

YOSBI CASANOVA BALBUENA

Address: [REDACTED]

Phone: [REDACTED]

United States Courts
Southern District of Texas
FILED

JAN 05 2026

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

YOSBI CASANOVA BALBUENA, §
AS NEXT FRIEND OF §
IVET FERNÁNDEZ-DOMÍNGUEZ, §
A# [REDACTED] §
Petitioner, §
v. §
U.S. IMMIGRATION AND §
CUSTOMS ENFORCEMENT (ICE); §
FIELD OFFICE DIRECTOR, §
ICE SAN ANTONIO FIELD OFFICE; §
WARDEN, KARNES COUNTY §
IMMIGRATION PROCESSING CENTER, §
Respondents. §

CIVIL ACTION NO. -----

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. 2241

This Petition challenges the prolonged and unconstitutional immigration detention of IVET FERNANDEZ DOMINGUEZ, a Cuban national currently in the custody of U.S. Immigration and Customs Enforcement at the Karnes County Immigration Processing Center in Karnes City, Texas. Petitioner respectfully seeks her immediate release.

CERTIFICATE OF SERVICE

I, **YOSBI CASANOVA BALBUENA**, certify under penalty of perjury that on this 28th day of December 2025, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus to be served by U.S. Mail, postage prepaid, upon the following:

1. United States District Court

Southern District of Texas

Corpus Christi Division

1133 N. Shoreline Blvd.

Corpus Christi, TX 78401

2. United States Attorney's Office

Southern District of Texas

800 N. Shoreline Blvd., Suite 500

Corpus Christi, TX 78401

3. Office of the Principal Legal Advisor (OPLA)

U.S. Immigration and Customs Enforcement

800 Dolorosa Street, Suite 100

San Antonio, TX 78207

4. Warden

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, TX 78118

I declare under penalty of perjury that the foregoing is true and correct.


12-28-25 

TABLE OF CONTENTS

1. Petition for Writ of Habeas Corpus

2. Proof of Residence of YOSBI CASANOVA BALBUENA

3. Cuban Passport of IVET FERNÁNDEZ-DOMÍNGUEZ

4. Notice to Appear (NTA) of IVET FERNÁNDEZ-DOMÍNGUEZ

5. Proof of Pending Appeal (EOIR / BIA Case Status Page)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. §§ 2241 and 2242)

I. INTRODUCTION

This Petition for Writ of Habeas Corpus is filed on behalf of IVET FERNÁNDEZ-DOMÍNGUEZ (A: [REDACTED]), a Cuban national born on [REDACTED], in Camagüey, Cuba, currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas.

IVET FERNÁNDEZ-DOMÍNGUEZ entered the United States on April 14, 2022, through the State of Texas. She was released from immigration custody shortly thereafter and lived in the community in full compliance with all immigration requirements. She has no criminal history, maintained valid employment authorization, and consistently complied with all ICE supervision and reporting obligations.

On June 11, 2025, IVET FERNÁNDEZ-DOMÍNGUEZ voluntarily appeared at a scheduled ICE check-in appointment in San Antonio, Texas, while her immigration appeal remained pending before the Board of Immigration Appeals. She attended this appointment in good faith and without any attempt to evade authorities. Despite her full compliance, she was taken into custody at that appointment and has remained detained since that date.

As of the filing of this Petition, IVET FERNÁNDEZ-DOMÍNGUEZ has been continuously detained for approximately two hundred (200) days. Her appeal before the Board of Immigration Appeals was received on September 26, 2023, remains pending, and no briefing schedule has been issued. There is no final, executable order of removal and no reasonably foreseeable date of removal.

This Petition is filed by me, YOSBI CASANOVA BALBUENA, a lawful permanent resident of the United States, acting as next friend. I have known IVET FERNÁNDEZ-DOMÍNGUEZ since we lived in Cuba and maintain a long-standing personal relationship with her. I am filing this Petition because she is currently detained and unable to seek relief on her own behalf.

IVET FERNÁNDEZ-DOMÍNGUEZ's continued detention under these circumstances is prolonged, excessive, and punitive in nature. Detaining a noncitizen who voluntarily complied with ICE supervision poses no risk of flight or danger to the community and is awaiting appellate review serves no legitimate regulatory purpose and violates the Due Process Clause of the Fifth Amendment.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this Petition pursuant to Article I, Section 9, Clause 2 of the United States Constitution, which protects the right to seek habeas corpus relief, and under 28 U.S.C. §§ 2241 and 2242, which authorize federal courts to review the legality of immigration detention.

