

Dianelys Mesa Mesa
Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

FILED

MAR 18 2026

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

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

DIANELYS MESA MESA,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. 5:26-cv-00202
	§	
United States Attorney Western District of Texas	§	
U.S. Immigration and Customs Enforcement	§	
Enforcement and Removal Operations (ERO)	§	
San Antonio Field Office	§	
	§	
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 Dianelys Mesa Mesa, 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.

**MOTION TO INFORM THE COURT THAT THE HABEAS RELIEF HAS NOT BEEN
FULLY IMPLEMENTED AND REQUEST FOR FURTHER RELIEF
TO THE HONORABLE COURT:**

My name is **Dianelys Mesa Mesa**, and I respectfully submit this motion to inform the Court that the relief contemplated in the Court's **January 28, 2026 Order** has not been fully realized and to respectfully request further relief necessary to ensure that the purpose of the Court's decision is meaningfully implemented.

I also respectfully inform the Court that I submit this motion **pro se**. After the Court issued its prior Order, I attempted to contact my former attorney regarding the status of the case and the bond hearing that followed. Despite repeated attempts to reach counsel, I have not received further communication or assistance. Because I remain detained and the matters addressed in this motion concern the implementation of this Court's Order, I respectfully submit this filing on my own behalf in order to inform the Court of the current circumstances.

I. BACKGROUND

On **January 28, 2026**, this Court issued an Order granting in part my **Petition for Writ of Habeas Corpus**. In that Order, the Court directed Respondents to either:

1. Provide me with a **bond hearing pursuant to 8 U.S.C. §1226(a) within fourteen (14) days**, or
2. **Release me from custody.**

The Court recognized that my continued detention required meaningful review and that a bond hearing under §1226(a) would provide an opportunity for release consistent with the protections of **constitutional due process**.

II. THE RESULT OF THE BOND HEARING DID NOT PROVIDE MEANINGFUL RELIEF

Following the Court's Order, a bond hearing was conducted before an Immigration Judge.

However, **bond was denied**, and I remain detained in the same immigration custody that existed prior to the Court's habeas ruling.

Although the Court's Order required that a bond hearing be provided or that I be released, the practical result of the hearing was **continued detention with no meaningful possibility of release**.

As a result, the circumstances of my detention remain unchanged despite the relief granted in this habeas proceeding.

III. THE PURPOSE OF THE COURT'S HABEAS RELIEF HAS NOT BEEN ACHIEVED

The central purpose of **habeas corpus** is to ensure that an individual is not subjected to unlawful or prolonged detention without meaningful judicial oversight.

In its Order, this Court determined that my detention required review and directed that I receive a bond hearing or be released. However, because the bond hearing resulted in a complete denial of bond, I remain detained under the same conditions that existed prior to the Court's intervention.

Freedom from physical restraint lies at the **core of the liberty protected by the Due Process Clause of the Fifth Amendment**. When a court grants habeas relief to address constitutional concerns related to detention, that relief must provide a **meaningful opportunity for liberty**, not merely a procedural formality that leaves the detainee in the same position as before.

Under these circumstances, the practical effect is that the habeas relief granted by this Court **has not been meaningfully implemented**.

When the remedy ordered by the Court does not alleviate the restraint on liberty, the Court retains authority to provide additional relief necessary to ensure that its ruling has **practical and constitutional effect**.

IV. REQUEST FOR FURTHER RELIEF

For these reasons, I respectfully inform the Court that the outcome of the bond hearing did not result in the meaningful relief contemplated by the Court's Order.

Because the bond determination resulted in my continued detention and I remain in the same custodial conditions that existed prior to this Court's habeas ruling, the purpose of the Court's Order has not been fulfilled.

I therefore respectfully request that this Court grant further relief necessary to ensure that the constitutional concerns identified in its prior Order are meaningfully addressed.

Specifically, I respectfully ask the Court to:

- Consider whether my continued detention remains consistent with the Court's prior Order;
- Enforce its prior Order granting habeas relief;
- Order further relief as the Court deems appropriate, including **release under reasonable conditions of supervision**; and
- Grant any additional relief necessary to ensure that my continued detention complies with the **requirements of constitutional due process**.

I respectfully submit that the Court's intervention was intended to ensure a **meaningful opportunity for liberty**. Because the bond determination resulted in my continued detention without any practical possibility of release, I respectfully request further relief from this Court.

