Mark Kinzler, Esq.
Oregon State Bar No. 05298-8
The Law Office of Mark Kinzler, P.C.
PO Box 684309
Austin, TX 78768
(512) 402-7999
mark@kinzlerimmigration.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LAURA ALEJANDRA CAMACHO GUTIERREZ ,

Petitioner,

v.

ROSE THOMPSON, Warden, Karnes County Immigration Processing Center;

MIGUEL VERGARA, Acting/Director of the San Antonio Field Office U.S. Immigration and Customs Enforcement;

TODD LYONS, Acting Director, Immigration and Customs Enforcement

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. 5:25-cv-01876

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Laura Alejandra Camacho Gutierrez is in the physical custody of Respondents at the Karnes County Immigration Processing Center in Karnes City, Texas. Petitioner was first detained and released on about April 12, 2023, when she was placed into full removal proceedings under 8 U.S.C. § 1229a, and granted parole pursuant to 8 U.S.C. § 1182(d)(5). On December 1, 2025, she was taken back into the custody of DHS at her ICE check-in, despite the fact that her parole was still valid at that time, and remains valid until June 2, 2026. **Exh. 1- Interim Notice Authorizing Parole.**
2. The Department of Homeland Security (DHS) detained the Petitioner without terminating her parole in accordance with 8 C.F.R. § 212.5(e)(2)(i). Her detention without the proper individualized assessment necessary for parole termination is a violation of the Immigration and Nationality Act (INA) provision found at 8 U.S.C. 1182(d)(5) and its associated regulations. DHS's detention of Petitioner under these circumstances also violates Petitioner's right to Due Process pursuant to the Fifth Amendment of the U.S. Constitution.
3. Accordingly, to preserve Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a Writ of Habeas Corpus for the reasons stated *infra*. Absent an order from this Court, Petitioner will continue to suffer an unconstitutional deprivation of her right to liberty, as well as extreme irreparable harm given the personal facts of her situation. Petitioner asks this Court to find that her detention is unlawful and order her immediate release from detention.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and

Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

5. 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).

6. 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.

7. Here, Petitioner challenges the legality of her detention, asserting that she is held in violation of both the Constitution and federal immigration statutes. Such claims fall squarely within the habeas jurisdiction of federal district courts. None of the jurisdiction stripping provisions found at 8 U.S.C. § 1252(a)(2)(A), § 1252(g) and § 1252(b)(9) apply.

8. Federal district courts have consistently held that these jurisdictional bars do not preclude habeas review of the proper application of INA detention provisions. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *2-4 (W.D. Tex. Oct. 16, 2025) (finding a case 'falls squarely outside' the jurisdictional bars where Petitioner was only 'challenging whether certain INA provisions require his detention without a bond hearing'); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *4 (W.D. Tex. Sept. 22, 2025) (rejecting government's jurisdictional arguments in nearly identical case); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025) (same); *Castellanos v. Kaiser,* No. 25-CV-07962, 2025 WL 2689853, at *4 (N.D. Cal. Sept. 18, 2025) (same). As these courts have recognized, habeas jurisdiction exists to review whether the government is detaining a noncitizen under the correct statutory authority and with adequate procedural protections. That is precisely the question

presented here.

VENUE

9. Venue is proper with this Court because Petitioner is detained at Karnes County Immigration Processing Center in Karnes City, Texas, which is within the jurisdiction of this District.

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, Laura Alejandra Camacho Gutierrez, is currently detained at Karnes County Immigration Processing Center in Karnes City, Texas. She is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent Rose Thompson is the Warden of the Karnes County Immigration Processing Center and has immediate physical custody of Petitioner pursuant to the facility's contract

with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

14. Respondent Miguel Vergara is sued in his official capacity as the Acting Field Office Director of the San Antonio Field Office of U.S. Immigration and Customs Enforcement. Respondent Vergara is a legal custodian of Petitioner and has authority to release him.

15. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons 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 Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention / custody. Respondent Noem is a legal custodian of Petitioner.

17. Respondent Pamela 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 Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

18. The Petitioner is a twenty-eight year old native and citizen of Colombia. She entered the United States on about March 15, 2023. At the time of her entry, she was detained by DHS who subsequently conducted a Credible Fear Interview with the Petitioner on April 5, 2023 and ultimately found that she had a credible fear of torture if she was returned to

Colombia. **Exh 5 - Credible Fear Interview**. After the positive credible fear finding, the Petitioner was placed in full removal proceedings pursuant to 8 U.S.C. 1229a and she was paroled into the United States pursuant to 8 U.S.C. 1182(d)(5). **Exh. 2- Notice to Appear**, *and* **Exh. 1- Interim Notice Authorizing Parole**. She filed her asylum application on March 8, 2024, and that application is still pending. In spite of her parole being extended to June 2, 2026, she was re-detained by DHS on December 1, 2025 without notice and without being given any legally cognizable reason for her detention. She is currently detained in the Karnes County Immigration Processing Center.

