

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Nadia Eugene, a.k.a. Nadya Eugene,)
)
) **CASE NO: 5:26-CV-00028**
)
) Petitioner,)
) **ORAL HEARING REQUESTED**
)
)
 vs.)
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)
)
) **Bobby Thompson**, Jail Administrator,
) South Texas ICE Processing Center,)
)
)
) **Miguel Vergara**, Field Office Director,
) San Antonio, U.S. Immigration and)
) Customs Enforcement,)
)
)
) **Todd Lyons**, Acting Director, U.S.)
) Immigration and Customs Enforcement,)
)
)
) Respondents.)
)
)

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. U.S. Immigration and Customs Enforcement (ICE) has unlawfully detained Petitioner Nadia Eugene for over seven months, since on or around May 31, 2025.
2. Petitioner Nadia Eugene had a grant of Temporary Protected Status (TPS) from Haiti at the time of her arrest by ICE and that grant remains valid until February 3, 2026.
3. 8 U.S.C. § 1254a(d)(4) unambiguously bars government authorities from detaining individuals with a valid grant of TPS on account of their immigration status.
4. In the over seven months she has been detained, Ms. Eugene's TPS status has not been revoked, and in the absence of revocation, ICE has no statutory authority to detain her.
5. ICE is unlawfully detaining Ms. Eugene in violation of 8 U.S.C. § 1254a(d)(4).

6. Ms. Eugene currently remains detained by ICE at the South Texas ICE Processing Center.

7. By this verified Petition for Writ of Habeas Corpus, Ms. Eugene seeks immediate release from immigration custody.

JURISDICTION & VENUE

8. The U.S. District Court for the Western District of Texas has jurisdiction to adjudicate the present Petition pursuant to Sections 2241 and 1331 of United States Code Title 28.

9. Venue is proper in the U.S. District Court for the Western District of Texas under 28 U.S.C. § 2241 because Ms. Eugene is presently being detained at a facility within this District and her immediate physical custodian is located in this District.

PARTIES

10. Petitioner Nadia Eugene, also known as Nadya Eugene, a national and citizen of Haiti, is currently being detained at the South Texas ICE Processing Center at the direction of ICE.

11. Respondent Bobby Thompson is the warden of and responsible for the management of the South Texas ICE Processing Center and thus has day-to-day control over the facility in which ICE is presently housing Ms. Eugene. He is being sued in his official capacity as Jail Administrator.

12. Respondent Miguel Vergara is the Field Office Director for the ICE San Antonio Field Office. He has jurisdiction over individuals in ICE custody at the South Texas ICE Processing Center. He is being sued in his official capacity.

13. Respondent Todd Lyons is the Acting Director for ICE. He supervises all ICE field offices, including the San Antonio Field Office. He is being sued in his official capacity.

FACTS

14. Nadia Eugene was born in Haiti in 1987 and is a citizen of that country.

15. Ms. Eugene has three children, aged seventeen, thirteen and two.

16. Ms. Eugene came to the United States in or around December 2020.

17. Ms. Eugene was detained by ICE after her entry into the United States and placed in expedited removal proceedings.

18. Ms. Eugene was given a Credible Fear Interview and was found to have a credible fear of returning to Haiti. Her expedited removal proceeding was vacated and she was issued a Notice to Appear in Immigration Court placing her in full removal proceedings.

19. In or around January 2021, ICE released Ms. Eugene from immigration detention after a custody determination made pursuant to Section 236 of the Immigration and Nationality Act. ICE enrolled Ms. Eugene in its Alternatives to Detention (ATD) program and released her with an ankle monitor.

20. In around May or June 2021, ICE removed Ms. Eugene's ankle monitor and no longer required her to check in through the ATD program.

21. On or about June 30, 2022, Ms. Eugene was granted TPS from Haiti.

22. Ms. Eugene twice timely re-registered for TPS. She was most recently granted TPS valid from August 3, 2024, through February 3, 2026.

23. Ms. Eugene's TPS grant has not been revoked.

24. On or about May 31, 2025, Ms. Eugene was arrested and charged with misdemeanor assault and battery ("the charges") in Peabody, Massachusetts following a

domestic dispute. Ms. Eugene maintains her innocence and wishes to fight the charges in court and clear her name. Ms. Eugene had no criminal history prior to this incident.

25. Ms. Eugene has yet to be arraigned on the charges. The day of her arrest she was released from police custody and taken into ICE custody.

26. The criminal court in Massachusetts has scheduled an arraignment on the charges four separate times and has issued a writ of habeas corpus to ICE, but ICE has failed to produce Ms. Eugene, either in person or via video, for any of the four scheduled arraignments. Ms. Eugene's next chance for arraignment is scheduled for January 12, 2026.

27. Due to Ms. Eugene's detention by ICE, two of her children have been taken into custody of the Massachusetts Department of Children and Families (DCF). DCF has initiated proceedings regarding the custody of the children, which Ms. Eugene has been unable to participate in because of her detention.

28. On August 11, 2025, an immigration judge (IJ) ordered Ms. Eugene removed from the United States. Ms. Eugene has appealed the IJ's removal order to the Board of Immigration Appeals and that appeal remains pending, and thus the removal order is not final.

29. At all times that Ms. Eugene has been in ICE custody, she has had and continues to have a valid grant of TPS that has not been revoked.

30. Ms. Eugene is currently detained at South Texas ICE Processing Center in Pearsall, Texas, at the direction of ICE.

31. The Declarations of Claire Maguire and Dorothee Jeudi, verified under penalty of perjury, are attached to this Petition as **Exhibit 1** and **Exhibit 2** and the allegations therein are incorporated hereto by reference – in satisfaction of the requirements of United States Code Title 28, Sections 2242 and 1746.

*FIRST COUNT – UNLAWFUL DETENTION IN VIOLATION OF UNITED STATES
CODE TITLE 8, SECTION 1254a(d)(4)*

32. Ms. Eugene incorporates paragraphs 1 through 31 above as if fully restated below.

33. Ms. Eugene is currently in the custody of Respondents under or by color of the authority of the United States.

34. Ms. Eugene has been granted Temporary Protected Status (TPS) pursuant to United States Code 8, Section 1254a and that grant remains in effect through February 3, 2026.

35. Due to this grant of TPS, Ms. Eugene may not be detained on account of her immigration status.

36. Since on or about June 1, 2025, ICE has detained Ms. Eugene on account of her immigration status despite her valid grant of TPS, in violation of United States Code 8, Section 1254a(d)(4).

37. A judicial order requiring Ms. Eugene's release from ICE custody would effectively redress Respondents' unlawful conduct.

PRAYER FOR RELIEF

Wherefore, based on the foregoing and the accompanying memorandum of law, Ms. Eugene respectfully requests that the Court:

- A. Order Respondents to immediately release Ms. Eugene from immigration detention; and
- B. Grant such other further relief is deemed just and proper by the Court.

Respectfully submitted,

NADIA EUGENE,

By her attorney,

/s/ Ethan R. Horowitz

Ethan R. Horowitz

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Date: January 6, 2026

COUNSEL'S VERIFICATION

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed the events described in this Petition with someone acting on behalf of the Petitioner. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

/s/ Ethan R. Horowitz

Date: January 6, 2026

Ethan R. Horowitz