Respectfully submitted,

Dianelys Mesa Mesa

Petitioner (Pro Se)

Date: 03/16/2026

Signature: 

PETITIONER'S MOTION REQUESTING COURT ASSISTANCE WITH SERVICE

I, Dianelys Mesa Mesa, Petitioner, respectfully request that this Court assist with service of filings upon Respondents due to my current immigration detention and limited ability to effect service personally. I am presently detained in immigration custody and do not have practical access to mailing services, copying resources, or the means necessary to complete formal service upon all Respondents. My detention substantially restricts my ability to comply with ordinary service requirements despite my good-faith efforts to prosecute this action. This habeas corpus proceeding challenges ongoing physical detention, and timely service is necessary to ensure that the Court's review proceeds without unnecessary delay. Because I am proceeding while detained, I respectfully request the Court's assistance to ensure that Respondents receive copies of my filings through electronic notification or any other method the Court deems appropriate. Federal courts possess inherent authority to facilitate service where a detained petitioner lacks the practical ability to complete service independently, particularly in habeas proceedings involving challenges to present custody. Accordingly, I respectfully request that the Court direct the Clerk of Court to transmit copies of my filings to Respondents through the Court's electronic filing system or by any alternative method deemed appropriate by the Court.

WHEREFORE, I respectfully request that this Court:

Direct the Clerk of Court to provide copies of Petitioner's filings to Respondents; and

Respectfully submitted,

Dianelys Mesa Mesa

Date: 03/16/2026

Signature: 

FILED

January 28, 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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

BY: NM
DEPUTY

DIANELYS MESA MESA,

Petitioner,

Y.

NO. SA-26-CV-202-OLG

KRISTI NOEM *et al.*,

Respondents.

ORDER GRANTING IN PART PETITION FOR WRIT OF HABEAS CORPUS

Pending before the Court is Petitioner Dianelys Mesa Mesa's Original Verified Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 and Request for Declaratory and Injunctive Relief (Dkt. No. 1), to which Respondents have responded (Dkt. No. 5).

The relevant facts in this case are not in dispute. Petitioner is a citizen of Cuba who entered the United States without inspection. *See* Dkt. Nos. 1 at 1, 6; 5 at 3. This proceeding turns entirely on whether, as the Board of Immigration Appeals has held, all those aliens who are applicants for admission by virtue of their being present in the United States without having been admitted or paroled are subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220–21 (BIA 2025). If not, Petitioner would be subject only to discretionary detention under 8 U.S.C. § 1226(a) and, thus, entitled to a bond hearing before an immigration judge. *See* Dkt. Nos. 1 at 2; 5 at 3.

Having already resolved this question against Respondents' position in other habeas cases, the Court required Respondents to consider its prior orders and identify in their response any material differences between the facts of this case and the facts presented in those cases. *See* Dkt. No. 2 at 2. On January 27, 2026, Respondents filed an abbreviated response, which did identify any "material differences between this case and those attached the Court's Order" and

acknowledged that numerous cases in the Western District of Texas “would control the result in this case should this Court follow its legal reasoning in its prior decisions.” Dkt. No. 5 at 1–2. As such, the Court will grant the Petition and order that Petitioner be given a bond hearing or released within 14 days. *See Mendoza Euceda v. Noem*, No. SA-25-CV-1234-OLG, Dkt. No. 16 (W.D. Tex. Nov. 17, 2025); *Rahimi v. Thompson*, No. SA-25-CV-1338-OLG, Dkt. No. 13 (W.D. Tex. Dec. 4, 2025); *Perez-Puerta v. Johnson*, No. SA-25-CV-1476-OLG, Dkt. No. 13 (W.D. Tex. Dec. 15, 2025); *Moradi v. Thompson*, No. SA-25-CV-1470-OLG, Dkt. No. 11 (W.D. Tex. Dec. 18, 2025).

Petitioner Dianelys Mesa Mesa’s Original Verified Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 and Request for Declaratory and Injunctive Relief (Dkt. No. 1) is therefore **GRANTED IN PART** in that Respondents must provide Petitioner with a bond hearing pursuant to § 1226(a) **within 14 days** from the date below, or release her. Respondents must file an advisory as to the status of Petitioner’s bond hearing, if any, **no later than 21 days** from the date below.

The Petition is **DENIED IN PART** to the extent Petitioner seeks to recover attorney’s fees under the Equal Access to Justice Act. *Barco v. Witte*, 65 F.4th 782, 785 (5th Cir. 2023) (“[T]he EAJA does not authorize attorney’s fees for successful 28 U.S.C. § 2241 motions.”), *cert. denied*, 144 S. Ct. 553 (2024).

Any non-habeas claims are **DISMISSED WITHOUT PREJUDICE**. *See Ndudzi v. Castro*, No. SA-20-CV-492-JKP, 2020 WL 3317107, at *2 (W.D. Tex. June 18, 2020) (“The payment of the \$5 habeas filing fee relegates this action to habeas relief only. One cannot pay the minimal habeas fee and pursue non-habeas relief.”).

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED on January 28, 2026.

A handwritten signature in black ink, appearing to read "Orlando L. Garcia", written over a horizontal line.

ORLANDO L. GARCIA
United States District Judge