

FILED.

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

JAN 07 2026

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

DIANA KARINA MENDOZA-
BARRETO, A# [REDACTED],
[REDACTED] MENDOZA-
BARRETO A# [REDACTED]
14108 NIGHTVIEW COVE, PFLUGERVILLE, TX,
78660

Case No. _____

SA26CA0045 JKP

Petitioner,

v.

KRISTI NOEM
SECRETARY OF THE U.S.
DEPARTMENT OF HOMELAND
SECURITY;

TODD M. LYONS
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

MIGUEL VERGARA
FIELD OFFICE DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS
(SAN ANTONIO FIELD OFFICE);

JOSE RODRIGUEZ JR.
WARDEN/ADMINISTRATOR, DILLEY
IMMIGRATION PROCESSING CENTER (SOUTH
TEXAS FAMILY RESIDENTIAL CENTER);

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)**

FILED

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

JAN 07 2026

UNITED STATES DISTRICT COURTfor the
Western District of TexasCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK**DIANA KARINA MENDOZA-BARRETO**
MENDOZA-BARRETO*Petitioner*

v.

Case No.

KRISTI NOEM DHS/ TODD M. LYONS ICE Director/
MIGUEL VERGARA Field Office Director / Warden**SA26CA0045 JKP***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: **DIANA KARINA MENDOZA-BARRETO / MENDOZA-BARRETO**
(b) Other names you have used: **N/A**
2. Place of confinement:
(a) Name of institution: **DILLEY IMMIGRATION PROCESSING CENTER**
(b) Address: **(South Texas Family residence center)**
300 El Rancho Way, Dilley, TX 78017
(c) Your identification number: **/**
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): _____

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)

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- ☐ 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): _____

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

(a) Name and location of the agency or court: PEARSALL IMMIGRATION COURT PEARSALL, TEXAS
566 Veterans Drive Pearsall, TX 78061

(b) Docket number, case number, or opinion number:  / 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Immigration court's denial of a bond hearing.

(d) Date of the decision or action: 12/11/2025

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: _____

(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 appeal: _____

Appeal would be futile because the Board of Immigration appeals cannot decide Constitutional issues.

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: _____

(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 second appeal: _____

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: _____

(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: _____

(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: _____

(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: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/19/2025

(b) Date of the removal or reinstatement order: _____

(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: _____
- (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: _____
- (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: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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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: Me and my son are detained under 1226 (a), not 1225 (b), because I was not "arriving" or "seeking admission" When I was arrested by ICE since I am not a recent entrant. My continued detention without a bond hearing violates the Immigration and Nationality Act and the Fifth Amendment of the Constituion.

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

Currently I live in Pflugerville, Texas with my son. I entered the United States on October 29th 2023, We have been living for 2 years and 2 months approximately in the United States. I have not been previously detained under any circumstance.

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

☐ Yes

☒ No

GROUND TWO:

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

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

☐ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No

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GROUND FOUR:

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

(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: Appeal should not be required because the IJ's decision violates the federal court order in Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al., 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025).*

Request for Relief

15. State exactly what you want the court to do:

Order my immediate release from detention, or in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

12/26/25

DIANA MENDOZA.

Signature of Petitioner

Signature of Attorney or other authorized person, if any