

FILED

DEC 29 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Your Name: Marisol Andreu de la Cruz

Your Address:



SA25CA1936

FB

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

To: WARDEN, ICE DETENTION FACILITY, and
City and State: U.S. DEPARTMENT OF HOMELAND SECURITY,

In the Matters of:
Marisol Andreu de la Cruz

File No: A



Immigration Judge: Rodgers, Sujata Next Hearing Date: January 9, 2026 at 8:30 AM.

**PETITION FOR WRIT OF HABEAS
CORPUS (28 U.S.C. § 2241)**

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

In the Matter of: MARISOL ANDREU DE LA CRUZ,

[REDACTED]

DOB: [REDACTED]

Petitioner,

v.

WARDEN, ICE DETENTION FACILITY,

and

U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Marisol Andreu de la Cruz, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and states as follows:

I. PARTIES

1. Petitioner:

Marisol Andreu de la Cruz

[REDACTED]

DOB: [REDACTED]

Last Known Address:

[REDACTED]

Petitioner is currently in the custody of Immigration and Customs Enforcement (ICE).

2. Respondents:

The Respondents are the Warden of the ICE Detention Facility where Petitioner is held, and the United States Department of Homeland Security (DHS), who exercise legal custody over Petitioner.

II. JURISDICTION

1. This Court has jurisdiction under **28 U.S.C. § 2241**, which grants federal courts authority to issue writs of habeas corpus to individuals unlawfully detained by the United States.
 2. Petitioner is being detained within the territorial jurisdiction of this Court.
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III. FACTUAL BACKGROUND

1. Petitioner, **Marisol Andreu de la Cruz**, was detained while **legally working** and maintaining a **valid work permit**, in the context of a **pending asylum case**.
 2. During detention, Petitioner's **fundamental legal rights were violated**, including:
 3. **Denial of the right to make a telephone call** immediately upon detention.
 4. **Physical and/or verbal mistreatment** by detention staff.
 5. Petitioner maintains a **fixed residence** at:
912 Meadow Creek Dr., Apt 3088, Irving, TX 75038.
 6. Petitioner **poses no flight risk and no danger to the community**.
 7. ICE has continued Petitioner's detention **without providing a bond hearing before a neutral judge**, despite her pending asylum process and valid work authorization.
 8. Petitioner's **upcoming individual hearing** is scheduled for **January 9, 2026, at 8:30 AM**, before the **Honorable Judge Sujata Rodgers**, at the following address:
566 Veterans Drive, Pearsall, TX 78061.
 9. Petitioner is submitting **letters of support** from the community, which attest to her **good moral character** and responsibility.
 10. Petitioner is the **primary caregiver of her daughter**, a minor and legal permanent resident, and therefore has a **legal right to family reunification and custody** as an immediate family member of a minor under her care.
-

IV. LEGAL GROUNDS

A. Violation of the Fifth Amendment (Due Process)

1. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law.

2. Prolonged detention of Petitioner without a meaningful **bond hearing** constitutes a violation of her constitutional rights.

B. Unlawful Prolonged Detention

1. Immigration detention is civil, not punitive.
2. Continued detention without an **individualized determination** of danger or flight risk is unlawful under **Zadvydas v. Davis**, 533 U.S. 678 (2001).

C. Violation of Rights During Detention

1. Petitioner was **denied her right to make a legal telephone call**, violating her ability to contact family and counsel.
2. **Mistreatment during detention** constitutes abuse and further renders the detention unlawful.

D. Right to Bond Hearing

1. Petitioner is entitled to a **bond hearing**, where ICE bears the burden of proving by clear and convincing evidence that continued detention is justified.

E. Custody of Minor Child

1. Petitioner's role as the **primary caregiver** of a minor legal resident further supports her entitlement to **release and bond**, as detaining her separates her from her immediate family under conditions that undermine the child's welfare.
-

V. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus;
 - B. Order the **immediate release of Petitioner**;
- Or, in the alternative:
- C. Order ICE to provide an **immediate bond hearing before an Immigration Judge**;
 - D. Take into consideration the letters of support and Petitioner's responsibility as the primary caregiver of a minor;
 - E. Grant any other relief this Court deems just and proper.
-

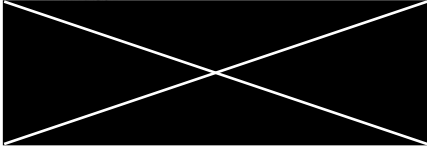
VI. VERIFICATION

I, **Marisol Andreu de la Cruz**, declare under penalty of perjury that the information contained in this petition is true and correct to the best of my knowledge.

Executed this 23 day of 12, 2025.

Marisol Andreu de la Cruz
Petitioner

Address:



A handwritten signature in black ink, appearing to be the initials 'MC' or similar, written in a cursive style.

Letters of Support

To Whom It May Concern,

My name is Jaime Abdunes , residing at [REDACTED]
[REDACTED] I have known Marisol Andreu de la Cruz for [number]
years as a friend and neighbor.

I can personally attest to her honesty, moral character, and integrity. She is a dedicated mother to her daughter [REDACTED] and consistently demonstrates responsibility and care in her daily life. Marisol is also active in her community, showing compassion and respect to those around her.

I fully support her petition and respectfully request that this Court consider her exemplary character in evaluating her case.