19. Petitioner has been detained by DHS since December 1, 2025, and will not be released by DHS pursuant to the policy asserting the EOIR has no jurisdiction to release her. *See Matter of Q Li*, 29 I&N Dec. 66 (BIA 2025), *and see Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). Furthermore, DHS has affirmatively detained the Petitioner in spite of her valid parole status at the time of her re-detention, and as such she cannot appeal to DHS for her release. Due to her current predicament as stated, any attempt at remedial exhaustion through DHS or the EOIR would be futile.

LEGAL FRAMEWORK

20. Two statutes principally govern the detention of noncitizens pending removal proceedings: 8 U.S.C. §§ 1225 and 1226. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). Second, § 1225 applies to

"applicants for admission," who are, as relevant here, noncitizens "present in the United States who [have] not been admitted." 8 U.S.C. § 1225(a)(1). All applicants for admission must be inspected by an immigration officer. Id. § 1225(a)(3). DHS can elect to place certain applicants for admission into expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108-09 (2020). In other cases, if the examining immigration officer determines that an applicant for admission is not "clearly and beyond a doubt entitled to be admitted," Section 1225(b)(2) provides that the applicant for admission "shall be detained for" standard removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *see Jennings v. Rodriguez*, 583 U.S. 281, 287-88 (2018). A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled "for urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5)(A). *Jennings*, 583 U.S. at 300 ("That express exception to detention implies that there are no other circumstances under which aliens detained under § 1225(b) may be released.").

21. The INA "establishes the framework governing noncitizens' entry into and removal from the United States, with regulations promulgated by the enforcing agencies providing further governance." *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1132 (D. Or. 2025). "Noncitizens who arrive at a port of entry without a visa or other entry document, like Petitioner, are deemed 'inadmissible' under 8 U.S.C. § 1182(a)(7)" due to their lack of entry documents. Id. at 1132 & n.7 (noting that "[d]epending on the circumstances, other categories of inadmissibility may also apply, but § 1182(a)(7) applies for noncitizens without proper documentation"). Once a noncitizen is deemed inadmissible, "the immigration officer must order the noncitizen's removal unless the noncitizen indicates

an intention to apply for asylum or fear of prosecution." *Id.* (citing 8 U.S.C.§ 1225(b)(1)(A)(i)). The government may place the noncitizen into expedited removal proceedings, see 8 U.S.C. § 1225(b)(1), or the government may place the noncitizen into regular removal proceedings under 8 U.S.C. § 1229(a). *See Y-Z-L-H*, 792 F. Supp. 3d at 1132–33 (citing 8 U.S.C. § 1225(b)(2)).

22. Section 1225(b)(2)(A) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A). However, "applicants for admission may be temporarily released on parole [into the United States] 'for urgent humanitarian reasons or significant public benefit,'" as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)). The decision to grant parole pursuant to 8 U.S.C. § 1182(d)(5)(A) is determined "on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). Then, "when the purpose of the parole has been served," § 1182(d)(5)(A) provides that "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

23. To terminate the previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the"[t]ermination of parole," "In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in

the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole." 8 C.F.R. § 212.5(e)(2)(i). That is, "[u]nder the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *See Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (citing 8 C.F.R. § 212.5(e)). In the present case, Respondents have failed to follow the applicable statutory and regulatory provisions to terminate Petitioner's parole. *See Coal. for Humane Immigrant Rts. v. Noem*, No. 25-cv-872 (JMC), 2025 WL 2192986, at *2 (D.D.C. Aug. 1, 2025) (holding that the government failed to follow the applicable statutory and regulatory provisions and that paroled noncitizens cannot be subject to expedited removal proceedings); *see also Salgado Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *5–7 (E.D. Mich. Oct. 29, 2025).

24. In the present case, the purpose of Petitioner's parole has not been accomplished. She applied for asylum on March 8, 2024, based on her credible fear of being harmed if she were to be returned to Colombia. **Exh 3 - I-589 Application for Asylum and for Withholding of Removal**. That application is still pending. Indeed, the grant of parole states that "You have been released from service custody pending a final decision in your exclusion/deportation proceedings." **Exh 1- Interim Notice Authorizing Parole**. As of the date of this petition, Petitioner has not received a final decision in her proceedings. District Courts that have addressed the termination of § 1182(d)(5)(A) parole "have

found that just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute." *See Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) (citations omitted) (addressing this issue, and granting the petitioner's motion for preliminary injunction and ordering that the petitioner be released).

