

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Nadia Eugene, a.k.a. Nadya Eugene,
Petitioner,

vs.

Todd Lyons, Acting Director, U.S.
Immigration and Customs Enforcement,
Respondent.

CASE NO: 5:26-CV-00028-FB

FIRST AMENDED VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. U.S. Immigration and Customs Enforcement (ICE) had unlawfully detained Petitioner Nadia Eugene for over seven months prior to the commencement of the above-captioned proceeding.
2. On January 22, 2026, ICE voluntarily released Ms. Eugene from immigration detention, in response to the above-captioned proceeding.
3. At all times relevant to the above-captioned proceeding, Ms. Eugene has been the recipient of Temporary Protected Status (TPS) and that status remains valid.
4. The TPS statute – 8 U.S.C. § 1254a(d)(4) – bars government authorities from detaining or otherwise placing into immigration custody noncitizens with a valid grant of TPS.
5. Although ICE has released Ms. Eugene from detention, Eugene remains subject to onerous conditions of supervised release to which she had not been subject prior to her unlawful detention and which run afoul of the TPS statute.

6. Ms. Eugene thus remains subject to unlawful ICE custody.

7. By this First Amended Verified Petition for Writ of Habeas Corpus, Ms. Eugene seeks her immediate release from immigration custody and the restoration of her unconditional liberty.

JURISDICTION

8. The U.S. District Court for the Western District of Texas retains jurisdiction to adjudicate the above-captioned proceeding – pursuant to Sections 2241 and 1331 of United States Code Title 28 – because Ms. Eugene was detained at a facility within this District at the commencement of said proceeding.

PARTIES

9. Petitioner Nadia Eugene, also known as Nadya Eugene, is a national and citizen of Haiti.

10. Respondent Todd Lyons is the Acting Director for ICE and is being sued in his official capacity.

FACTS

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

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

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

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

15. 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.

16. 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.

17. 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.

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

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

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

21. 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.

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

23. On January 22, 2026, ICE released Ms. Eugene from detention but conditioned such release on Eugene's use of an ankle monitor and, upon information and belief, her prospective participation in the ATD Program.

24. 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.

25. The Declarations of Claire Maguire, Dorothee Jeudi and Nadya Eugene, verified under penalty of perjury, are attached hereto as **Exhibit 1**, **Exhibit 2** and **Exhibit 3** 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 CUSTODY IN VIOLATION OF UNITED STATES CODE
TITLE 8, SECTION 1254a(d)(4)*

26. Ms. Eugene incorporates paragraphs 1 through 25 above as if fully restated below.

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

28. 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.

29. Due to this grant of TPS, Ms. Eugene may not be placed into immigration custody.

30. Although ICE released Ms. Eugene from detention on January 22, 2026, ICE has continued its custody of Eugene on account of her immigration status despite her valid grant of TPS, in violation of United States Code 8, Section 1254a(d)(4).

31. A judicial order requiring Ms. Eugene's release from ICE custody and the restoration of her unconditional liberty would effectively redress Respondent's 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 Respondent to immediately release Ms. Eugene from immigration custody and restore her unconditional liberty, as it was before her unlawful detention; and
- B. Grant such other further relief as deemed just and proper by the Court.

Respectfully submitted,

NADIA EUGENE,

By her attorney,

/s/ Ethan R. Horowitz

Ethan R. Horowitz
Massachusetts BBO# 674669
Northeast Justice Center
50 Island Street, Suite 203B
Lawrence MA 01840
(978) 888-0624
ehorowitz@njc-ma.org

Date: January 22, 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 22, 2026

Ethan R. Horowitz

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2026, the foregoing pleading and the exhibits referenced therein were electronically filed with the Clerk of the Court through the CM/ECF system, which will send notification of such filing to registered participants, including counsel for Respondents Lyons and Vergara. I also hereby certify that on January 22, 2026, the foregoing documents were served via first-class mail upon Respondent Thompson at his address of record:

Bobby Thompson, Jail Administrator
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, TX 78061

/s/ Ethan Horowitz

Dated: January 22, 2026

Ethan R. Horowitz