

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Luzdary Romero Naveda,

Petitioner,

-v-

Todd M. Lyons, Acting Director of US ICE;
Miguel Vergara, San Antonio Field Office
Director, US Immigration and Customs
Enforcement; Warden, Karnes County
Immigration Processing Center,

Respondents.

Case No: 1:25-cv-1867

**Petition for Writ of Habeas Corpus
Under 28 U.S.C. § 2241**

INTRODUCTION

Petitioner was taken in the middle of the night of October 15, 2025 and unlawfully removed to Venezuela within three days. She was not provided an opportunity to speak to counsel or even to call a family member. Her removal violated a stay of removal from the Board of Immigration Appeals, based on her appeal pending since September 25, 2025. Petitioner asks the Court to order Respondents to facilitate her return to the United States.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Venue is proper in this District because prior to her removal Petitioner resided in Austin, Texas, which is located within the jurisdiction of this District. *See Rumsfeld v. Padilla*, 542 U. S. 426, 447, n. 16 (2004).

PARTIES

5. Petitioner Luzdary Romero Naveda is an applicant for asylum who was unlawfully removed from the United States in violation of a stay of removal.
6. Respondent Todd M. Lyons is the Acting Director of US ICE. Respondent is directly responsible for the unlawful removal of Petitioner. Todd M. Lyons is sued in his official capacity.
7. Respondent Miguel Vergara is the San Antonio Field Office Director of US Immigration and Customs Enforcement. Respondent was the legal custodian of Petitioner and is directly responsible for the unlawful removal of Petitioner. Miguel Vergara is sued in his official capacity.
8. The Warden of the Karnes County Immigration Processing Center is sued as the former direct custodian of Petitioner. The Warden's name is not publicly listed on any materials that were available at the time of filing. He or she is sued in his or her official capacity.

STATEMENT OF FACTS

9. Petitioner is a Venezuelan asylum seeker who was assigned alien number A 
Petitioner entered the United States without lawful status on or around October 23, 2021.
She initially filed for asylum on August 26, 2022.
10. Petitioner was detained by Respondents on or around June 11, 2025. She attended a final merits hearing on her application for asylum on August 28, 2025. The Immigration Judge denied her relief, and she appealed to the Board of Immigration Appeals on September 25, 2025. Her appeal remains pending with the Board of Immigration Appeals.
11. While her case is pending on appeal, Petitioner's removal is stayed pursuant to 8 CFR 1003.6(a).
12. Despite the stay of removal, Respondents rapidly transferred Petitioner from her detention center in the middle of the night on or around October 15, 2025. Respondents removed Petitioner to Venezuela on or around October 18, 2025.
13. Petitioner was removed to Venezuela, the same country that previously fled seeking asylum based on her fear of persecution. The premature removal while she seeks to appeal her asylum denial has placed Petitioner at great risk of harm. After arriving in Venezuela she was detained by government officials who confiscated her telephone. Petitioner continues to be at risk of harm every day that she spends in Venezuela.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

14. The allegations in the above paragraphs are realleged and incorporated herein.
15. Petitioner is entitled to seek review of the denial of her application for asylum before the Board of Immigration Appeals. 8 CFR 1003.3(a)(1)
16. Regulations provide for an automatic stay of removal while an appeal is pending before the Board of Immigration Appeals because an order of removal is not final while it is under review. 8 CFR 1003.6(a).
17. Petitioner properly filed an appeal of her removal order on September 25, 2025, and her removal was stayed as of that date. *See* Exhibit A, Filing Receipt for Appeal.
18. Respondents violated Petitioner's Fifth Amendment rights by removing her without due process of law while she was protected from removal.
19. Petitioner's removal has placed her at risk of physical harm and persecution by the Venezuelan government, and she urgently seeks to return to the United States to continue with her legal process.
20. Petitioner is hindered from pursuing her appeal with the Board of Immigration Appeals because she has been removed. She was not allowed to speak with counsel prior to her removal, and for nearly a month after her removal she was unable to make any contact with counsel.
21. Respondents did not provide any advance notice of Petitioner's removal either to Petitioner or counsel, and did not inform counsel that she had been removed.

PRAYER FOR RELIEF

Petitioner respectfully asks that the 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 within three days.
- C. Declare that Petitioner's unlawful removal violates the Due Process Clause of the Fifth Amendment.
- D. Issue a Writ of Habeas Corpus ordering Respondents to facilitate Petitioner's return to the United States.
- E. Order that Petitioner shall not be detained by Respondents following her reentry into the United States.
- 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.

Respectfully submitted,

/s/ Joseph Krebs Muller

Joseph Krebs Muller
Counsel for Petitioner
Bar: MO #65066, TX #24117397
Law Office of Joseph Muller
9600 Great Hills Trl. Ste. 150W
Austin, TX 78759
Email: joseph@jkmlaw.cc
Phone: (512) 593-8258
Fax: (512) 361-4938

VERIFICATION

On Petitioner's behalf, I 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.

Respectfully submitted,

/s/ Joseph Krebs Muller

Joseph Krebs Muller
Counsel for Petitioner
Bar: MO #65066, TX #24117397
Law Office of Joseph Muller
9600 Great Hills Trl. Ste. 150W
Austin, TX 78759
Email: joseph@jkmlaw.cc
Phone: (512) 593-8258
Fax: (512) 361-4938