25. In the present case, as Respondents did not follow the applicable statutory and regulatory requirements to revoke Petitioner's parole, they did not have the authority to arrest and re-detain Petitioner, unless there was some other valid reason to arrest her. *See Mata Velasquez*, 794 F. Supp. 3d at 145, *and see Norfolk S. Ry. Co. v. U.S. Dep't of Lab.*, No. 21-3369, 2022 WL 17369438, at *6 (6th Cir. 2022) (discussing that "an agency's action that fails to observe the procedures required by its own regulations should be set aside" (citation omitted)); *Wilson v. Comm'r of Soc. Sec.*, 378 F.3d 541, 545 (6th Cir. 2004) ("It is an elemental principle of administrative law that agencies are bound to follow their own regulations[,] . . . [and] '[a]n agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual's constitutional right to due process.'" (additional internal quotation marks omitted) (quoting *Sameena, Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998))). Respondents did not indicate to Petitioner the reasons for her re-detention. Rather, it is the Respondents' position that *any noncitizen*, regardless of whether they are already present and residing in the United States, is "an alien seeking admission" subject to mandatory detention under § 1225. *See Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). The District Courts of the Western District of Texas and other courts throughout the country have rejected this argument. *See e.g. Diaz Perez v.*

Thompson et al, No. 5:25-cv-01664- JKP, 2025 WL 3654333 (W.D. Tex. 12/15/2025), *Aguilar v. Bondi et al*, No. 5:25-CV-01453-JKP, 2025 WL 3471417 (W.D.T.X. 11/26/2025), *Puerto-Hernandez v. Lynch*, No. 1:25-cv-1097, 2025 WL 3012033, at *9 (W.D. Mich. Oct. 28, 2025); *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025 WL 2992222, at *6 (W.D. Mich. Oct. 24, 2025).

26. The Petitioner anticipates that Respondents will argue that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(1). Alternatively, Petitioner anticipates that Respondents will argue that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Both positions have no basis in law.

27. The Petitioner cannot be subject to 8 U.S.C. § 1225(b)(1). When DHS apprehended Petitioner in March of 2023, DHS conducted a credible fear interview in which it was determined that she had a credible fear of torture if returned to her native Colombia, and as such she was subsequently placed in full removal proceedings pursuant to 8 U.S.C. 1229a. **Exh. 2 - Notice to Appear** ("In removal proceedings under section 240 of the Immigration and Nationality Act:") She was simultaneously released on parole at that time. **Exh 1 - Interim Notice Authorizing Parole.** *See Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *5 (W.D. Ky. Oct. 3, 2025) ("Respondents in other cases have conceded that an individual cannot be in two removal proceedings simultaneously); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *7 (N.D. Cal. Sep. 12, 2025) (stating that "The Government concedes that Ms. Salcedo Aceros is currently in full removal proceedings under Section 1229, and that while those proceedings are live, she cannot be simultaneously subjected to Section 1225(b)(1)'s expedited removal proceedings."); *Munoz Materano*, 2025 WL 2630826, at *11 ("Respondents therefore

expressly concede that, while Munoz Materano's appeal is pending, he remains in Section 240 removal proceedings subject to § 1229a, not expedited removal pursuant to § 1225(b)(1)."). Furthermore, the Petitioner cannot be returned to 1225(b)(1) status given that she was paroled into the U.S., and as such she cannot be subject to expedited removal at this time. *See Salgado Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294 at *6 (E.D. Mich. Oct. 29, 2025) (The first requirement of § 1225(b)(1)(A)(iii)(II) is that the noncitizen "has not been admitted or paroled into the United States.")

28. Petitioner alternatively anticipates that the Respondents will argue that she is subject to 8 U.S.C. 1225(b)(2). However, any imposition of § 1225(b)(2) on the Petitioner ignores the fact that she was in valid parole status at the time of her re-detention. As such, her re-detention violates her right to Due Process. Noncitizens are entitled to Due Process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003). "To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976)." *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). Thse factors are: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335, 96 S.Ct. 893.

29. The first *Mathews* factor clearly weighs in favor of Petitioner. Here, Respondents granted Petitioner parole into the United States after she received a favorable credible fear

determination, indicating an individualized determination that Petitioner's release on parole was warranted. **Exh 1 - Interim Notice Authorizing Parole.** Respondents have now re-detained Petitioner, and there is no dispute that Petitioner has a significant private interest in avoiding detention, as one of the "most elemental of liberty interests" is to be free from detention. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (citation omitted). The Court may also consider Petitioner's conditions of confinement, i.e., "whether a detainee is held in conditions indistinguishable from criminal incarceration." *See Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025) (citing *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)). Based on her pending application for asylum, Petitioner was granted employment authorization, allowing her to work in the United States. As she has currently been detained for more than three weeks, she is "experiencing [many of] the deprivations of incarceration, including loss of contact with friends and family, loss of income earning, . . . lack of privacy, and, most fundamentally, the lack of freedom of movement." *See Günaydin*, 784 F. Supp. 3d at 1187.

