

the fact that he was a Temporary Protected Status (TPS) recipient. Mr. Luis Lara Machado filed for a redetermination of custody status which the Court denied based on In the matter of Hurtado.

Mr. Luis Lara Machado submits that his detention is in violation of his constitutional rights. His prolonged detention is not justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Luis Lara Machado from their custody.

CUSTODY

1. Mr. Luis Lara Machado is in the physical custody of Respondent Michael J. Pitts, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Phillip Valdez, Warden of the Eden Detention Center in Eden, Texas. At the time of the filing of this petition, Petitioner is detained at the Eden Detention Center in Eden, Texas. The Eden Detention Center contracts with the DHS to detain aliens such as Petitioner. Mr. Luis Lara Machado is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S.

Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondents, Joshua Johnson and Phillip Valdez reside and where Petitioner is detained, 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Luis Lara Machado is a national and citizen of Venezuela who was accorded temporary protected status on or about October 17, 2024. He is awaiting his asylum hearing. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondent Joshua Johnson is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Johnson is a custodial official acting within the boundaries of the judicial district of the United States Court for the Northern District of Texas, San Angelo Division. Pursuant to Respondent Johnson's orders, Petitioner remains detained.

6. Respondent Phillip Valdez is the warden of the Eden Detention Center in Eden, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Northern District of Texas, San Angelo Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. Luis Lara Machado has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. Luis Lara Machado 's only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner Luis Lara Machado is a national and citizen of Venezuela who was previously accorded temporary protected status (TPS) status.

11. Mr. Luis Lara Machado applied for political asylum under the Immigration and Nationality Act. Pending adjudication of his application, the Department of Homeland Security (DHS) allowed Mr. Luis Lara Machado to report and he did so without any problems.

12. Although his application was pending and he was granted TPS he continued to report to the DHS.

13. On or about September 23, 2025, Respondent Johnson and his agents arrested Mr. Luis Lara Machado at the ICE office as he checked in. There was no reason for his arrest. At the time of his arrest his TPS was active.

14. Mr. Luis Lara Machado has fully cooperated with Respondent.

15. Respondents have twice reviewed Mr. Luis Lara Machado's custody status and have determined that he should be detained because his removal is likely.

16. Mr. Luis Lara Machado has now been in detention for more than three (3) months. Respondents continue to detain Mr. Luis Lara Machado even though it is now clear that his grant of TPS is active.

17. Mr. Luis Lara Machado is not a danger to the community or a flight risk. He has no pending criminal cases.

18. Mr. Luis Lara Machado has deep roots in this community. His wife, children, two sisters and his mother and step father live in the United States.

19. Prior to his arrest, Mr. Luis Lara Machado was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

20. Respondents' decision to detain Mr. Luis Lara Machado is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Luis Lara Machado's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

25. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;

3. Issue a writ of habeas corpus ordering Respondents to release Mr. Luis Lara Machado on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Rosalind Kelly

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VERIFICATION OF COUNSEL

I, Rosalind Kelly, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/Rosalind Kelly

Rosalind Kelly