

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

KATHERINE MURILLO VILORIA,
Petitioner,

v.

ALEJANDRO MAYORKAS, Secretary
of the Department of Homeland Security;
FRANCISCO VENEGAS, Field Office
Operation (ICE-Rio Grande Valley Field Office),
Respondents

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(DETAINED)

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

I. INTRODUCTION

Petitioner Katherine Murillo Viloría files this Original Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge her ongoing civil immigration detention. Petitioner is detained at El Valle Detention Center in Raymondville, Texas, despite her full compliance with immigration supervision, serious medical conditions, denial of bond jurisdiction, and pending humanitarian and protection-based relief. Her continued detention violates the Fifth Amendment Due Process Clause.

Although Petitioner is not a United States citizen, the Fifth Amendment Due Process Clause protects all persons physically present in the United States, including noncitizens in civil immigration detention, regardless of their manner of entry.

II. JURISDICTION & VENUE

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241. Petitioner is in custody within the Southern District of Texas. Venue is proper in the Brownsville Division because Petitioner is detained in Willacy County, Texas, and Respondents exercise custody authority within this District.

III. PARTIES

Petitioner Katherine Murillo Viloría is a native and citizen of Colombia currently detained by U.S. Immigration and Customs Enforcement at El Valle Detention Center, 1800 Industrial Drive,

Raymondville, Texas 78580.

Respondent Francisco Venegas is the Field Office Director for ICE Enforcement and Removal Operations, Rio Grande Valley Field Office shall be served at 1800 Industrial Drive Raymondville, TX 78580, and is Petitioner's immediate custodian. Respondent is sued in their official capacities only.

Respondent Alejandro Mayorkas is the Secretary of the U.S. Department of Homeland Security and shall be served at 1600 Pennsylvania Avenue, NW Washington, D.C. 20500. Respondent is sued in their official capacities only.

Respondent Merrick B. Garland is the Attorney General of the United States and shall be served at 950 Pennsylvania Avenue, NW Washington, D.C. 20530. Respondent is sued in their official capacities only.

IV. FACTUAL BACKGROUND

On March 31, 2024, the Department of Homeland Security issued Petitioner a Notice to Appear charging inadmissibility under INA § 212(a)(6)(A)(i). DHS initially released Petitioner on her own recognizance after determining that detention was not warranted. Petitioner complied fully with all reporting requirements and supervision conditions.

Petitioner has a pending application for asylum and related protection-based relief. Her final individual merits hearing is scheduled for January 7, 2026. She is not subject to a final order of removal, and removal is not reasonably foreseeable.

On October 30, 2025, Petitioner appeared voluntarily for a scheduled ICE check-in at 1717 Zoy Street in Harlingen, Texas. Despite her compliance, lack of criminal history, and pending humanitarian relief, ICE detained Petitioner and transferred her to El Valle Detention Center.

Petitioner suffers from serious medical conditions, including chronic iron-deficiency anemia, fatigue, dizziness, and related complications. These conditions have worsened during detention. ICE has actual knowledge of these medical issues yet has failed to provide consistent and adequate care.

V. DENIAL OF BOND AND LACK OF CUSTODY REVIEW

Petitioner sought release through immigration court bond proceedings. On December 5, 2025, the Immigration Judge denied bond jurisdiction pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), leaving Petitioner detained without access to any neutral custody determination.

VI. LEGAL STANDARD

Immigration detention is civil, not punitive. Detention that becomes excessive, arbitrary, or unrelated to its regulatory purpose violates the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Bell v. Wolfish*, 441 U.S. 520 (1979). Civil detainees are entitled to adequate medical care. *Hare v. City of Corinth*, 74 F.3d 633 (5th Cir. 1996).

V. GROUNDS FOR RELIEF

COUNT I – Fifth Amendment Due Process Violation

Petitioner's continued detention without individualized custody review, while pursuing pending humanitarian relief and suffering serious medical issues, is punitive and unconstitutional.

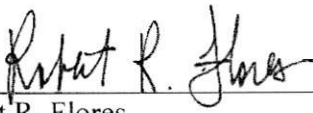
COUNT II – Deliberate Indifference to Serious Medical Needs

Respondents' failure to provide adequate medical care despite actual knowledge of Petitioner's conditions constitutes deliberate indifference in violation of the Fifth Amendment.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order her immediate release on parole or appropriate conditions, or, in the alternative, order a prompt individualized custody hearing before a neutral decision-maker, and grant all other relief the Court deems just and proper.

Respectfully Submitted,

By: 
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