

JS 44 (Rev. 08/18)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Liliana Gabriela Fuentes-Leal

(b) County of Residence of First Listed Plaintiff Kames, TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Rudy Castillo, 2621 Rockgate, San Antonio, TX 78227

**DEFENDANTS**

Warden, Karnes county immigration processing center

County of Residence of First Listed Defendant Kames, TX  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>Labor</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN (Place an "X" in One Box Only)**

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 2241

Brief description of cause:  
Petition for Writ of Habeas Corpus challenging unlawful and prolonged immigration detention.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE NONE

DOCKET NUMBER \_\_\_\_\_

DATE  
01/13/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY


RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**Liliana Gabriela FUENTES LEAL** )  
Petitioner-Plaintiff, )

Civ. No. 5:26-CV-148

v. )

DHS File Number: 

**MIGUEL VERGARA,** )  
Field Office Director )  
U.S. Immigration and Customs Enforcement; )

**Waymon Barry,** )  
Karnes County Immigration Processing Center, )  
Facility Warden )

Respondents-Defendants )  
\_\_\_\_\_ )

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO  
28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE  
RELIEF**

Petitioner Liliana Gabriela Fuentes Leal, by and through undersigned counsel, respectfully submits this **Emergency Petition** for a **Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, and for declaratory and injunctive relief, challenging the continued and unlawful civil immigration detention by ICE in violation of the **Due Process Clause of the Fifth Amendment**. Petitioner asserts that her **prolonged detention**, in the absence of a constitutionally required **individualized bond hearing**, and in the face of compelling humanitarian equities, is **arbitrary, punitive, and unconstitutional**.

**I. INTRODUCTION**

1. Petitioner is an **asylum-seeking mother** of two U.S.-resident minor children, both of whom have **Special Immigrant Juvenile (SIJ)** findings from a Texas state court.
2. She has **no criminal history**, has **fully complied** with all immigration requirements, and was previously found **suitable for release** by DHS.
3. Petitioner was **abruptly re-detained** by ICE during a routine check-in on **December 19, 2025**, without notice, and without any meaningful opportunity to be heard.

4. Her **prolonged detention**, without a bond hearing or consideration of less restrictive alternatives, **violates core constitutional protections** under the Fifth Amendment.
5. ICE has **categorically denied her bond eligibility** based solely on her manner of entry, **despite the fact that she was previously released and found not to be a flight risk or danger**.
6. Petitioner's detention **endangers the welfare of her SIJ-qualified children**, who are now separated from their only parent and primary caregiver.
7. This Petition seeks her **immediate release**, or at minimum, an **expedited, individualized bond hearing** before a neutral adjudicator.

## II. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331 (federal question), and the Suspension Clause of the U.S. Constitution, art. I, § 9, cl. 2.
9. Venue is proper in this District under 28 U.S.C. § 1391(e) because Petitioner is currently detained within this District and Respondents exercise custody here.

## III. PARTIES

10. **Petitioner**, Liliana Fuentes Leal, is a noncitizen mother and asylum applicant, detained at the **Karnes County Immigration Processing Center**, under ICE custody.
11. **Respondents** are government officials with legal custody over Petitioner, including the **Field Office Director of ICE** and the **Warden** of the detention facility.

## IV. FACTUAL BACKGROUND

### A. Immigration Status and History

12. Petitioner entered the U.S. on **April 6, 2021**, fleeing persecution in Guatemala.
13. DHS issued a **Notice to Appear** on August 27, 2021, charging her with entry without inspection under **INA § 212(a)(6)(A)(i)**.
14. Petitioner passed a **credible fear interview**, was placed in INA § 240 removal proceedings, and released under ICE supervision.

### B. Long-Term Compliance with ICE and Immigration Court

15. For over four years, Petitioner **diligently complied** with all ICE check-ins and immigration court obligations.

16. Petitioner has **no criminal record** and has never violated terms of release or supervision.

17. Her next immigration hearing is scheduled in **2029**, reflecting a **low flight risk determination**.

**C. Arbitrary Re-Detention Without Notice or Hearing**

18. On **December 19, 2025**, during a routine ICE check-in, Petitioner was **suddenly detained**, without any prior notice or change in circumstances.

19. ICE failed to provide any **individualized risk assessment, bond hearing**, or explanation of why detention was now necessary.

**D. Separation from Minor Children with SIJ Findings**

20. Petitioner is the **sole parent and legal guardian** of two minor children.

21. Both children have received **SIJ findings** under Texas law, indicating abuse, neglect, or abandonment and a judicial determination that reunification is not viable.

22. The children are now at risk of **emotional trauma and legal harm**, living in unstable conditions while their **I-360 SIJ petitions remain pending**.

