

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED

IAN 20 2026

OLEANNYS PINA ALVARADO,
Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary
of the Department of Homeland Security;
TODD LYONS, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement;
ICE FIELD OFFICE DIRECTOR,
ENFORCEMENT AND REMOVAL
OPERATIONS;
WARDEN, DIAMONDBACK CORRECTIONAL
FACILITY,
Respondents.

Civil Action No.

JOAN KANE, CLERK
U.S. DIST COURT, WESTERN DIST OKLA
BY na DEPUTY

Immigration No. A



**PLAINTIFF'S ORIGINAL VERIFIED
PETITION FOR WRIT OF HABEAS
CORPUS PRO SE
UNDER 28 U.S.C. § 2241**

I. INTRODUCTION

1. Petitioner Oleannys Piña Alvarado respectfully submits this Original Verified Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge the legality and constitutionality of her arrest and continued civil immigration detention by the United States Department of Homeland Security, acting through U.S. Immigration and Customs Enforcement ("ICE").
2. Petitioner is a citizen and national of Venezuela who entered the United States on September 30, 2022, seeking protection from persecution in her country of origin. On January 12, 2023, Petitioner filed an Application for Asylum and Withholding of Removal (Form I-589), which remains pending before the immigration authorities. See Exhibits E and F.

3. At all relevant times, Petitioner complied with the requirements imposed upon her by immigration authorities. She appeared voluntarily for scheduled ICE appointments, maintained lawful employment authorization, and established substantial ties to her community. See Exhibits G, H, and J–L.
4. Despite this compliance, on December 10, 2025, Petitioner was taken into ICE custody during a scheduled appearance at an ICE office, without the presentation of a warrant, without probable cause, and without being provided a meaningful explanation of the legal basis for her arrest in a language she could understand. See Exhibit I.
5. Following her arrest, Petitioner was subjected to a series of custodial transfers and remains detained at Diamondback Correctional Facility in Watonga, Oklahoma. See Exhibits A and B. Her detention is civil in nature, not punitive, and arises solely from immigration enforcement authority.
6. Petitioner has no criminal convictions, presents no danger to the community, and poses no flight risk. She has a pending asylum application, valid employment authorization, stable housing, long-term employment, and significant family and community ties. See Exhibits J–L.
7. Nonetheless, Petitioner has been deprived of her liberty without a constitutionally adequate individualized custody determination. ICE has failed to provide meaningful procedural safeguards and has continued her detention in a manner that violates the Fourth Amendment’s protection against unreasonable seizures and the Fifth Amendment’s guarantee of due process.

8. Because Petitioner's arrest and continued detention are unlawful, arbitrary, and unsupported by the Constitution or laws of the United States, she respectfully seeks habeas relief ordering her immediate release, or, in the alternative, a prompt and constitutionally sufficient custody or bond hearing before a neutral decision-maker.

II. JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241 because Petitioner is presently in federal custody and challenges the legality of that custody under the Constitution and laws of the United States.
10. This Court also has jurisdiction under 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States, and under the All Writs Act, 28 U.S.C. § 1651.
11. Petitioner is physically confined at Diamondback Correctional Facility in Watonga, Oklahoma, which is located within the territorial jurisdiction of the United States District Court for the Western District of Oklahoma. See Exhibit A.
12. The Warden of Diamondback Correctional Facility is Petitioner's immediate custodian for purposes of habeas corpus jurisdiction. Venue is therefore proper in this District pursuant to 28 U.S.C. § 2241 and controlling Supreme Court precedent. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

III. PARTIES

13. Petitioner, Oleannys Pina Alvarado, A# [REDACTED] is a citizen and national of Venezuela. She is currently detained by U.S. Immigration and Customs Enforcement and is the subject of pending removal proceedings under section 240 of the Immigration and Nationality Act. Petitioner is confined at Diamondback Correctional Facility in Watonga, Oklahoma.
14. Respondent Warden of Diamondback Correctional Facility is the immediate physical custodian of Petitioner and is responsible for her day-to-day confinement.
15. Respondent ICE Field Office Director, Enforcement and Removal Operations, exercises legal custody and authority over Petitioner's detention and enforcement of immigration laws within the relevant jurisdiction.
16. Respondent Acting Director of U.S. Immigration and Customs Enforcement is responsible for the administration and oversight of immigration detention nationwide and is sued in his official capacity.

IV. STATEMENT OF FACTS

17. Petitioner entered the United States on September 30, 2022, seeking protection from persecution in her country of origin. After her entry, Petitioner remained in the United States and timely sought asylum protection.

18. On January 12, 2023, Petitioner filed an Application for Asylum and Withholding of Removal (Form I-589). That application remains pending and has not been adjudicated. See Exhibits E and F.
19. Following the filing of her asylum application, Petitioner complied with all requirements imposed by immigration authorities. She maintained contact with ICE, attended scheduled appointments, and remained available to immigration officials at all times.
20. Petitioner was issued employment authorization related to her pending asylum application and maintained continuous lawful employment. She worked for Sofidel America Corp. in Inola, Oklahoma, where she was employed for over two years. Petitioner maintained a stable residence, owned her home, and lived with family members. She also maintained close ties to her church and local community. See Exhibits G, H, and J through L.
21. Petitioner has no criminal convictions and has never been charged with any offense that would render her a danger to the community.
22. On December 10, 2025, at approximately 8:00 a.m., Petitioner voluntarily appeared at the ICE office in Oklahoma City for a previously scheduled appointment. Petitioner brought with her the appointment notice reflecting the date and time of her appearance. See Exhibit I.
23. Upon her arrival, ICE officers provided Petitioner with a form asking whether she had children or was married. Shortly thereafter, an officer called Petitioner by name and instructed her to bring her cellular phone and identification.

