her "release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding" pursuant to Form I-286. *See* 8 C.F.R. § 236.1(c)(8). **Exhibit E.**

52. To the contrary, Ms. Varela Herrera's dutiful compliance for 37 months, TPS grant, asylum filing and the IJ's decision terminating removal proceedings reaffirmed ICE's prior determination that she did not pose a danger to property or persons, and that she is likely to appear for any future proceeding.

53. Ms. Varela Herrera challenges Respondent's constitutional and statutory authority to detain her, where Respondents have presented no legal justification or evidence of changed circumstances to justify her re-detention after her initial release in 2022.

54. Respondents have provided no meaningful procedures and deprived Ms. Varela Herrera of procedural and substantive due process, and acted contrary to established law in an arbitrary and capricious manner. *See Jennings,* 583 U.S. at 291-298; *Id.* at 355-356 (Breyer, J., dissenting); *Zadvydas*, 533 U.S. at 688 (Explaining the court's authority to consider a habeas challenge to detention that is without statutory authority notwithstanding Congress' attempt to limit judicial review in immigration matters).

VII. CAUSES OF ACTION

Count 1: Unlawful Restraint/Detention in Violation of Constitutional Due Process

55. Ms. Varela Herrera incorporates by reference the allegations set forth in the preceding paragraphs.

56. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend.V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

57. Civil immigration detention violates due process if it is not reasonably related to its purpose. *See Zadvydas*, 533 U.S. at 690 (*citing Jackson v. Indiana*, 406 U.S. 715, 738 (1972)); *Demore*, 538 U.S. at 513. As categorical detention becomes increasingly prolonged, a sufficiently strong special justification is required to outweigh the significant deprivation of liberty. *Zadvydas*, 533 U.S. at 690-91

58. Civil detention violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690-91; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). To justify Ms. Varela Herrera's ongoing detention, due process requires that the government provide a legal justification for her re-detention and ongoing detention. *United States v. Salerno*, 481 U.S. 739, 750, 752 (1987); *Svetlana Doe, et al., v. Noem, et al.*, No. 25-cv-10495 (D. Mass. April 14, 2025).

59. In *Sopo v. U.S. Attorney General*, 825 F.3d 1199, 1217–18 (11th Cir. 2016), vacated on other grounds, the Eleventh Circuit held that prolonged detention without an individualized finding of danger or flight risk raises serious due process concerns. While *Sopo* was vacated after the petitioner was removed, Eleventh Circuit panels and district courts continue to rely on its analytical

framework, which explains that detention becomes unconstitutional when the government "provides no individualized justification" for continuing to detain a non-citizen.

60. Respondents' contemporaneous custody records confirm that Petitioner's operative detention and release posture has been governed by INA § 236 and 8 U.S.C. § 1226(a). ICE issued Petitioner a Form I-286 expressly invoking "section 236 of the INA, and part 236 of title 8," and released her on her own recognizance pursuant to that authority. **Exhibit E.** DHS simultaneously placed Petitioner in removal proceedings under INA § 240 and charged her under INA § 212(a)(6)(A)(i). **Exhibit D.** These documents reflect Respondents' exercise of discretionary custody authority under § 1226(a), not mandatory "inspection detention" authority under § 1225(b).

61. At the time of her re-detention on or about December 16, 2025, there was no individualized determination prior to or contemporaneously with the decision to re-detain and there was no change in circumstances from the time of her detention and release in 2022 to her re-detention in 2025.

62. Ms. Varela Herrera has not been afforded the necessary procedural safeguards to guarantee against the erroneous deprivation of her liberty. This is particularly true as Ms. Varela Herrera's period of detention grows and where the government provides no legal justification for her ongoing detention.

63. Respondents have provided no individualized showing whatsoever that Ms. Varela Herrera is dangerous or a flight risk. Ms. Varela Herrera timely filed the Asylum Application, appeared at ICE check-ins, was gainfully employed after obtaining employment authorization, and has no criminal history.

64. Ms. Varela Herrera's re-detention, almost three years after being released on recognizance from an initial detention on inspection, was without prior notice, a showing of changed circumstances, or a meaningful opportunity to object, and therefore she was not afforded the

procedural requirements of the Fifth Amendment.