30. The second *Mathews* factor also weighs in Petitioner's favor. Clearly, there is a high risk of erroneously depriving Petitioner of her freedom if Petitioner does not receive an individualized determination regarding the revocation of her parole. "To mitigate the risk of erroneous deprivation, due process would require, 'at [a] minimum, the opportunity for [Petitioner] to submit evidence relevant to whether [the government] should revoke [his parole] before [it] make[s] a revocation decision.'" *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 153 (W.D.N.Y. 2025).

31. Under the third *Mathews* factor, the Respondents will most likely cite the interest in ensuring noncitizens' appearance at removal proceedings and preventing harm to the community. *See Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sep. 9, 2025). However, Respondents do not have a significant interest in Petitioner's continued detention because there is no indication that she is a flight risk or a danger to the community at large. Indeed, continuing Petitioner's detention would impose more costs upon the Government, as it would be required to continue to pay for Petitioner's continued detention.

32. "The appropriate relief for an immigration detainee held in violation of their right to due process is their immediate release from custody, and to be provided with relief returning them to status quo ante, i.e., the last uncontested status which preceded the pending controversy." *Cardin Alvarez v. Rivas*, No. CV 25-02943 PHX GMS (CDB), 2025 WL 2898389, at *21 (D. Ariz. Oct. 7, 2025). "With regard to the specifics of the relief that might be ordered, in recent weeks many federal district courts" –including the Western District of Texas– "have ordered the immediate release of immigration habeas petitioners held in custody in violation of their due process rights." *Id; See Santiago v. Noem*, No. 25-cv-361, 2025 WL 2792588, at *13 (W.D. Tex. Oct. 1, 2025); *See also J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025); *Rosado v. Figueroa*, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267, at *1(D. Or. Aug. 21, 2025); *Bermeo Sicha v. Bernal*, No. 1:25-CV-00418-SDN, 2025 WL 2494530, at *7 (D. Me. Aug. 29, 2025).

CAUSES OF ACTION

COUNT ONE
Violation of Fifth Amendment Right to Due Process

33. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment— from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

35. Petitioner has a fundamental interest in liberty and being free from official restraint.

36. The government's arbitrary subjection of Petitioner to mandatory detention pursuant to 8 U.S.C. § 1225, in spite of the fact that she was in valid parole status at the time of re-detention, and without affording her any opportunity to contest her detention within the agency, violates her right to Due Process pursuant to the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1182(d)(5) and 8 C.F.R. 212.5
Unlawful Re-detention without an individualized termination of parole

37. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

38. The re-detention of Petitioner without properly terminating her parole status pursuant to the INA and the procedures outlined in the governing regulations violates the statute and the concomitant sections of the Code of Federal Regulations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter and maintain jurisdiction to the extent necessary to ensure Respondents' compliance with any order this Court may issue;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that the re-detention of the Petitioner violates the INA, the CFR, and the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

(4) Issue a Writ of Habeas Corpus requiring that Respondents immediately release the Petitioner in order to restore her to the *status quo ante.*

(5) Instruct the Respondents that they may not re-detain the Petitioner without providing adequate procedural safeguards to protect the Petitioner's statutory and constitutional rights.

(6) Order further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Mark Kinzler
Mark Kinzler, Esq.
Oregon State Bar No. 05298-8
The Law Office of Mark Kinzler, P.C.
PO Box 684309
Austin, TX 78768
(512) 402-7999
mark@kinzlerimmigration.com
Attorney for Petitioner

Dated: December 26, 2025

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

I represent Petitioner, Laura Alejandra Camacho Gutierrez, and submit this verification on her 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 26th day of December, 2025.

/s/ Mark Kinzler
Mark Kinzler, Esq.
Oregon State Bar No. 05298-8
Attorney for Petitioner

CERTIFICATE OF SERVICE
Camacho-Gutierrez v. Thompson et al
Case no. 5:25-cv-01876

I hereby certify that on December 26, 2025, I have mailed by United States Postal Service the Petition for Writ of Habeas Corpus by certified mail to the following:

Stephanie Rico
Civil Process Clerk Office of the United States Attorney for the Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597

Rose Thompson
Warden at Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

Miguel Vergara
San Antonio Field Office Director of Enforcement and Removal Operations
1777 NE Loop 410
Floor 15
San Antonio, TX 78217

Todd M. Lyons
Acting Director of Immigration Customs Enforcement
500 12th St SW
Washington, DC 20536

Secretary of Homeland Security Kristi Noem
2707 Martin Luther King Jr., Ave., SE
Washington, DC 20528-0485

U.S. Attorney General Pamela Bondi
950 Pennsylvania Ave NW
Washington, DC 20530

The above respondents were also named in the CM/ECF habeas corpus filing with the Western District of Texas court

/s/ Mark Kinzler