

FILED

JAN 05 2026

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

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

ONIERVYS MORELL CRUZ,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General

of the United States, et al.,

Respondents.

Civil Action No.

SA26CA0057 FB

PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

(FILED BY NEXT FRIEND)

INTRODUCTION

Petitioner Oniervys Morell Cruz ("Petitioner"), by and through his Next Friend, Iliana Viera Alonso, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his continued, prolonged, and unconstitutional civil immigration detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is not serving a criminal sentence and has never been convicted of any crime. His detention is purely civil and administrative, yet has become punitive in nature.

Constitution of the United States.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody in violation of the Constitution and laws of the United States. See *INS v. St. Cyr*, 533 U.S. 289 (2001). Venue is proper in the Western District of Texas pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), because Petitioner is detained at Karnes County Immigration Processing Center, which lies within this District, and because the immediate custodian is subject to this Court's jurisdiction.

PARTIES

1. Petitioner Oniervys Morell Cruz is a native and citizen of Cuba, born [REDACTED] 1992, who entered the United States on March 16, 2022.

2. Petitioner has been continuously detained by ICE since June 3, 2025, at Karnes County Immigration Processing Center.

3. Next Friend Iliana Viera Alonso is Petitioner's long-term partner, born [REDACTED] 1975, residing at [REDACTED] Austin, Texas 78753.

4. Respondents include Merrick B. Garland, Attorney General of the United States; the Secretary of the Department of Homeland Security; and the Director of ICE.

NEXT FRIEND STANDING

Next Friend standing is proper under *Whitmore v. Arkansas*, 495 U.S. 149 (1990). Petitioner is

unable to litigate this action on his own behalf due to his detention, lack of access to legal resources, and psychological distress. Next Friend has a significant pre-existing relationship with Petitioner and is truly dedicated to his best interests.

STATEMENT OF FACTS

On June 3, 2025, Petitioner was taken into ICE custody during a routine check-in. ICE did not possess or present a judicial warrant issued by a neutral magistrate. See *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

Petitioner has no criminal history, has complied with all ICE reporting requirements, and poses no danger to the community or risk of flight. His continued detention has exceeded reasonable temporal limits and lacks a legitimate governmental justification.

LEGAL ARGUMENTS

I. PROLONGED CIVIL DETENTION VIOLATES THE FIFTH AMENDMENT DUE PROCESS CLAUSE

Civil immigration detention must bear a reasonable relation to its non-punitive purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001). When detention becomes prolonged, it raises serious constitutional concerns. *Demore v. Kim*, 538 U.S. 510 (2003), recognized that mandatory detention is constitutionally permissible only for brief periods.

Jennings v. Rodriguez, 583 U.S. 281 (2018), reaffirmed that constitutional challenges to prolonged detention remain available through habeas corpus petitions under § 2241.

Courts have consistently held that detention without an individualized bond hearing violates procedural due process. See *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013); *Hernandez v. Decker*, 2018 WL 3579108 (S.D.N.Y. 2018).

II. ARREST WITHOUT A JUDICIAL WARRANT VIOLATES THE FOURTH AMENDMENT

The Fourth Amendment protects against unreasonable seizures. Immigration arrests conducted inside the United States require probable cause supported by a warrant issued by a neutral magistrate. See *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973).

Administrative warrants issued by ICE officers do not satisfy constitutional warrant requirements. *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *El Badrawi v. DHS*, 579 F. Supp. 2d 249 (D. Conn. 2008).

III. DETENTION HAS BECOME PUNITIVE AND ARBITRARY

When civil detention is excessive in duration and not reasonably related to its purpose, it becomes punitive. *Bell v. Wolfish*, 441 U.S. 520 (1979). Petitioner's prolonged detention without meaningful review violates substantive due process and fundamental fairness.

IV. PSYCHOLOGICAL AND FAMILY HARM

Prolonged immigration detention causes severe psychological harm. Courts recognize mental health deterioration as a critical factor in due process analysis. See *Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017); *Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. 2020).

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant the Petition for Writ of Habeas Corpus;

- B. Order Petitioner's immediate release from ICE custody;
- C. Alternatively, order an immediate individualized bond hearing;
- D. Grant any other relief this Court deems just and proper.

Respectfully submitted,

Iliana Viera Alonso

Next Friend for Oniervys Morell Cruz



Austin, Texas 78753

Phone: 786-468-4114

Email: Ilanaviera5@gmail.com

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

Signature of Next Friend

Date: 12/29/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ONIERVYS MORELL CRUZ,

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v.

MERRICK B. GARLAND, Attorney General

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SA26CA00057-FB

DECLARATION OF NEXT FRIEND

(28 U.S.C. § 1746)

I. DECLARANT INFORMATION

I, Iliana Viera Alfonso, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge and belief:

1. I am over eighteen (18) years of age and competent to make this declaration.
2. I am a native and citizen of Cuba, born on  1975.

3. I reside at [REDACTED] Austin, Texas 78753.

4. I am the long-term partner of Petitioner, Oniervys Morell Cruz.

II. RELATIONSHIP TO PETITIONER

5. I have maintained a committed, continuous relationship with Petitioner prior to and during his detention.

6. I possess firsthand knowledge of Petitioner's personal history, character, and circumstances.

7. I am deeply familiar with the facts underlying his detention and immigration proceedings.

III. BASIS FOR NEXT FRIEND STANDING

8. Petitioner is currently detained by ICE at Karnes County Immigration Processing Center.

9. Due to his detention, limited access to legal materials, language barriers, and emotional distress, Petitioner is unable to effectively litigate this matter on his own behalf.

10. I am acting solely in Petitioner's best interests and without any improper motive.

IV. CONDITIONS OF DETENTION AND HARM

11. Petitioner has no criminal history and poses no danger to the community.

12. His prolonged detention has caused severe emotional and psychological harm.

13. Continued detention exacerbates his mental health condition and causes extreme hardship to our family.

V. REQUEST FOR RELIEF

14. I respectfully support and join Petitioner's request for immediate release or, in the alternative, an individualized bond hearing.

DECLARATION

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

Executed on this 12 day of 29, 2025, in Austin, Texas.

A handwritten signature in black ink, appearing to read "Iliana", is written over a horizontal line.

Iliana Viera Alonso

Next Friend

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

ONIERVYS MORELL CRUZ,

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PROOF OF SERVICE

I, Iliana Viera Alonso, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that on the date indicated below, I caused to be served a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Immediate Release
- Declaration of Next Friend

Service was accomplished by depositing the documents in the United States Mail, first-class postage prepaid, addressed as follows:

SERVICE ADDRESSES

1. Clerk of Court

United States District Court

Southern District of Texas

San Antonio Division

655 E. Durango Blvd., Room 107

San Antonio, TX 78206

2. United States Attorney

Southern District of Texas

San Antonio Division

601 NW Loop 410, Suite 600

San Antonio, TX 78216

3. Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

4. Secretary of the Department of Homeland Security

U.S. Department of Homeland Security

2707 Martin Luther King Jr. Ave SE

Washington, DC 20528

5. Director, U.S. Immigration and Customs Enforcement

500 12th Street SW

Washington, DC 20536

6. Karnes County Immigration Processing Center

Attn: Warden / ICE Custodian

409 FM 1144

Karnes City, TX 78118

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

Executed on this 12 day of 29, 2025, in Austin, Texas.



Iliana Viera Alonso

Next Friend