23. The continued detention of their only parent severely disrupts the **humanitarian protections** Congress intended under the SIJ statute.

**E. ICE's Categorical Denial of Release**

24. Petitioner's counsel submitted a formal **Humanitarian Release Request**, including:

- Declarations
- Custody orders
- Proof of SIJ proceedings
- Prior compliance records

25. ICE denied the request, asserting that Petitioner is **categorically ineligible for bond** due to her EWI status—without consideration of her humanitarian equities or children's best interests.

**V. LEGAL FRAMEWORK AND ARGUMENT**

**A. Detention Must Serve a Legitimate and Nonpunitive Purpose**

26. Immigration detention is **civil in nature** and must be **non-punitive**. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

27. Civil detention is constitutional **only** where it bears a “**reasonable relation to the purpose** for which the individual was committed.” *Id.*

28. Where detention **ceases to serve its permissible purpose** (flight risk or danger), it **violates due process**.

#### **B. Noncitizens Are Entitled to Individualized Bond Hearings**

29. Noncitizens held for prolonged periods under § 1226 are entitled to **procedural protections**, including **individualized bond hearings**. See *Jennings v. Rodriguez*, 583 U.S. 131 (2018); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011).

30. ICE’s blanket denial based on EWI status **short-circuits this constitutional requirement**. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (holding blanket bond denial unconstitutional).

#### **C. Due Process Requires Consideration of Family Unity and Children's Best Interests**

31. Courts have recognized a **liberty interest in family unity**, particularly for parents and minor children. *Ms. L. v. ICE*, 310 F. Supp. 3d 1133, 1149 (S.D. Cal. 2018).

32. The continued separation of Petitioner from her SIJ-eligible children **infringes both her substantive and procedural due process rights**.

33. ICE’s refusal to consider the **extraordinary humanitarian equities** and impact on dependent children renders the detention **arbitrary and capricious**.

### **VI. CLAIMS FOR RELIEF**

#### **COUNT I – UNLAWFUL DETENTION UNDER 28 U.S.C. § 2241**

34. ICE lacks legal authority to detain Petitioner absent a **non-arbitrary, individualized determination**.

35. Detention has become **unmoored from its lawful purpose** and is now punitive and excessive.

#### **COUNT II – VIOLATION OF FIFTH AMENDMENT DUE PROCESS (PROCEDURAL AND SUBSTANTIVE)**

36. Petitioner’s ongoing detention, without a bond hearing, **violates procedural due process**.

37. ICE’s categorical denial of release based on EWI status fails to account for Petitioner’s **unique circumstances**, violating **substantive due process**.

#### **COUNT III – VIOLATION OF FAMILY UNITY RIGHTS AND BEST INTERESTS OF THE CHILD**

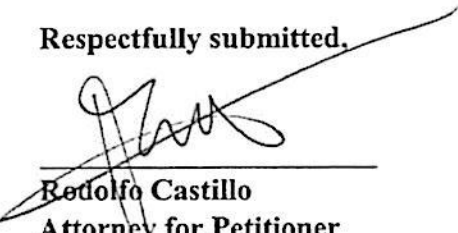
38. By detaining Petitioner, the sole custodial parent of two SIJ-designated minors, Respondents are causing **irreparable harm to her children** and undermining immigration protections afforded by Congress.
39. These actions amount to an **unlawful government-created family separation**, in violation of the **Fifth Amendment**.

## VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Issue a Writ of Habeas Corpus** directing Respondents to **immediately release Petitioner** from custody;
2. **Declare** that Petitioner's detention violates her **rights under the Fifth Amendment** to the U.S. Constitution;
3. **Enjoin** Respondents from continuing to detain Petitioner absent a constitutionally adequate bond hearing;
4. Grant any other relief the Court deems just and proper.

Respectfully submitted,

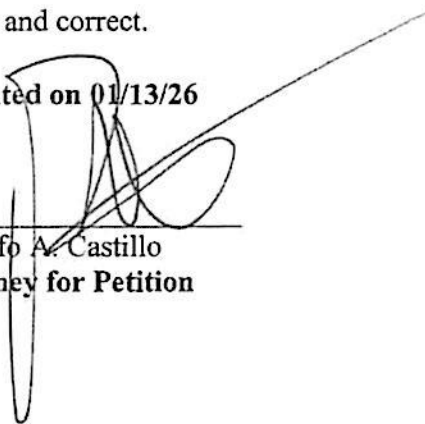


**Rodolfo Castillo**  
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Phone: (210) 777-1111  
Email: rc@rudycastillolaw.com

**I. SIGNATURE & VERIFICATION**

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 01/13/26

  
\_\_\_\_\_  
Rodolfo A. Castillo  
Attorney for Petition