

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLAUDIA SOFIA CASTRO MACANILLA

Petitioner,

v.

Civ. 5:26-cv-137

**PAMELA JO BONDI,
United States Attorney General;**

**TODD LYONS,
Acting Director of Immigration and Customs
Enforcement**

**KRISTI LYNN NOEM,
Secretary of Homeland Security;**

**SYLVESTER ORTEGA,
Acting Field Office Director
For Detention and Removal, U.S.
Immigration and Customs Enforcement;
and,**

**ROSE THOMPSON,
Karnes County Immigration Processing Center**

in their official capacities;

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner CLAUDIA SOFIA CASTRO MACANILLA petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is unlawfully detained by the Department of Homeland Security (“DHS”) following her re-detention at an interior Immigration and Customs

Enforcement (“ICE”) check-in, despite having been previously paroled into the United States through the CBP One process and having complied with all conditions of her release for more than a year.

DHS asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That is wrong. Section 1225(b) applies only to noncitizens who are actively “seeking admission” to the United States. At the time of her re-detention, Petitioner was not seeking admission; she had already been living in the interior of the United States for an extended period pursuant to DHS’s own parole decision. DHS therefore lacks statutory authority to detain her. Because Petitioner’s custody is not authorized by any statute, habeas relief in the form of immediate release is required.

CUSTODY

1. Petitioner is in the physical custody of Respondent SYLVESTER ORTEGA, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (“ICE”), DHS, and Respondent BOBBY THOMPSON, Warden of the South Texas Detention Complex in Pearsall, Texas. At the time of the filing of this petition, Petitioner is detained at the Karnes County Immigration Processing Center. GEO Group which owns and operates the Karnes County Immigration Processing Center, contracts with the DHS to detain noncitizens, such as Petitioner, pending their removal proceedings. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

2. The Court also has jurisdiction over this petition under 28 U.S.C. §§ 2241(c)(1) and (c)(3), Art. I, § 9, Cl. 2 of the United States Constitution (“Suspension Clause”).

3. Venue properly lies within the Western District of Texas because all of the events or omissions giving rise to this action occurred in the district. 28 U.S.C. § 1391(e)(1)(B).

4. No petition for habeas corpus has previously been filed in any court to review Petitioner’s case.

PARTIES

5. CLAUDIA SOFIA CASTRO MACANILLA is a national and citizen of Colombia. She is currently detained at Karnes County Immigration Processing Center located at 409 FM 1144, Karnes City, TX 78118.

6. Respondent PAMELA JO BONDI is the Attorney General of the United States and the most senior official in the United States Department of Justice (“DOJ”). She has the authority to interpret the immigration laws and adjudicate removal cases. 8 U.S.C. § 1103(g). The Attorney General delegates this responsibility to the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the Board of Immigration Appeals (“BIA” or “Board”). Respondent is named in her official capacity. Respondent’s address is 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

7. Respondent TODD LYONS is Acting Director of Immigration and Customs Enforcement. Respondent’s address is 500 12th St SW Washington, DC 20536

8. Respondent KRISTI LYNN NOEM is the Secretary of the U.S. Department of Homeland Security (“DHS”), an agency of the United States. Respondent is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). The Secretary is a legal

custodian of the Plaintiff-Petitioner. Respondent is named in her official capacity. Her address is Department of Homeland Security, 245 Murry Lane, SW Washington, D.C. 20528.

9. Respondent SYLVESTER ORTEGA is the Field Office Director for Detention and Removal (ERO), ICE, DHS, for the Karnes ERO Office. He is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Texas. Pursuant to Respondent's orders, Petitioner remains detained. Respondent is sued in his official capacity. Respondent can be served with process at 1777 NE Loop 410 San Antonio TX 78217.

10. Respondent ROSE THOMPSON is the Warden of the Karnes County Immigration Processing Center. She is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Texas. Respondent is named in his official capacity. Respondent can be served with process at 409 FM 1144 Karnes City, TX 78118.

