

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION


United States Courts
Southern District of Texas
FILED
JAN 05 2026
Nathan Ochsner, Clerk of Court

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. §§ 2241 AND 2242

I. INTRODUCTION

This is an Emergency Petition for Writ of Habeas Corpus challenging the unlawful and unconstitutional immigration detention of Yosleidy Soriano Isasi, a Cuban national currently detained by U.S. Immigration and Customs Enforcement (ICE). Petitioner **Brandon Antonio Bustos**, a United States citizen, files this Petition as Next Friend because Ms. Soriano Isasi is currently detained and unable to litigate this matter on her own behalf.

Ms. Soriano Isasi (A# ) has no criminal history, was detained during a routine ICE check-in on November 14, 2025, and has a pending Form I-485 under the Cuban Adjustment Act, along with employment authorization and a Social Security number. Her continued detention serves no legitimate civil immigration purpose, has become punitive, and violates the Due Process Clause of the Fifth Amendment. Immediate release is warranted.


II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to Article I, Section 9, Clause 2 of the United States Constitution and 28 U.S.C. §§ 2241 and 2242 to review the lawfulness of immigration detention. This Petition is properly brought by Brandon Antonio Bustos, as Next Friend of Yosleidy Soriano Isasi, who is unable to litigate this matter on her own behalf due to her current detention and deteriorating mental health.

Venue is proper in the Southern District of Texas, Corpus Christi Division, because **Yosleidy Soriano Isasi** is detained at the Karnes County Immigration Processing Center in Karnes City, Texas, which is located within this District.

Warden of the Karnes County Immigration Processing Center is the immediate custodian of Petitioner Yosleidy Soriano Isasi and has day-to-day control over her physical detention. This Court therefore has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, as the Petitioner is detained within this District.

III. STATEMENT OF FACTS

Yosleidy Soriano Isasi was born on  in Ciego de Ávila, Cuba. She entered the United States on May 28, 2019, through El Paso, Texas. She has no criminal record.

Ms. Soriano Isasi has filed a Form I-485 under the Cuban Adjustment Act, holds valid employment authorization, and has been assigned a Social Security number. She has complied with all immigration requirements.

In good faith, Ms. Soriano Isasi moved to Texas for a legitimate employment opportunity and properly notified ICE of her change of address. On November 14, 2025, she appeared voluntarily

at a routine ICE supervision appointment and was detained solely for complying with ICE requirements. She was not arrested for any crime and did not violate any condition of supervision.

Ms. Soriano Isasi filed an application for asylum and was actively preparing her defense. Her detention has forced her immigration court proceedings to take place while she is in custody, significantly impairing her ability to prepare her case and access evidence and witnesses.

Ms. Soriano Isasi has an upcoming Master Hearing on January 6, 2026, at 9:00 a.m., before Immigration Judge Justin Adams, at 566 Veterans Drive, Pearsall, Texas.

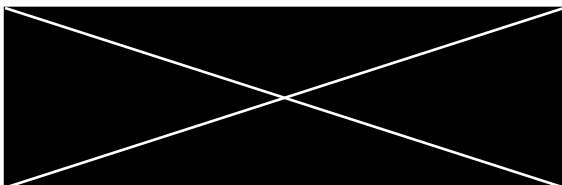
IV. FAMILY AND HUMANITARIAN CIRCUMSTANCES

Ms. Soriano Isasi is the mother of a minor child, **Rafael Jr. P. Soriano**, born [REDACTED]. During her detention, the child has been temporarily cared for by her maternal aunt, **Yanisleidy Tratma Isasi**, a lawful permanent resident of the United States. This arrangement exists only because of Ms. Soriano Isasi's detention.

Upon release, Ms. Soriano Isasi's daughter will immediately reunite with her mother and reside with her in Texas. Prolonged detention unnecessarily separates a mother from her minor child, causing significant emotional and psychological harm and serving no legitimate civil purpose.

V. RELEASE PLAN

Upon release, Ms. Soriano Isasi will remain in Texas to ensure continued compliance with ICE supervision and attendance at all immigration court proceedings. She will reside with a close personal friend, **Dayami Guillen Serrano** at:



Ms. Soriano Isasi has demonstrated a consistent history of compliance, including reporting to ICE and updating her address. She poses no risk of flight and no danger to the community.

VI. LEGAL STANDARD

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 Ms. Soriano Isasi 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 Ms. Soriano Isasi'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.

Ms. Soriano Isasi has no criminal history, was not detained for any 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 **Ms. Soriano Isasi voluntarily** appeared at her ICE appointment, complied with all reporting requirements, possessed valid employment authorization, and has no criminal record. Detaining her under these circumstances serves no legitimate civil immigration purpose and violates due process.

In habeas corpus proceedings challenging present physical confinement, the proper respondent is the petitioner's immediate custodian, meaning the warden of the facility where the petitioner is detained. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

VII. ARGUMENT

A. Detention Is Unlawful and Punitive

Ms. Soriano Isasi's detention serves no legitimate civil purpose. She has no criminal history, complied with ICE, and has a pending I-485 under the Cuban Adjustment Act. Detaining her under these circumstances is arbitrary and punitive.

B. Detention for Compliance Violates Due Process

ICE detained Ms. Soriano Isasi because she complied with supervision requirements and updated her address. Punishing compliance violates fundamental principles of due process.

C. No Flight Risk or Danger to the Community

Ms. Soriano Isasi has a fixed residence, employment prospects, family ties, and an upcoming court date in Texas. She has demonstrated good-faith compliance and poses no risk of flight.

D. Family Separation and Harm to a Minor Child

Continued detention unnecessarily separates a mother from her minor child. This harm is severe, avoidable, and constitutionally significant, further demonstrating that detention is excessive and unlawful.

VIII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

Grant this Emergency Petition for Writ of Habeas Corpus.

Order the immediate release of Yosleidy Soriano Isasi from ICE custody.

In the alternative, order release under appropriate conditions of supervision; and

Grant such other relief as the Court deems just and proper.

IX. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: **December 29, 2025**

Respectfully,

Brandon Antonio Bustos BA B

As Next Friend of

Yosleidy Soriano Isasi