Caridad Molano Hernandez
Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

FILED
JAN 29 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

CARIDAD MOLANO HERNANDEZ,	§	**A#** [redacted]
Petitioner,	§	SA26CA0217 OG
v.	§	**CIVIL ACTION NO. -------**
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 CARIDAD MOLANO HERNANDEZ, 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, Caridad Molano Hernandez (A# [redacted], certify that I served a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §§ 2241 and 2242 by U.S. Mail on the following:

Clerk of Court

United States District Court

Western District of Texas – San Antonio Division

655 East Cesar E. Chavez Blvd

San Antonio, TX 78206

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

Date: 01.26.2026

Signature: _____

Caridad Molano Hernandez

A# [redacted]

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, TX 78118

TABLE OF CONTENTS – EXHIBITS

Exhibit A: Passport of Detainee (Caridad Molano Hernandez)

Exhibit B: Notice to Appear (NTA) – Detainee

Exhibit C: BIA Receipt / Confirmation of Appeal

Exhibit D: Immigration Judge's Denial of Bond

Exhibit E: Passport of Proposed Residence Sponsor (Luisbel Molano Hernandez)

MOTION REQUESTING SERVICE BY THE CLERK DUE TO INDIGENCY

TO THE HONORABLE COURT:

I, Caridad Molano Hernandez (A# [redacted]), respectfully request that the Clerk of Court serve or transmit a copy of my Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §§ 2241 and 2242, including all supporting documents, to the Respondents.

I am currently detained at the Karnes County Immigration Processing Center and I have very limited financial resources. The cost of printing and mailing multiple copies by certified mail to all Respondents imposes a significant hardship on me.

For these reasons, I respectfully request that the Court assist with service to ensure the Respondents receive timely notice.

Respectfully submitted,

Date: 01.26.2026

Signature: _____

Caridad Molano Hernandez

A# [redacted]

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, TX 78118

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

My name is Caridad Molano Hernandez (A# [redacted]). I respectfully file this Emergency Petition for Writ of Habeas Corpus because I am currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Karnes County Immigration Processing Center in Karnes City, Texas.

I was detained on June 11, 2025, after voluntarily appearing at a routine ICE check-in appointment. I have a pending appeal before the Board of Immigration Appeals (BIA), I do not have a final order of removal, and I pose no risk of flight or danger to the community. My continued detention has become excessive, prolonged, and unconstitutional.

I respectfully request that this Court grant habeas relief and order my release from ICE custody, or in the alternative, order prompt and meaningful relief consistent with constitutional due process.

II. PARTIES

Petitioner (Detainee):

Caridad Molano Hernandez

A# [redacted]

Proposed Residence / Release Sponsor:

Luisbel Molano Hernandez (U.S. Citizen)

[redacted]

[redacted]

Phone: [redacted]

III. PLACE OF DETENTION

I am currently detained at:

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, TX 78118

Room 120, Bed 6

IV. STATEMENT OF FACTS

I entered the United States on January 10, 2022, through Arizona, and I was issued a Notice to Appear (NTA). I later applied for asylum.

On June 11, 2025, I voluntarily appeared at a scheduled ICE check-in appointment. During that appointment, ICE officers placed me into custody. I was subsequently transferred to the Karnes County Immigration Processing Center, where I remain detained.

I applied for bond, but bond was denied, leaving me detained without access to release through immigration court proceedings.

I currently have a pending appeal before the Board of Immigration Appeals (BIA) and I am therefore not subject to a final order of removal.

V. SERIOUS MEDICAL CONDITIONS AND HEALTH IMPACT OF CONTINUED DETENTION

I am 56 years old and I suffer from multiple serious, chronic, and interrelated medical conditions that require consistent monitoring, medication management, and ongoing follow-up care. While detained, I have continued to receive medical evaluations and testing; however, the combination of my medical complexity and prolonged confinement has placed significant strain on my health.

I suffer from hyperthyroidism and hypothyroidism, hormonal conditions that require daily medication and periodic laboratory monitoring. I take levothyroxine every day, and my dosage has been adjusted multiple times due to unstable test results. My current prescribed dosage is 125 mg, reflecting the ongoing need for careful medical management. These conditions affect my metabolism, cardiovascular system, emotional stability, and overall physical well-being.

I also experience cardiac symptoms, including irregular heartbeats. While in detention, I underwent medical evaluation for these symptoms. On December 23, while detained at the

facility, I was placed on cardiac monitoring through a Holter monitor test, which required me to wear the device continuously for seven days to evaluate my heart rhythm. The results of this monitoring indicated the presence of an irregular heartbeat. Following these results, my primary care provider advised that I require further evaluation by a cardiologist. The records and test results related to this cardiac monitoring are maintained by the detention facility, as I do not have direct access to my medical records while in custody. These findings demonstrate the seriousness of my cardiac condition and the need for continued monitoring and specialist evaluation.

I additionally suffer from chronic lung conditions and rely on a respirator and inhaler to assist with breathing. These respiratory conditions require ongoing access to medication and careful monitoring, particularly when symptoms fluctuate.