FACTS

11. Petitioner is a citizen and national of Colombia. On November 24, 2024, she presented herself at the San Ysidro Port of Entry using the CBP One process and expressed a fear of return to Colombia. DHS paroled Petitioner into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A) for humanitarian reasons. Following her parole, Petitioner complied with all conditions imposed by DHS. She reported as required, updated her address, and pursued her immigration case while living peacefully in the interior of the United States. On December 2, 2025—more than a year after DHS paroled her into the country—Petitioner appeared at a routine ICE check-in. At that time, ICE agents arrested and detained her. DHS did not allege that Petitioner violated the terms of her parole, posed a danger to the community, or presented a flight risk. DHS did not conduct any individualized custody determination. Instead, DHS asserted that Petitioner was subject to mandatory detention as an “arriving alien” under 8 U.S.C. § 1225(b)(2).

12. While in immigration detention, CLAUDIA SOFIA CASTRO MACANILLA alerted his attorney Tomas Osuna to assist him with his removal proceedings as she had been detained.

13. Under the current regulations requesting a bond hearing before an immigration judge would be futile.

14. CLAUDIA SOFIA CASTRO MACANILLA has no other remedy at law but to seek relief from this Court.

LEGAL FRAMEWORK

A. Petitioner Is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2)

Mandatory detention under § 1225 is premised on an immigration officer's determination that a noncitizen is: (1) an "applicant for admission"; (2) "seeking admission"; and (3) "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A); *see also Lopez Benitez*, 795 F. Supp. 3d at 487; *J.G.O.*, 2025 WL 3040142, at *2-3. At the time of her 2025 re-arrest, Petitioner did not meet all three criteria, so she could not have been detained under § 1225.

Applicants for admission are not necessarily seeking admission. *Lopez Benitez*, 795 F. Supp. 3d at 488. The use of a present participle, "seeking," "necessarily implies some sort of present-tense action." *Lopez Benitez*, 795 F. Supp. 3d at 488 (quoting *Martinez*, 792 F. Supp. 3d at 218); *see also J.G.O.*, 2025 WL 3040142, at *3; *Tumba Huamani v. Francis*, No. 25-cv08110 (LJL), 2025 WL 3079014, at *3 (S.D.N.Y. Nov. 4, 2025). Next, the applicant must be seeking "admission," which is statutorily defined as "lawful entry . . . into the United States." 8 U.S.C. § 1101(a)(13)(A). "Entry" is not defined in the INA, *see generally id.* § 1101, so it can be given its "ordinary, contemporary, common meaning," *Sandifer v. U.S. Steel Corp.*, 571 U.S.

220, 227 (2014) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979)). That meaning is “[t]he action or an act of entering a place.” *Entry*, *Oxford English Dictionary*, <https://doi.org/10.1093/OED/8274517121> (last visited Dec. 9, 2025); *see also Entry*, *Black’s Law Dictionary* (12th ed. 2024) (“Any entrance of [a noncitizen] into the United States, whether voluntary or involuntary.”). Entry therefore implies a geographic limit of entering a place, here the United States’s entrance (*i.e.*, the border). All combined, “seeking admission” means presently trying to enter the United States at or near the border. *See J.G.O.*, 2025 WL 3040142, at *3 (noting that “seeking admission” would “require[] [a noncitizen] . . . to want to go *into* the country”); *Alvarez Ortiz v. Freden*, --- F. Supp. 3d ---, 2025 WL 3085032, at *7 (W.D.N.Y. Nov. 4, 2025) (observing that “seeking admission” “must refer to seeking physical entry at the border, not the legal right to enter”); *Hyppolite v. Noem*, No. 25-cv-04304 (NRM), 2025 WL 2829511, at *9 (E.D.N.Y. Oct. 6, 2025) (finding that “seeking admission” “refer[s] to those who are presenting themselves at the border, or who were recently apprehended just after entering”). In sum, when DHS agents detained Petitioner in 2025, she was no longer seeking to enter the country. She was already in — and had been for over a year. *See Lopez Benitez*, 795 F. Supp. 3d at 489 (holding that because “§1225(b)(2)(A) applies only to those noncitizens who are actively ‘seeking admission’ to the United States, it cannot, according to its ordinary meaning, apply to [the petitioner], because he has already been residing in the United States for several years”); *Rodriguez-Acurio*, 2025 WL 3314420, at *16 n.6 (“[A]lthough a Section 1182(d)(5)(A) parolee remains ‘at the border’ in the sense that they remain an applicant for admission, these parolees have nevertheless entered into the United States by virtue of their parole”). If anything, Petitioner was seeking “to obtain a lawful means to *remain* here” through her asylum application. *Lopez Benitez*, 795 F. Supp. 3d at 488 n.7. Therefore, § 1225 does not apply to her.