Jurisdiction is further proper under the Due Process Clause of the Fifth Amendment to the United States Constitution, which guarantees that no person shall be deprived of liberty without due process of law. These constitutional protections apply to all persons within the United States, including noncitizens.

This Petition is properly brought by me, YOSBI CASANOVA BALBUENA, a lawful permanent resident of the United States, acting as next friend, because IVET FERNÁNDEZ-DOMÍNGUEZ is currently detained and therefore unable to file this Petition on her own behalf.

Venue is proper in the United States District Court for the Southern District of Texas, Corpus Christi Division, because IVET FERNÁNDEZ-DOMÍNGUEZ is detained at the Karnes County Immigration Processing Center in Karnes City, Texas, which is located within this judicial district. This Court has authority over her immediate custodian.

III. STATEMENT OF FACTS

IVET FERNÁNDEZ-DOMÍNGUEZ is a citizen of Cuba, born on [REDACTED] in Camagüey, Cuba. Her Cuban passport number is [REDACTED]

IVET FERNÁNDEZ-DOMÍNGUEZ entered the United States on April 14, 2022, through the state of Texas. She was released from immigration custody on April 24, 2022, and thereafter, she lived in the community in full compliance with all immigration requirements. During this period, she consistently complied with ICE supervision, maintained stable residency, and obtained valid employment authorization. She has no criminal record.

On August 16, 2023, an immigration judge issued an order of removal. IVET FERNÁNDEZ-DOMÍNGUEZ timely appealed that decision to the Board of Immigration Appeals. The appeal was received on September 26, 2023, and is still pending. No reporting schedule has been issued for either party, and the appeal has not been resolved.

While her appeal was pending, IVET FERNÁNDEZ-DOMÍNGUEZ continued to comply with all of ICE's notification requirements. On June 11, 2025, she voluntarily showed up at a scheduled ICE review appointment in San Antonio, Texas. She attended this appointment in good faith and without trying to evade the immigration authorities.

At the time of her detention, IVET FERNÁNDEZ-DOMÍNGUEZ had a pending appeal before the Board of Immigration Appeals, valid employment authorization, no criminal record, and a demonstrated record of full compliance with ICE supervision. She had not committed any crime or violated any condition of release.

Despite her compliance, IVET FERNÁNDEZ-DOMÍNGUEZ was taken into immigration custody at her appointment with ICE on June 11, 2025. Since that date she has been continuously detained.

IVET FERNANDEZ-DOMINGUEZ is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas, where she is being held in Block 2, Room 226, Bed 3.

IV. PROLONGED AND PUNITIVE DETENTION

IVET FERNÁNDEZ-DOMÍNGUEZ has been continuously detained since June 11, 2025. As of the filing of this Petition, she has been held in immigration detention for approximately two hundred (200) consecutive days.

Her detention has become prolonged and excessive. Although an Immigration Judge issued a removal order on August 16, 2023, that order is not final or executable because her appeal before the Board of Immigration Appeals remains pending. No briefing schedule has been issued, and there is no foreseeable date on which removal could occur.

Immigration detention is civil in nature and must remain reasonably related to its regulatory purpose. When detention becomes prolonged without a realistic prospect of removal, it loses its civil character and becomes punitive.

IVET FERNÁNDEZ-DOMÍNGUEZ's continued detention serves no legitimate regulatory purpose. She voluntarily appeared at her ICE appointment, has no criminal history, poses no risk of flight, and has demonstrated full compliance with all immigration requirements. Under these circumstances, continued confinement operates as punishment rather than civil regulation.

Detention that functions as punishment violates the Due Process Clause of the Fifth Amendment. The prolonged detention of IVET FERNÁNDEZ-DOMÍNGUEZ while her appeal remains pending, with no foreseeable end, is excessive and unconstitutional.

V. LEGAL ARGUMENT

Immigration detention is civil in nature and may not become punitive. The Due Process Clause of the Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of liberty without due process of law. These constitutional protections apply to all persons within the United States, including noncitizens.

The continued detention of IVET FERNÁNDEZ-DOMÍNGUEZ violates these fundamental principles. She has been detained for approximately two hundred (200) days while her appeal before the Board of Immigration Appeals remains pending, with no briefing schedule and no foreseeable date of removal. Under these circumstances, detention no longer serves a legitimate regulatory purpose and instead operates as punishment.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that immigration detention becomes unconstitutional when removal is not reasonably foreseeable. Detention must bear a

reasonable relation to its civil purpose, and when that purpose can no longer be achieved, continued confinement violates due process. Because IVET FERNÁNDEZ-DOMÍNGUEZ's removal cannot occur while her appeal is pending, her continued detention is not reasonably related to any legitimate regulatory objective.

