

PETITION FOR WRIT OF HABEAS CORPUS

FILED

JAN -5 2026

(28 U.S.C. § 2241)

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY MM  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SA26CA0019 **OG**

WENDY VEGA LORES,  
By and through her Next Friend,  
NILVIANNIS LORES MATOS,  
Pétitionner,

v.

Civil Action No.

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WARDEN, KARNES COUNTY IMMIGRATION PROCESSING CENTER;  
Acting Director of U.S. Immigration and Customs Enforcement;  
Secretary of Homeland Security;  
Attorney General of the United States,

Respondents.  
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## I. JURISDICTION AND VENUE


This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner Wendy Vega Lores is currently in federal immigration custody within the Western District of Texas, San Antonio Division. Venue is proper in this Court because Petitioner is detained within this judicial district.

Petitioner brings this action through her mother, **Nilviannis Lores Matos**, as *Next Friend*, due to the extraordinary circumstances of Petitioner's prolonged detention and the urgent need for judicial review.

## II. STATEMENT OF FACTS

### FIRST

On June 16, 2025, Petitioner Wendy Vega Lores was unlawfully detained and placed into custody of Immigration and Customs Enforcement (ICE) / Department of Homeland Security (DHS). On that date, Wendy appeared together with her family at a previously scheduled ICE check-in appointment at the ICE office in San Antonio, Texas. Without presenting a judicial warrant, ICE officers detained the family, asserting they were acting pursuant to administrative directives targeting immigrants processed under a prior administration.

Wendy was immediately separated from her family and transferred to the Wilson County Jail, located at 800 10th St.,  Floresville, Texas 78114, where she remained under inhumane conditions, including inadequate access to food and personal hygiene.

She was subsequently transferred to the Karnes County Immigration Processing Center, where she remains detained to this date, having endured approximately six (6) months and 3 weeks of continuous detention. From the earliest days of her detention, Wendy required psychological and psychiatric care due to the trauma caused by the arrest and prolonged separation from her family. Her parents and other relatives, who were also detained, were released after approximately one month, while Wendy remained in custody.

### SECOND

On July 25, 2025, Wendy appeared before an Immigration Judge for a bond hearing. Bond was denied based on an alleged unlawful entry into the United States, relying on *Matter of Qiu Li*. However, under the proper application of that precedent, parole should have been granted. This procedural safeguard was not afforded to Wendy, resulting in a violation of due process.

### **THIRD**

On July 29, 2025, following the denial of bond, Wendy's attorney submitted an **Urgent Request for Release on Recognizance** to ICE, supported by extensive evidence of Wendy's good moral character, strong community ties, academic achievements, and lack of any criminal history. The request demonstrated that Wendy posed no danger to the community and no risk of flight.

ICE denied the request, stating that it lacked jurisdiction to release Wendy from detention. As a result, all reasonable administrative efforts to secure her release were exhausted, leaving continued detention as the government's sole course of action.

### **FOURTH**

On October 15, 2025, Wendy's asylum hearing was held. During the proceedings, it was explained that her asylum claim was entirely derivative of her parents' claim, as Wendy was a minor at the time the underlying events occurred. Despite this, asylum was denied and a removal order was issued.

At no point did the Immigration Court consider that Wendy and her family were improperly processed upon entry, nor that incorrect documentation was issued. Wendy was also denied the opportunity to have her eligibility for lawful permanent residence under the Cuban Adjustment Act properly evaluated, despite her clear statutory eligibility.

### **FIFTH**

On November 4, 2025, Wendy filed an appeal of the removal order. That appeal remains pending and unresolved. Her continued detention during the pendency of appellate review is therefore excessive and legally unjustified.

### **SIXTH**

Wendy entered the United States on April 27, 2022, together with her parents and brother. She has resided at [REDACTED]

She completed all graduation requirements at MacArthur High School and was recognized as a 12th-grade honor student. Wendy later received a scholarship from Texas State University in San Marcos and successfully completed her first year of studies in the Sciences with a GPA of 3.8. She was named to the Dean's List and inducted into the Honor Society.

Her parents paid approximately \$16,000 for a single academic term, demonstrating financial stability and that Wendy has never been a public charge. Wendy has no criminal history, poses no danger to the community, and seeks only to continue her education and contribute positively to society.

Additionally, Wendy filed Form I-485 under the Cuban Adjustment Act on May 10, 2024. Her biometrics were taken on July 18, 2024, and her employment authorization under category C-09 was approved on August 30, 2024.

### **III. LEGAL GROUNDS**

#### **FIRST – VIOLATION OF DUE PROCESS**

Petitioners' prolonged and indefinite detention violates the Due Process Clause of the Fifth Amendment. Immigration detention is civil, not punitive, and prolonged detention without meaningful individualized justification becomes unconstitutional, as held in *Zadvydas v. Davis* and *Clark v. Martinez*.

#### **SECOND – DISPROPORTIONALITY OF DETENTION**

Continued detention violates the principle of proportionality. Less restrictive alternatives exist, including parole or supervised release. Wendy has demonstrated exceptional equities, including strong family ties, an exemplary academic record, and the absence of any criminal history.

#### **THIRD – MINOR STATUS AND FAMILY UNITY**

At the time the events giving rise to this case occurred, Wendy was a minor who was fully dependent on her parents. The failure to consider this status constitutes a violation of substantive due process and humanitarian family-unity principles recognized under federal law.

#### **FOURTH – REMOVAL NOT FORESEEABLE OR LAWFUL**

Wendy's removal is neither reasonably foreseeable nor lawful. She was inspected and released under Form I-220A. Upon re-detention and denial of bond, parole should have been granted or her adjustment of status proceedings allowed to continue.

#### IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner, by and through her Next Friend, respectfully requests that this Honorable Court:

1. Order Wendy Vega Lores's immediate release from ICE custody; or
2. In the alternative, conduct a hearing to determine the legality of her continued detention; and
3. Grant any other relief the Court deems just and proper.

Respectfully submitted,



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Nilviannis Lores Matos Next Friend of Wendy Vega Lores

Date: 5<sup>th</sup> of January 2026.