

1. Petitioner Siomara Elizabeth Bustillo Maquez is currently detained at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing CTR, located at 806 Hilbig Road, Conroe, TX 77301. She has been in ICE custody since March 12, 2025.
2. Respondent Grant Dickey, in his official capacity as Warden of the Montgomery Processing CTR, has refused to effect Petitioner’s release from unlawful custody at that facility.
3. Respondent Bret Bradford, in his official capacity as Director of the Houston Field Office of ICE Enforcement and Removal Operations, has refused to effect Petitioner’s release from unlawful custody at the Montgomery Processing CTR.
4. Respondent Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, has refused to exercise her authority to oversee her department’s ICE Enforcement and Removal Operations and thereby effect Petitioner’s release from unlawful custody at the Montgomery Processing CTR.
5. Respondent Pam Bondi, in her official capacity as Attorney General of the United States, has refused to exercise her authority to oversee her department’s ICE Enforcement and Removal Operations and thereby effect Petitioner’s release from unlawful custody at the Montgomery Processing CTR.

II. JURISDICTION & VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to issue writs of habeas corpus when the petitioner is in custody in violation of the Constitution or laws of the United States.

7. Venue is proper in this district because Petitioner is detained within this district.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Petitioner has exhausted his administrative remedies to the extent required by law.

9. Petitioner has fully cooperated with Respondents and has not delayed or obstructed her detention.

10. Petitioner's only remedy is by way of this judicial action.

IV. FACTUAL AND PROCEDURAL BACKGROUND

11. Petitioner is a forty-nine-year-old female native and citizen of Honduras. *See attached*, Exhibit A: Petitioner's Identification.

12. On March 27, 2023, an Immigration Judge ordered Petitioner removed from the United States. *See attached*, Exhibit B: EOIR Automated Case Information

13. On April 26, 2023 Petitioner appealed the Immigration Judge's decision in his removal proceedings before the Board of Immigration Appeals. This appeal is still pending. *See attached*, Exhibit B: *supra*

14. On March 12, 2025, Petitioner, without warning, was detained at ICE Offices in Houston, Texas and sent to Montgomery Processing CTR. *See attached*, Exhibit C: ICE Locator

15. The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention. Petitioner has cooperated fully with all requests

made by ICE. Despite this, ICE continues to detain her without any bond hearing, any explanation of danger or flight risk, or any progress toward effectuating removal.

16. Petitioner, through Counsel, now submits the present Petition for Writ of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order Respondents to effect his immediate release.

V. LEGAL FRAMEWORK FOR RELIEF SOUGHT

17. Under U.S. Code 28 § 2241, writs of habeas corpus may be granted by the district courts on behalf of a prisoner in several instances, including when they are (1) “in custody under or by the authority of the United States or is committed for trial before some court thereof,” (3) “in custody in violation of the Constitution or laws and treaties of the United States,” and (4) when they, “being a citizen of a foreign state and domiciled therein [are] in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations[.]”
18. Courts have consistently recognized “habeas corpus as an appropriate vehicle through which noncitizens may challenge the fact of their civil immigration detention.” *Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330, 336 (S.D. Tex. 2020) (citing *Zadvydas v. Davis*, 533 U.S. at 688 (ruling on merits of habeas petition challenging validity of indefinite mandatory detention)).

VI. CLAIMS FOR RELIEF

COUNT ONE:

RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER
IN VIOLATION OF THE IMMIGRATION AND NATURALIZATION ACT.

19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.
20. Petitioner's continued detention exceeds the authority granted under the Immigration and Nationality Act ("INA"). Respondents assert detention pursuant to 8 U.S.C. § 1231 (INA § 241), which governs post-order custody. However, detention under § 241 is strictly limited to the period "reasonably necessary" to effectuate removal.
21. Petitioner poses no risk of danger to the community. In the 4 years since Petitioner came to the United States, he has not demonstrated any conduct whatsoever indicating that he is a threat to the United States or otherwise eligible for deportation.
 - a. Petitioner's order of removal was issued on March 27, 2023 and was detained on March 12, 2025. Her detention in 2025 cannot be justified under § 241 because Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), indefinite or arbitrary post-order detention is prohibited. Detention may not continue when removal is not reasonably foreseeable.
22. Therefore, Petitioner merits immediate release because removal is not reasonably foreseeable, Petitioner is not a danger or flight risk, and no statutory basis supports continued post-order detention, Respondents are unlawfully detaining Petitioner in violation of the INA. Petitioner therefore merits immediate release.

COUNT TWO:

RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER

IN VIOLATION OF CONSTITUTIONAL DUE PROCESS

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioner's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.
25. Petitioner is unlawfully in custody pursuant to INA § 241(a)(6), 8 U.S.C. § 1231(a)(6) (2018) ("Section 241"). Under *Zadvydas*, that provision prohibits the indefinite detention of noncitizens who (i) cannot be repatriated in the reasonably foreseeable future, and (ii) pose no threat to the community. Any such detention is unconstitutional. *See Zadvydas*, 533 U.S. at 689, emphasis added ("In our view, the statute [Section 241], read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States. It does not permit indefinite detention.").
26. The Fifth Amendment's Due Process Clause prohibits the government from detaining individuals without legal authority.
27. Petitioner has been detained since March 12, 2025, and Respondents have failed to demonstrate that her removal is significantly likely to occur in the reasonably foreseeable future. Despite Petitioner's full cooperation, the government has taken no meaningful steps to effectuate her removal. Furthermore, Petitioner's appeal is still pending and no final order of removal has been decided.
28. Furthermore, under *Zadvydas*, a non-citizen petitioner is not barred from seeking a writ of habeas corpus as relief for indefinite detention when removal has not been effectuated in reasonable time nor is it reasonably foreseeable that it will be. *See Zadvydas*, 533 U.S. at

688 (“The aliens here, however, do not seek review of the Attorney General's exercise of discretion; rather, they challenge the extent of the Attorney General's authority under the post-removal-period detention statute. And the extent of that authority is not a matter of discretion . . . [therefore we] conclude habeas corpus proceedings remain available. . . .”). Therefore, this petition is not barred.

29. Petitioner's continued detention lacks statutory authority and violates his right to substantive due process under the Constitution. Therefore, he should be immediately released from custody.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner Siomara Elizabeth Bustillo Marquez respectfully requests that this Honorable Court immediately issue a temporary restraining order:

1. Directing Respondents to immediately release Petitioner from custody;
2. Petitioner requests that this Court order the Immigration Judge to conduct a bond hearing within 7 days governed under INA §1226(a) in the alternative, if immediate release is not possible;
3. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
4. Directing Respondent to take all necessary steps to halt any removal preparations;
5. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
6. Set an expedited hearing on Petitioner's motion for preliminary injunction;
7. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;

8. Waive or set security in a nominal amount;
9. Award attorney's fees and costs; and
10. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner
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6300 Gulfton Street
Houston, Texas 77081
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PETITIONER VERIFICATION

Petitioner is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on his behalf, that the facts stated therein are true and correct to the best of her knowledge and belief.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 30, 2025
Date

CERTIFICATE OF SERVICE

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Randy Tate, in his official capacity as Warden of the Montgomery Processing CTR;** at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing CTR, located at 806 Hilbig Rd, Conroe, TX 77301.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 30, 2025
Date

CERTIFICATE OF SERVICE

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office,** at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 30, 2025
Date

CERTIFICATE OF SERVICE

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 30, 2025
Date

CERTIFICATE OF SERVICE

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 30, 2025
Date