In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention only for a narrow class of noncitizens with certain criminal convictions and only for brief and finite periods. Those circumstances are not present here. IVET FERNÁNDEZ-DOMÍNGUEZ has no criminal history, was not detained for criminal conduct, and was taken into custody despite full compliance with ICE supervision.

The Supreme Court further confirmed in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), that habeas corpus remains the proper procedural mechanism through which individuals may challenge prolonged and unconstitutional immigration detention. This Petition is therefore properly before this Court.

The Fifth Circuit has recognized that prolonged civil detention must remain reasonably related to its regulatory purpose and may not operate as punishment. See *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006). When detention becomes excessive and disconnected from its civil purpose, it violates due process. That is precisely the situation here.

Additionally, detention under these circumstances is unjust because IVET FERNÁNDEZ-DOMÍNGUEZ voluntarily appeared at her ICE appointment, complied with all reporting requirements, possessed valid employment authorization, and has no criminal record. Detaining a

person who has demonstrated full compliance and poses no risk of flight serves no legitimate governmental interest.

IVET FERNÁNDEZ-DOMÍNGUEZ can safely and lawfully await the outcome of her appeal outside of detention. She has a stable release plan and strong community support. Upon release, she will reside with me, YOSBI CASANOVA BALBUENA, I am a lawful permanent resident of the United States, who has known her since we lived in Cuba and I have agreed to take full responsibility for ensuring that she attends all immigration appointments, hearings, and complies with any conditions imposed by the Court or immigration authorities.

There is no evidence that IVET FERNÁNDEZ-DOMÍNGUEZ poses a risk of flight or a danger to the community. To the contrary, her conduct demonstrates that she is likely to comply with all requirements. Continued detention under these circumstances is excessive, unnecessary, and punitive.

Because IVET FERNÁNDEZ-DOMÍNGUEZ's detention is prolonged, unjustified, and no longer serves a legitimate regulatory purpose, it violates the Due Process Clause of the Fifth Amendment. This Court should therefore grant habeas relief and order her immediate release, or, at minimum, order her release under reasonable and less restrictive conditions of supervision.



Detaining IVET FERNÁNDEZ-DOMÍNGUEZ while her appeal remains pending, and in the absence of any criminal conduct, constitutes an unlawful deprivation of liberty. At the time of her detention, she had a pending appeal before the Board of Immigration Appeals, no criminal history, and was in full compliance with all ICE supervision requirements. Under these circumstances, there was no legal or factual basis to justify her detention. Detaining a noncitizen who is pursuing

lawful appellate review, without any criminal conduct or violation of release conditions, is arbitrary and violates the Due Process Clause of the Fifth Amendment.

VI. NO FLIGHT RISK & RELEASE PLAN

IVET FERNÁNDEZ-DOMÍNGUEZ does not pose a risk of flight and does not present a danger to the community. She has consistently demonstrated compliance with all immigration requirements, including voluntarily appearing at ICE check-in appointments and adhering to supervision conditions prior to her detention.

At the time of her arrest, IVET FERNÁNDEZ-DOMÍNGUEZ had a pending appeal before the Board of Immigration Appeals, valid employment authorization, and no criminal history. She was not accused of any criminal conduct and had not violated any condition of release. Her history reflects good faith compliance and respect for the immigration process.

Upon release, IVET FERNÁNDEZ-DOMÍNGUEZ will reside with me, YOSBI CASANOVA BALBUENA, at my residence located at  I am a lawful permanent resident of the United States, I have known IVET FERNÁNDEZ-DOMÍNGUEZ since we lived in Cuba, and I have agreed to take full responsibility for ensuring that she attends all immigration appointments, hearings, and complies with any conditions imposed by this Court or immigration authorities. My telephone number is 

VII. VERIFICATION / DECLARATION

I declare under penalty of perjury under the laws of the United States of America that I am a lawful permanent resident of the United States and that I am acting as next friend for IVET FERNÁNDEZ-DOMÍNGUEZ in this action.

I have agreed to take full responsibility for ensuring that IVET FERNÁNDEZ-DOMÍNGUEZ attends all immigration appointments, hearings, and complies with any conditions imposed by this Court or immigration authorities.

I further declare that IVET FERNÁNDEZ-DOMÍNGUEZ is currently detained and unable to file this Petition on her own behalf, and that I have known her since we lived in Cuba. I am filing this Petition in good faith to seek relief from her prolonged and unlawful detention.

I have read the foregoing Petition for Writ of Habeas Corpus, and the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 28th day of December, 2025.

12-28-2025
y