Sincerely,

Jaime Abdunes

Signature: *Jaime*

Date: 12/23/2025

State of TX County of Tarrant
Subscribed and sworn to (or affirmed) before me on this
23 day of December, 2025 by
Jaime Abdunes proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature: *Jaime*



SWORN AFFIDAVIT

Honorable Immigration Judge and Members of the Court:

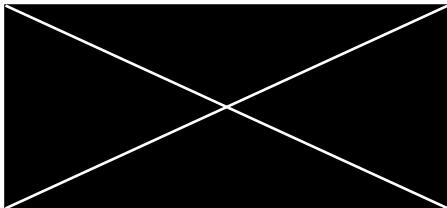
I, Dianellis Perera Viamontes, being duly sworn, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I am a Lawful Permanent Resident of the United States. My residential address is [REDACTED] and my telephone number is [REDACTED]
2. I submit this sworn affidavit in support of Marisol Andreu de la Cruz ([REDACTED]), who resides at [REDACTED] and who is currently detained under Form I-220.
3. I have known Ms. Marisol Andreu de la Cruz for a significant period of time and can attest that she is a person of good moral character. She is honest, respectful, responsible, and law-abiding. At no time have I known her to engage in conduct that would endanger others or disregard the law.
4. Ms. Andreu de la Cruz is a devoted mother and the sole financial provider for her only daughter, who is a resident of the United States. She has consistently provided for her child's housing, food, education, medical needs, and emotional well-being.
5. Due to her current detention, her daughter is being deprived of her mother's daily care, emotional support, and financial stability, causing significant hardship and distress to the child.
6. Ms. Andreu de la Cruz is a hardworking and dependable individual who has always sought lawful employment and has demonstrated a sincere commitment to supporting her family through honest means.
7. Based on my personal knowledge, Ms. Andreu de la Cruz does not pose a danger to the community, has strong family ties in the United States, and is fully willing to comply with any conditions imposed by this Honorable Court.
8. I respectfully request that this Honorable Court consider this sworn affidavit, her strong moral character, family responsibilities, and humanitarian factors when evaluating her request to remain at liberty while her immigration proceedings are pending.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant: Dianellis Perera Viamontes

Signature: _____



NOTARY ACKNOWLEDGMENT

State of :TEXAS County of :Travis



Subscribed and sworn before me on this 15 day of December, 2025, by Dianellis Perera Viamontes, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this affidavit.

Notary Public Signature: _____

Name of Notary: Yolaine Nieves Montano

Commission No.: 132692683

My Commission Expires: 09/23/2028

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

File No.: 

Name: ANDREU-DE LA CRUZ, MARISOL

Date: 

- That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Release on Recognizance.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- Other:

X  _____
(Signature of Alien)

8/9/22, 2:16 AM

DHS-Portal

Case Confirmation

Noncitizen Number: [REDACTED] Charging Document Date: 08/09/2022 Case Type: REMOVAL (RMV)
 US Entry Date: 08/06/2022 Lead A-Number: [REDACTED] Input Date: 08/09/2022
 Migrant Protection Protocols (MPP) Case:
 NO
 Base City: DEN - IMMIGRATION COURT Hearing Loc: DENVER,CO (DEN)
 DHS Loc: DENVER, COLORADO - DISTRICT OFFICE - AIRPORT (DEN)

Name (L, F): ANDREU-DE LA CRUZ, MARISOL Suffix:
 Alias: Gender: Female
 Nationality: CUBA (CU) Date of Birth: [REDACTED]
 Language: SPANISH (SP) Battered: NO
 Country: UNITED STATES OF AMERICA (USA) In Care of: CARLOS ALBERTO SABLON
 Address: [REDACTED]
 City: AURORA State: CO Zip Code: 80014
 Phone: [REDACTED] Email:

Charges: 212a06A1

Noncitizen Status: You are an alien in the United States who has not been admitted or paroled

NTA Issued because INA section 235(b)(1) expedited removal order was vacated:

-- N/A --

Asylum Received Date: -- N/A -- Elapsed Days: 0
 In Person/ Mail: Mail Grounds: -- N/A --
 Projected 180th Date: -- N/A -- EAD Clock Status: -- N/A --

Hearing Date: 04/18/2023 Hearing Time: 2:30 PM
 Hearing Type: INITIAL MASTER Hearing Location: DENVER, COLORADO
 Hearing Address: 1961 STOUT STREET [REDACTED] DENVER, CO 80294

(b)(7)(C)

Signature of DHS Official Forwarding Application

Submitted On: 8/9/2022 at 2:15:54 a.m. by [REDACTED]

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: MARISOL ANDREU-DE LA CRUZ
Respondent: _____ currently residing at:

[REDACTED ADDRESS]

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CUBA and a citizen of CUBA ;
3. You arrived in the United States at or near EAGLE PASS, TX , on or about August 6, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who entered in the United States at any time or place other than as designated by the Secretary of Homeland Security.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

1961 STOUT STREET SUITE 3101 Denver CO US 80294

(Complete Address of Immigration Court, including Room Number, if any)

on April 18, 2023 at 02:30 PM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

MAURICIO GARZA

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer) (Sign in ink)

Date: August 09, 2022

Laredo, TX

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge. You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the Internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

SENIOR PATROL AGENT

Date: [Redacted]

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on [Redacted], in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to Sign

(Signature of Respondent if Personally Served) (Sign in ink)

SHAWN HADLEY, SENIOR PATROL AGENT [Signature SH] (Signature and Title of officer) (Sign in ink)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/oecl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.