

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**FILED.**

**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

**JAN 05 2026**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

Yanet Lara Acosta

*Petitioner*

v.

**SA26CA0064 JKP**  
Case No. (Supplied by Clerk of Court)

Miguel Vergara Field Office

Director at U.S. Immigration Warden of Karnes County

Immigration Processing Center

*Respondent*

(name of warden or authorized person having custody of petitioner)

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Personal Information**

1. (a) Your full name: Yanet Lara Acosta  
 (b) Other names you have used: N/A
2. Place of confinement:  
 (a) Name of institution: Karnes County Immigration Processing Center  
 (b) Address: 409 FM1144, Karnes City, Texas 78118
- (c) Your identification number: [Redacted]
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:  
 \_\_\_\_\_
4. Are you currently:  
 A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
 If you are currently serving a sentence, provide:  
 (a) Name and location of court that sentenced you: \_\_\_\_\_  
 (b) Docket number of criminal case: \_\_\_\_\_  
 (c) Date of sentencing: \_\_\_\_\_  
 Being held on an immigration charge  
 Other (explain): Being held on an Immigration facility after complying with all rules of my conditional parole  
 \_\_\_\_\_  
 \_\_\_\_\_

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:  
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): n/a
- n/a
- n/a

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: n/a
- n/a
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
- n/a
- n/a
- n/a
- (d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- n/a
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: n/a
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- n/a
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

n/a

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

n/a

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

n/a

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

n/a

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: n/a \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes

No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes

No

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If "Yes," provide:

- (1) Name of court: n/a
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: n/a
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: n/a

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 11/14/2025
- (b) Date of the removal or reinstatement order: 12/31/2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: n/a
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:


- (1) Name of court: n/a
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Motion for Bond and Custody Redetermination
- (b) Name of the authority, agency, or court: Honorable Immigration Judge Meredith B. Tyrakoski, San Anton Immigration Court
- (c) Date of filing: 12/01/2025
- (d) Docket number, case number, or opinion number: File A 
- (e) Result: Immigration Judge found no jurisdiction
- (f) Date of result: 12/18/2025
- (g) Issues raised: Judge ordered Yanet Lara Acosta her final desicion court on 12/31/2025 while in detention

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**Grounds for Your Challenge in This Petition**

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Please see separate memorandum attached to form 2241.

Yanet Lara Acosta has been suffering while incarcerated of high blood pressure and was assisted after 10 hours she requested help. Her prescription was given to her after 10 days providing her 2 bottles of water for a period of 24 hours.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

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(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO:** n/a

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(a) Supporting facts (*Be brief. Do not cite cases or law.*):

n/a

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(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE:** n/a

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(a) Supporting facts (*Be brief. Do not cite cases or law.*):

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(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

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**GROUND FOUR:** n/a

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(a) Supporting facts *(Be brief. Do not cite cases or law.):*

n/a

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(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: n/a

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#### Request for Relief

15. State exactly what you want the court to do: Declare that Yanet Lara Acosta's re-detention while removal proceeding without first providing an individualized determination before a neutral decision maker violates the Due Process Clause of "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint without having even crime and always respecting and complying the Conditional Parole and its Rules I was given when I entered the United States. Also I am also requesting my freedom to continue the process of Adjustment of Status and Removal Proceedings. In God



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

**YANET LARA ACOSTA,  
PRO SE**

**Petitioner,**

**v.**

**Miguel Vergara Field Office  
Director at U.S. Immigration  
and Customs Enforcement  
(ICE), San Antonio ; Warden  
of Karnes County Immigration  
Processing Center; Kristi NOEM,  
Secretary, United States  
Department of Homeland Security;  
Pamela Bondi, United States  
Attorney General;  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY;**

**Respondents.**

**PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C.  
§ 2241**


**INTRODUCTION**


1. This case challenges the unlawful re-detention of Yanet Lara Acosta, who entered the United States on June 30, 2022 to seek asylum. She was apprehended shortly after her entry but was released on her own recognizance for the purpose of continuing her removal proceedings.
2. In the years since her release, Yanet Lara Acosta has timely filed for asylum, complied with the conditions of her release imposed by Immigration and Customs Enforcement (ICE), attended her removal proceedings, and been granted employment authorization.
3. On June 25, 2025, Yanet Lara Acosta attended a hearing in her removal proceedings before the immigration court in San Antonio. At that hearing, she was scheduled to appear on December 30, 2027