While detained, I developed significant inflammation and pain in my left knee following two falls, resulting in swelling that made it difficult for me to walk normally. During the most severe period, I required assistance with mobility, including the use of a cane and crutches, which affected my balance and daily functioning. I was prescribed prednisone and I continue to experience pain in my knee and left arm, requiring ongoing medical management.

I also suffer from chronic gastritis, a gastrointestinal condition that is known to worsen under stress and anxiety. The emotional strain of prolonged detention and uncertainty has aggravated my symptoms and affected my overall well-being.

The combination of thyroid instability, cardiac symptoms requiring extended monitoring, respiratory dependence, mobility impairment, and chronic gastritis creates a medically complex situation that is significantly impacted by stress and prolonged confinement. Continued detention increases the risk of further destabilization of my conditions.

Release under reasonable supervision would allow me to continue medical monitoring, stabilize my chronic conditions, and attend all required immigration appointments while residing with my son.

VI. JURISDICTION AND VENUE

This Court has jurisdiction 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 Fifth Amendment Due Process Clause, 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 Western District of Texas, San Antonio Division, because I am detained within this judicial district and this Court has authority over my immediate custodian.

VII. LEGAL ARGUMENT

Immigration detention is civil, not punitive, and must remain reasonably related to its regulatory purpose. My continued detention violates the Fifth Amendment's Due Process Clause.

I remain detained despite having:

- A pending BIA appeal
- No final order of removal
- No reasonably foreseeable date of removal

Under these circumstances, detention no longer serves a legitimate governmental purpose and instead operates as punishment.

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 my appeal remains pending, my removal cannot occur, rendering continued detention unlawful.

In Demore v. Kim, 538 U.S. 510 (2003), the Supreme Court upheld detention only for a narrow class of noncitizens and only for brief periods. I do not fall within that category and I have been detained for a prolonged and indefinite period.

In Jennings v. Rodriguez, 138 S. Ct. 830 (2018), the Supreme Court reaffirmed that habeas corpus remains the proper mechanism to challenge prolonged immigration detention on constitutional grounds.

The Fifth Circuit has similarly recognized that prolonged civil detention may not become punitive. Andrade v. Gonzales, 459 F.3d 538, 543 (5th Cir. 2006).

Given my serious medical conditions, denial of bond, lack of a final removal order, and absence of a foreseeable end to detention, continued confinement violates due process and requires immediate judicial intervention.

VIII. PROPOSED RELEASE PLAN AND RESIDENCE

If released, I will immediately reside with my son, Luisbel Molano Hernandez, at:





My son has agreed to be responsible for my housing and support, and he will ensure that I:

- Attend all ICE check-ins, court hearings, and appointments;
- Fully comply with all conditions of release; and
- Remain available to immigration authorities at all times.

IX. 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.

X. PRAYER FOR RELIEF

WHEREFORE, I respectfully request that this Honorable Court:

1. Grant this Emergency Petition for Writ of Habeas Corpus;
2. Order my immediate release 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, Caridad Molano Hernandez, declare under penalty of perjury that the foregoing is true and correct.

Date: 01.26.2026

Signature: _____

Caridad Molano Hernandez

A# [redacted]

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, TX 78118

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(CONTINUATION PAGE)

Alien Name
ROLANDO HERNANDEZ CARRIOAD

A-Number [redacted]

Date
Jan 10, 2022

Alien's Signature

Alien's Telephone Number (if any) [redacted]

Alien's Address
CO [redacted]



PERSONAL REPORT RECORD

Date	Officer	Comments/Changes
		[illegible]
2.9.22	L. Alterado	Report Next RIP July 27.22 10:00am
7/27/22	SOTO	Report June 8, 2023 @ 9AM

Signature

Title
Jeffrey Blevins, Deportation Officer

ICE Form I-220A (10/20)

Page 2 of 4

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Maestre , Isidro
RoMa Law Office, P.A.
800 Village Square Crossing
Suite 381
Palm Beach Gardens, FL 33410

DHS/ICE Office of Chief Counsel - SNA
1015 Jackson-Keller Rd, Suite 100
San Antonio, TX 78213

Name:
MOLANO-HERNANDEZ, CARIDAD [redacted]

Riders:

Date of Notice: 05/05/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 05/05/2025 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: MesfinH

CC

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
MOLANO HERNANDEZ, CARIDAD

To:
Maestre , Isidro
800 Village Square Crossing
Suite 381
Palm Beach Gardens, FL 33410

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
06/26/2025

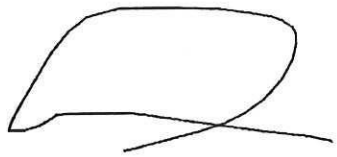
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
The court lacks jurisdiction because the record reflects the respondent is an applicant for admission who was apprehended without a warrant shorty after her illegal entry. See Matter of Q. Li, 29 I&N Dec.66 (BIA 2025).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:



Immigration Judge: Anibal D. Martinez 06/26/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 07/28/2025

Certificate of Service

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To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : MOLANO HERNANDEZ, CARIDAD | A-Number : [redacted]
Riders:
Date: 06/26/2025 By: Cruz, Patrick, Court Staff