

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

United States Courts
Southern District of Texas
FILED

DEC 23 2025

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

SOLANO HURTADO, CESIA

Petitioner

v.

JOE GARCIA, Warden; CARLO JIMENEZ; BRET
BRADFORD; TAE D. JOHNSON; ALEJANDRO
MAYORKAS & MERRICK GARLAND

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. (Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: SOLANO HURTADO, CESIA
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Houston Contract Detention Facility (CDF)
 - (b) Address: 15850 Export Plaza Drive Houston, TX 77032
 - (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:

Federal authorities State authorities Other - explain:
DHS
4. Are you currently:

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

Being held on an immigration charge

Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain):

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: CONROE IMMIGRATION COURT
806 HILBIG RD SUITE 2-300CONROE, TX 77301
 - (b) Docket number, case number, or opinion number:
 - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Prolonged civil immigration detention under 8 U.S.C. § 1226(a) without a constitutionally adequate bond hearing, despite materially changed circumstances and no reasonably foreseeable removal, compounded by Respondents disregard of a New Jersey Supreme Court order and failure to produce Petitioner for her state court hearing.
 - (d) Date of the decision or action: 06/13/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: BOARD OF IMMIGRATION APPEALS (BIA)
- (2) Date of filing: 11/09/2025
- (3) Docket number, case number, or opinion number:
- (4) Result: PENDING
- (5) Date of result:
- (6) Issues raised: Bond/custody: Renewed custody motions were filed and denied on the dates above; Merits: BIA appeal filed 10/22/2025 (pending).
No adequate administrative remedy exists to cure prolonged § 1226(a) detention and access-to-courts issues; requests to ICE and IJ for production or remote appearance were denied.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 05/29/2025
- (b) Date of the removal or reinstatement order: 05/29/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: 10/22/2025
- (2) Case number: A-Number: 240-165-559
- (3) Result: PENDING
- (4) Date of result:
- (5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised: Prolonged detention under INA § 236(a) using the wrong custody standard (§ 236(c), without meaningful Guerra analysis or less despite materially changed circumstances, and violating due process by ignoring new evidence, restricting access to court and counsel (including state conditions on a survivor of severe IPV/trafficking, and continuing custody despite no danger, no flight risk, and outdated state

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:
- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Fifth Amendment-Due Process-Prolonged civil detention under 8 U.S.C. § 1226(a) without a constitutionally adequate hearing violates procedural due process.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

- Detained since 05/29/2025; initial hearing 06/13/2025; repeated summary denials thereafter.
- No hearing at which DHS bore the burden by clear and convincing evidence; no consideration of ability to pay or less-restrictive alternatives; no individualized written findings, despite materially changed circumstances.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: Fifth Amendment Due Process (Denial of Access to Courts; Compelled In Absentia Proceeding; Arbitrary Interference with State Court Process)

Denial of meaningful access to courts; coerced in absentia proceeding in New Jersey Family Part.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

NJ Family Part (Hudson County) repeatedly continued hearings and requested ICE to produce Petitioner (or remote appearance). ICE refused production/remote appearance; IJ denied motion to accommodate for "lack of jurisdiction"; Petitioner was forced to execute an in absentia waiver to avoid an ex parte judgment. Denial of access to courts and counsel violates due process. It is arbitrary to cite the state case to deny bond while blocking Petitioner's attendance.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Continued detention has become arbitrary and punitive in violation of substantive due process because removal is not reasonably foreseeable and less-restrictive measures exist.

Due Process; Regulatory Violation) in both substantive and procedural senses.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

BIA appeal filed 10/22/2025; USCIS I-797C receipts: I-914 [REDACTED] and I-192 [REDACTED] (received 10/06/2025; notices 11/24/2025).

Less-restrictive alternatives (parole, recognizance, reporting, EM) are available; Petitioner has a verified sponsor and strong incentives to appear.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR: Arbitrary denial of custody redetermination despite material changes violates due process and 8 C.F.R. § 1003.19(e).

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

1. Material changes: pending BIA appeal; USCIS T-visa/waiver receipts; documented medical/mental-health deterioration; repeated NJ Family Part continuances and orders to secure Petitioner's attendance; proof of sponsor/release plan.
2. IJ summarily denied renewed custody requests (including same-day rejection) and directed no further motions without "consent," contrary to § 1003.19(e) and due process.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: (1) order her immediate release from ICE custody under reasonable conditions of supervision or, alternatively, (2) order DHS/ICE to provide, within 7 days, a constitutionally adequate bond hearing before a neutral adjudicator, with burden on danger or flight risk, and/or (3) order Respondents to ensure Petitioner appearance at her scheduled state court hearing. (4) declare that her prolonged detention without a constitutionally adequate hearing violates due process; (5) order Respondents to provide prompt, adequate medical evaluation and treat

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

CESIA SOLANO HURTADO

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/05/2025

Cesia Solano H

Signature of Petitioner

Signature of Attorney or other authorized person, if any