## I. BACKGROUND

Petitioner is in the custody of Respondents (sometimes referred to as “the Government”) at the Karnes County Immigration Processing Center in Karnes City, Texas. Petitioner is an asylum seeker from Cuba who was detained by Respondents on November 14, 2025, and is being held subject to mandatory detention without bond. Petitioner last entered the United States with inspection on or about June 30, 2022. Government authorities apprehended her upon her unlawful entry into the United States; and served her with a Notice to Appear (“NTA”) on December 20, 2023, and released her the next day under an Order of Release on Recognizance pursuant to 8 U.S.C. § 1226. She was charged with being present in the United States without having been inspected or admitted under Section 212(a)(6)(i) of the Immigration and Nationality Act (“INA”), codified at 8 U.S.C. § 1182(a)(6)(A)(i). The NTA identified Petitioner as “an alien present in the United States who has not been admitted or paroled”—not as an “arriving alien”—and charged her with

(1) Being present in the United States without being admitted or paroled (under 8 U.S.C. § 1182(a)(6)(A)(i)), or (2) “who arrived in the United States at any time or place other than as designated by the Attorney General.”

In September 2022, Petitioner timely filed a pro se I-589 application for asylum within a year of her arrival based on past harm and fear of future harm by Cuban officials on account of 

  
Government authorities mailed her two Notices to Appear (NTA) with different Dates for 2025, first she was scheduled to Appear Virtually on June 25, 2025, and then the Government decided to give another NTA scheduled December 20, 2027. She thereafter obtained work authorization, a driver’s license, and employment as a Clerical Office worker. Prior to her detention she resided in Texas with her husband, who is a Lawful Permanent Resident. Nothing of record reveals any violation of the conditions of her release. When she appeared at a routine check-in appointment. She was arrested and taken into custody. When Immigration and Customs Enforcement (“ICE”) detained her, it provided no reason for her detention and did not vacate or modify the release on her own recognizance. Petitioner is scheduled for a hearing before an immigration judge on December 31, 2025 while in detention (“ICE”) detained her, and it provided no reason for her detention and did not vacate or modify the release on her own recognizance. 2025, Petitioner filed a Motion to Terminate Proceedings with the Immigration Court.

The Immigration Judge has denied the Motion; the Petitioner is scheduled for a hearing before an immigration judge on December 31, 2025.

In the instant habeas petition, Petitioner asserts that her detention violates (1) the due process clause of the Fifth Amendment and (2) provisions of the INA.

Yanet’s arrest record provides no basis for her arrest, other than the unlawful expedited removal proceedings.

**Page 2 Background (Continue)**

Prior to Yanet's re-arrest, she did not receive written notice of the reason for her re-detention.

Prior to Yanet's re-arrest, ICE did not assess whether Yanet Lara Acosta justified for some other reason. In fact, the arrest record provides no basis for Yanet's re-arrest and states that he has no criminal history.

Prior to Yanet Lara Acosta's re-detention, he never received a hearing before a neutral decision maker to determine if his re-detention is justified Yanet Lara Acosta's arrest record provides no basis for his arrest, other than the unlawful expedited removal proceedings.

Prior to Yanet Lara Acosta's re-arrest, he did not receive written notice of the reason for his re-detention.

Prior to Yanet Lara Acosta's re-arrest, ICE did not assess whether Yanet Lara Acosta presented a flight risk or danger to the community, or whether his re-arrest was justified for some other reason. In fact, the arrest record provides no basis for Yanet Lara Acosta's re-arrest and states that she has no criminal history.

41. Prior to Yanet Lara Acosta's re-detention, she never received a hearing before a neutral decision maker to determine if her re-detention is justified process clause of the Fifth Amendment and (2) provisions of the INA. Her primary argument is that her detention violates the plain language of the INA because § 1225 does not apply to individuals who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a) that (1) expressly applies to individuals who are charged as inadmissible for having entered the United States without inspection and (2) allows for release on conditional parole or bond. He contends that Respondents' new legal interpretation based on the BIA ruling, *In re Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025), is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like her.