65. Under these circumstances, Ms. Varela Herrera's detention without any evidence of danger or flight risk is impermissible and violates both substantive and procedural due process. Detention must be individualized and justified. Because Respondents have not carried—even minimally—their burden to justify detention, Ms. Varela Herrera must be released.

66. To the extent Respondents now contend Petitioner is subject to mandatory detention under INA § 235/8 U.S.C. § 1225(b)(2)(A), Respondents must identify a lawful basis for reclassifying Petitioner into a different detention regime years after they exercised § 236 authority, released her, and supervised her compliance under that framework for nearly three years. A later-issued NTA, standing alone, does not supply an individualized custody justification for reversing a prior discretionary release determination after years of full compliance.

67. Because Respondents have not provided any individualized justification or lawful basis for abandoning the § 236 custody posture reflected in their own documents, Petitioner's continued detention without meaningful process violates the Fifth Amendment.

Count 2: Violation of the Administrative Procedure Act

68. Ms. Varela Herrera incorporates by reference the allegations set forth in the preceding paragraphs.

69. Under the Administrative Procedure Act (hereinafter "APA"), a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

70. An action is an abuse of discretion and a violation of the APA if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Homebuilders v. Defs. of Wildlife,* 551 U.S. 644, 658 (2007)(quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm*

Mut. Auto. Ins. Co., 463 U.S. 29, 42 (1983)).

71. Detaining Ms. Varela Herrera under 8 U.S.C. § 1225(b)(2)(A) without establishing a change in circumstances from her initial detention and release exceeds statutory authority and is arbitrary and capricious. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018) (reserving constitutional questions); *Demore v. Kim*, 538 U.S. 510, 530–31 (2003) (upholding brief, not indefinite, detention).

72. Respondents' current detention decision further departs from the agency's prior custody posture without a reasoned explanation. Respondents previously exercised discretionary custody authority under INA § 236 by issuing a Form I-286 explicitly invoking § 236/8 C.F.R. part 236 and releasing Petitioner on her own recognizance. **Exhibit E**. Respondents then supervised Petitioner for years under that release framework while her § 240 proceedings and protection applications remained pending.

73. To the extent Respondents now contend Petitioner is subject to mandatory detention under INA § 235/8 U.S.C. § 1225(b)(2)(A), Respondents must identify a lawful basis for reclassifying Petitioner into a different detention regime years after they exercised § 236 authority, released her, and supervised her compliance under that framework for nearly three years. A later-issued NTA, standing alone, does not supply an individualized custody justification for reversing a prior discretionary release determination after years of full compliance. The detention decision therefore exceeds statutory authority and is arbitrary and capricious under 5 U.S.C. § 706(2)(A).

74. By categorically subjecting Ms. Varela Herrera to mandatory detention under § 1225(b)(2)(A), Respondents violated the APA.

VIII. PRAYER FOR RELIEF

WHEREFORE, Ms. Varela Herrera prays that this Court grant the following relief:

1. Accept jurisdiction and maintain continuing jurisdiction of this action;

2. Order Respondents to show cause why the writ should not be granted within three

days, and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243;

3. Issue a writ of habeas corpus ordering Respondents to immediatelyrelease Ms. Varela Herrera from their custody;

4. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Ms. Varela Herrera;

5. Enjoin Respondents from transferring Ms. Varela Herrera outside the jurisdiction of the Court pending resolution of this matter;

6. Declare that Ms. Varela Herrera's detention violates the Due Process Clause of the Fifth Amendment;

7. Declare that Ms. Varela Herrera's detention violates the Administrative Procedure Act;

8. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

9. Grant such further relief as this Court deems just and proper.

Respectfully submitted on this 19th day of December, 2025.

/s/Francisco F. Symphorien-Saavedra
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Attorneys for Petitioner

Verification by Someone Acting on the Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I, Francisco F. Symphorien-Saavedra, hereby declare under penalty of perjury that the facts alleged in the foregoing Petition for Writ of Habeas Corpus are true and correct, to the best of my knowledge.

Dated: December 19, 2025

/s/Francisco F. Symphorien-Saavedra
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