

**FILED**

**JAN 05 2026**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY CLERK

**MA OLIVIA MONDRAGON**



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

**MA OLIVIA MONDRAGON,  
AS NEXT FRIEND OF  
ELIZABETH GARCIA FUENTE,**

§  
§  
§  
§



**Petitioner,**

**v.**

**SA26CA0062 XR**  
CIVIL ACTION NO. \_\_\_\_\_

**United States Attorney Western District of Texas**

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**U.S. Immigration and Customs Enforcement  
Enforcement and Removal Operations (ERO)  
San Antonio Field Office**

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**Karnes County Immigration Processing Center**

§

**Respondents.**

§

**PETITION FOR WRIT OF HABEAS CORPUS**

**PURSUANT TO 28 U.S.C.**

**This Petition challenges the prolonged and unconstitutional immigration detention of ELIZABETH GARCIA FUENTE, a Cuban national currently in the custody of U.S. Immigration and Customs Enforcement at the Karnes County Immigration Processing Center in Karnes City, Texas. Petitioner respectfully seeks her immediate release.**

**CERTIFICATE OF SERVICE**

I, Ma Olivia Mondragon, hereby certify that on January 2, 2026, I served a true and correct copy of the Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §§ 2241 and 2242, together with all attached exhibits, by Certified Mail, Return Receipt Requested, upon the following parties:

Karnes County Immigration Processing Center  
Attn: Facility Administrator  
409 FM 1144  
Karnes City, TX 78118

Clerk of Court  
United States District Court  
Western District of Texas – San Antonio Division  
655 East Cesar E. Chavez Blvd  
San Antonio, TX 78206

United States Attorney's Office  
Attn: Civil Process Clerk  
Western District of Texas  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216

U.S. Immigration and Customs Enforcement  
Enforcement and Removal Operations (ERO)  
San Antonio Field Office  
Attn: Field Office Director  
1777 NE Loop 410, Suite 1500  
San Antonio, TX 78217

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

Date: January 2, 2026

Signature:                     MOM                      
Ma Olivia Mondragon  
Next Friend

**TABLE OF CONTENTS – EXHIBITS**

Exhibit A Permanent Resident Card (Green Card) of Ma Olivia Mondragon (Next Friend)

Exhibit B Passport of Elizabeth Garcia Fuente

Exhibit C Notice to Appear (NTA) of Elizabeth Garcia Fuente


Exhibit D Board of Immigration Appeals (BIA) Appeal Confirmation and Filing Fee Payment

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

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

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

**I. INTRODUCTION**

I, **Ma Olivia Mondragon**, respectfully file this Emergency Petition for Writ of Habeas Corpus as **Next Friend** on behalf of **Elizabeth Garcia Fuente** ()**7**, who is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Karnes County Immigration Processing Center in Karnes City, Texas.

Ms. Garcia Fuente is unable to effectively litigate this matter on her own behalf due to her continued detention and limited access to legal resources.

Ms. Garcia Fuente has been detained for approximately **122 days** following her appearance at a routine ICE check-in appointment, despite having a **pending appeal before the Board of Immigration Appeals (BIA)**. Her continued detention is arbitrary, excessive, and unconstitutional.

**II. NEXT FRIEND STANDING**

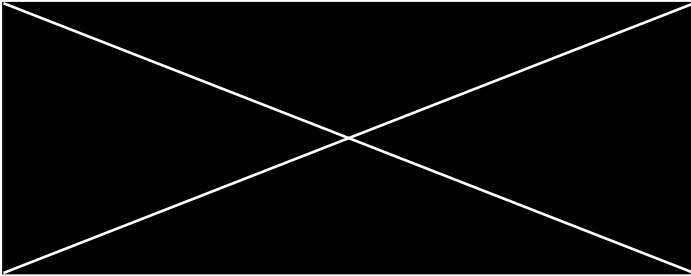
I have standing to file this Petition as Next Friend because:

1. The detainee is currently in ICE custody and unable to meaningfully access the courts on her own;
2. I have a significant personal relationship with the detainee and have known her for approximately two years;
3. I am acting in good faith and solely in the detainee's best interests; and
4. There is no conflict of interest between myself and the detainee.

### **III. PARTIES**

#### **Next Friend / Petitioner:**


Ma Olivia Mondragon



#### **Detainee / Beneficiary:**

Elizabeth Garcia Fuente



Date of Birth: 

Place of Birth: Matanzas, Cuba

### **IV. PLACE OF DETENTION**

Elizabeth Garcia Fuente is currently detained at:

**Karnes County Immigration Processing Center**

409 FM 1144

Karnes City, TX 78118

Room 203, Bed 1

**V. STATEMENT OF FACTS**

Elizabeth Garcia Fuente is a Cuban national who entered the United States through **Eagle Pass, Texas on December 4, 2023**. She subsequently filed an application for asylum and has maintained an active immigration case.