## II. LEGAL STANDARD

### **Due Process Principles**

#### Due Process Principles

Due process requires that if DHS seeks to re-arrest a person like Yanet Lara Acosta who has lived in the United States for years without incident after DHS first released him, and has attended her removal proceedings and complied with the terms of her release—the government must afford a hearing before a neutral decision maker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at \*3 (citation modified); see also *Ramirez Tesara*, 2025 WL 2637663, at \*3 (stating that the petitioner had “an exceptionally strong interest in freedom from physical confinement”).

Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

Goldberg v. Kelly, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified)); see also, e.g., Morrissey, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions” and that such determination be made “by someone not directly involved in the case” (citation modified)).

Several courts, including this one, have recognized that these principles apply with respect to the re-detention of the many noncitizens that DHS has recently begun taking back into custody, often after such persons have been released for months and years. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

To protect against arbitrary re-detention and to ensure the right to liberty, due process requires “adequate procedural protections” that test whether the government’s asserted justification for a non-citizen’s physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

Due process thus guarantees notice and an individualized hearing before a neutral decision maker to assess danger or flight risk before the revocation of an individual’s release.

Goldberg v. Kelly, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified)); see also, e.g., Morrissey, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions” and that such determination be made “by someone not directly involved in the case” (citation modified)).

**Due Process Principles (Page 4 Continue)**

Several courts, including this one, have recognized that these principles apply with respect to the re-detention of the many non-citizens that DHS has recently begun taking back into custody, often after such persons have been released for months and years. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.

319 (1976), framework to hold that even in a case where the government asserted that mandatory detention applied, a person's re-detention could not occur absent a hearing. The Court did the same in *Ramirez Tesara and Kumar*. See *Ramirez Tesara*, 2025 WL 2637663, at \*2–3; *Kumar*, 2025 WL 2677089, at \*2–3.

In applying the three *Mathews* factors, the *E.A. T.B.* court held that the petitioner had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL 2402130, at \*3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at \*4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at \*5. As a result, this Court ordered the petitioner’s immediate release. *Id.* At \*6.

this Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at \*3. When examining the value of additional safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at \*4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at \*4). Finally, the Court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s immediate release. *Id.* at \*5. The *Kumar* court reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at \*3–4.

**Due Process Principles (Page 4 Continue)**

This Court's decisions in E.A. T.-B., Ramirez Tesara, and Kumar are consistent with many other district court decisions addressing similar situations. See, e.g., Valdez v. Joyce, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); Pinchi v. Noem, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); Maklad v. Murray, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); Garcia v. Andrews, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

The same framework and principles apply here and compel Yanet Lara Acosta immediate release.

**CLAIM FOR RELIEF**

**Violation of Fifth Amendment Right to Due Process**

**Procedural Due Process**

Violation of Fifth Amendment Right to Due Process Procedural Due Process. Yanet Lara Acosta restates and realleges all the prior paragraphs as if fully set forth herein. Due process does not permit the government to re-detain Yanet Lara Acosta and strip her of her liberty without written notice and a pre-deprivation hearing before a neutral decision maker to determine whether re-detention is warranted based on danger or flight risk. See *Morrissey*, 408 U.S. at 487-88. Such written notice and a hearing must occur prior to any re-detention.

Respondents revoked Yanet Lara Acosta's release and deprived him of liberty without providing him written notice and a meaningful opportunity to be heard by a neutral decision maker prior to his re-detention.

58. Accordingly, Yanet Lara Acosta's re-detention violates the Due Process Clause of the Fifth Amendment.

**PRAYER FOR RELIEF**

WHEREFORE, Yanet Lara Acosta respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Yanet Lara Acosta from custody immediately and permanently enjoining her re-detention during the pendency of her removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that she is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that Yanet Lara Acosta's re-detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decision maker violates the Due Process Clause of the Fifth Amendment;
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted: December 29, 2025

**Yanet Lara Acosta**

**Address:**



**Phone:**