Courts across the country have recognized that § 1225(b)(2) does not apply to parolees who have been living freely in the United States and are later re-detained in the interior. Once DHS allows a parolee to enter the country and reside here, the statutory trigger for mandatory detention under § 1225(b)(2) is extinguished.

B. Interior Re-Detention After Prolonged Parole is Not Authorized

When DHS first paroled Petitioner, Dkt. 1-2, “it could not have done so validly unless it did not consider him to be a flight risk or danger to the community at that time.” *Lopez Benitez*, 795 F. Supp. 3d at 495; *see* 8 C.F.R. § 212.5(b). Yet, when DHS re-arrested and detained Petitioner in 2025, its determination was based solely upon evidence that he “either lack[s] immigration status” or is otherwise “removable.” Warrant at 1; Reply at 8 (noting that DHS provided Petitioner with “no individualized explanation of any change in circumstances, and no opportunity to contest her redetention before it occurred”). DHS’s “fail[ure] to articulate any change in circumstances between the time of [Petitioner’s] initial release and her re-detention in 2025” demonstrates its procedures’ deficiencies. *Lopez Benitez*, 795 F. Supp. 3d at 495 (citation modified).

Petitioner was paroled into the United States through the CBP One process, lived freely in the interior for over a year, and was re-detained at a routine ICE check-in without any individualized findings. *Matter of Q. Li* does not hold that DHS may treat a parolee as perpetually “seeking admission” regardless of time, location, or liberty interests. To extend *Q. Li* to authorize interior re-detention after prolonged compliance would improperly convert temporary parole into permanent border status, a result unsupported by the statute and inconsistent with due process.

C. Petitioner’s Detention Violates the Due Process Clause

Civil immigration detention implicates a fundamental liberty interest. Detention without

statutory authorization and without any individualized process violates the Due Process Clause of the Fifth Amendment. “[T]he Due Process clause applies to all ‘persons’ within the United States, including

[noncitizens], whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693 (citation omitted). The Due Process Clause of the Fifth Amendment prevents the Government from depriving any person of “life, liberty, or property without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690. Here, DHS provided Petitioner no hearing, no findings, and no lawful detention framework. Because Petitioner’s detention is unauthorized and unconstitutional, immediate release is required.

PRAYER FOR RELIEF

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

1. Grant this Petition for a Writ of Habeas Corpus
2. Issue an Order declaring that application of 8 U.S.C. § 1225(b)(2) Petitioner is unlawful, arbitrary, capricious and contrary to law;
3. Issue an Order declaring that application of 8 U.S.C. § 1225(b)(2) to Petitioner violates the INA;
4. Issue an Order declaring that application of 8 U.S.C. § 1225(b)(2) to Petitioner violates her due process rights;
5. Issue an order instructing Respondents to release Petitioner
6. Award Petitioner reasonable costs and attorney's fees under the Equal Access to Justice Act ("EAJA"), as amended, pursuant to 28 U.S.C. § 2412.; and,
7. Grant any other relief which this Court deems just and proper.

Dated: January 15, 2025

Respectfully submitted,

/s/ Tomas P. Osuna
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ATTORNEY FOR PLAINTIFF-PETITIONER

VERIFICATION OF COUNSEL

I, Tomas P. Osuna, 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/ Tomas P. Osuna