On **September 3, 2025, at approximately 11:00 a.m.**, Ms. Garcia Fuente voluntarily appeared at a scheduled ICE check-in appointment. During that routine appointment, ICE unexpectedly detained her, despite her full compliance with supervision and the absence of any criminal history.

Following an adverse asylum decision, Ms. Garcia Fuente timely filed an **appeal with the Board of Immigration Appeals on November 21, 2025**, which remains pending. She is therefore **not subject to a final order of removal**.

As of the date of this Petition, Ms. Garcia Fuente has been detained for approximately **122 days**, without an individualized custody determination, bond hearing, or meaningful justification for continued confinement.

**VI. JURISDICTION AND VENUE**

This Court has jurisdiction over this Petition pursuant to **Article I, Section 9, Clause 2 of the United States Constitution**, and under **28 U.S.C. §§ 2241 and 2242**, which authorize federal courts to review the legality of immigration detention.

Jurisdiction is further proper under the **Due Process Clause of the Fifth Amendment**, which guarantees that no person shall be deprived of liberty without due process of law. These protections apply to all persons within the United States, including noncitizens.

Venue is proper in the **United States District Court for the Western District of Texas, San Antonio Division**, because Ms. Garcia Fuente is detained at the Karnes County Immigration Processing Center, which lies within this judicial district. This Court has authority over her immediate custodian.

## **VII. LEGAL ARGUMENT**

Immigration detention is **civil, not punitive**, and must remain reasonably related to its regulatory purpose. The continued detention of Elizabeth Garcia Fuente violates the **Due Process Clause of the Fifth Amendment**.

Ms. Garcia Fuente has been detained for approximately **122 days** while her **BIA appeal remains pending**, with no briefing schedule and no foreseeable date of resolution or removal. Under these circumstances, detention no longer serves a legitimate regulatory purpose and instead operates as punishment.

Ms. Garcia Fuente voluntarily appeared at her ICE appointment, complied with all reporting requirements, and has demonstrated that she is neither a flight risk nor a danger to the community.

In **Zadvydas v. Davis**, 533 U.S. 678 (2001), the Supreme Court held that immigration detention becomes unconstitutional when removal is not reasonably foreseeable. Because Ms. Garcia Fuente's removal **cannot occur while her appeal is pending**, continued detention is not reasonably related to any legitimate governmental objective. Accordingly, there is no reasonably foreseeable date of removal.

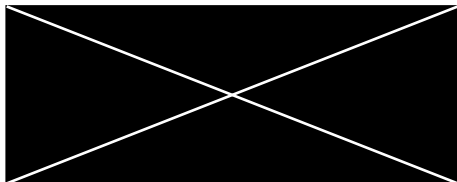
In **Demore v. Kim**, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention only for a narrow class of noncitizens with certain criminal convictions and only for brief periods. Those circumstances are not present here. Ms. Garcia Fuente has **no criminal history**, was not detained for criminal conduct, and was taken into custody despite full compliance with ICE supervision.

The Supreme Court confirmed in **Jennings v. Rodriguez**, 138 S. Ct. 830 (2018), that habeas corpus remains the proper procedural mechanism to challenge prolonged and unconstitutional immigration detention.

The Fifth Circuit has likewise 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).

#### **VIII. PROPOSED RELEASE PLAN AND RESIDENCE**

If released, Elizabeth Garcia Fuente will immediately reside with me at:



I will ensure that she attends **all ICE check-ins, court hearings, and appointments**, and fully complies with all conditions of release.

**IX. NEXT FRIEND'S SWORN STATEMENT AND COMMITMENT**

I solemnly affirm under penalty of perjury that the information contained in this Petition is true and correct to the best of my knowledge. I understand the seriousness of this commitment and affirm my willingness to ensure Elizabeth Garcia Fuente's full compliance with all immigration requirements if released.

**X. PRAYER FOR RELIEF**

WHEREFORE, I respectfully request that this Honorable Court:

1. Grant this Emergency Petition for Writ of Habeas Corpus;
2. Order the **immediate release** of Elizabeth Garcia Fuente from ICE custody;
3. Alternatively, order release under **reasonable conditions of supervision**; and
4. Grant any other relief the Court deems just and proper.

**XI. VERIFICATION**

I, **Ma Olivia Mondragon**, declare under penalty of perjury that the foregoing is true and correct.

Date: 01/02/2026

Signature:                     MOM.                    

Ma Olivia Mondragon

Next Friend

**MA OLIVIA MONDRAGON**



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
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