24. Petitioner was then informed by an ICE officer, in English, that her immigration status had been “dismissed,” that she did not yet have a court date, and that ICE would assign one at a later time. She was told that she would have to wait in detention until further notice. Petitioner was not provided a clear or meaningful explanation of the legal basis for this determination.
25. Petitioner was taken to another area where ICE officers collected her fingerprints and biographical information. She was presented with several documents written entirely in English and was instructed to sign them. Petitioner does not speak or read English fluently and informed the officers that she did not understand the documents.
26. Petitioner specifically asked whether the documents related to voluntary departure or self-deportation. She was told they did not, but no explanation was provided in a language she could understand. Petitioner was never advised of her rights in Spanish, nor was an interpreter provided. See Exhibit I.
27. Petitioner was taken into ICE custody without the presentation of a warrant and without any explanation establishing probable cause for her arrest. She was not provided with an opportunity to consult counsel or to challenge her detention at the time of her arrest.
28. Later that same day, Petitioner was transferred to Bluebonnet Detention Facility in Anson, Texas. On January 3, 2026, she was transferred again and is currently detained at Diamondback Correctional Facility in Watonga, Oklahoma. See Exhibits A and B.

29. Throughout her detention, Petitioner has remained compliant, has not attempted to flee, and has consistently expressed her willingness to appear for all immigration proceedings. Her continued detention has separated her from her family, employment, and community support network.
30. Petitioner remains detained despite her pending asylum application, lack of criminal history, substantial community ties, and availability of less restrictive alternatives to detention.

V. LEGAL STANDARD

31. Immigration detention is civil in nature and is subject to the limitations imposed by the Constitution of the United States. Although Congress has granted the Executive Branch authority to detain noncitizens in certain circumstances, that authority is not unlimited and must be exercised in compliance with the Fourth Amendment and the Due Process Clause of the Fifth Amendment.
32. Under 28 U.S.C. § 2241, federal courts retain jurisdiction to review the legality of immigration detention and to order release where detention violates the Constitution, statutes, or treaties of the United States. Habeas corpus remains the primary mechanism through which individuals in immigration custody may challenge unlawful detention.
33. The Immigration and Nationality Act provides multiple statutory frameworks governing immigration detention. Relevant here, INA § 236(a), codified at 8 U.S.C. § 1226(a), authorizes the detention of noncitizens pending removal

proceedings but expressly permits release on bond or conditional parole following an individualized custody determination.

34. For decades, the Board of Immigration Appeals has recognized that custody determinations under INA § 236(a) require a case-by-case analysis considering whether the noncitizen poses a danger to the community or a risk of flight. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). See Exhibit O.
35. In conducting such determinations, adjudicators must weigh positive and negative factors, including family and community ties, employment history, length of residence, prior compliance with immigration authorities, and criminal history, if any. Detention is not intended to be punitive and may not be used as a default mechanism absent an individualized justification.
36. Recent decisions of the Board of Immigration Appeals, including *Matter of Q. Li* and *Matter of Yajure Hurtado*, address the scope of bond jurisdiction in certain procedural postures. See Exhibit N. Those decisions, however, do not eliminate constitutional habeas review and do not authorize arbitrary or prolonged detention without meaningful procedural safeguards.
37. The Fifth Amendment Due Process Clause requires that civil detention bear a reasonable relationship to its regulatory purpose and that the government provide adequate procedural protections to guard against erroneous deprivation of liberty. Prolonged detention without a meaningful opportunity to be heard raises serious constitutional concerns.
38. In addition, the Fourth Amendment protects individuals against unreasonable searches and seizures. Immigration officers may not arrest or detain an individual

without probable cause or lawful authority. An arrest conducted without a warrant and without probable cause is presumptively unreasonable, and continued detention flowing from such an arrest is unlawful.

39. Federal courts have consistently held that where an individual is seized without probable cause or detained without constitutionally adequate process, habeas relief is appropriate. The continued detention of a noncitizen must therefore be supported by both statutory authority and compliance with constitutional requirements.

40. Where, as here, a noncitizen with a pending asylum application, no criminal history, substantial community ties, and a record of compliance with immigration authorities is detained without a meaningful individualized custody determination, continued detention exceeds the limits of lawful civil confinement.

VI. CLAIMS FOR RELIEF

41. Count I

Violation of the Fifth Amendment Due Process Clause – Prolonged Civil Detention Without a Constitutionally Adequate Custody Determination

42. Petitioner is subjected to civil immigration detention without having been afforded a constitutionally adequate individualized custody determination.

Although immigration detention is civil in nature, it must comply with the Due Process Clause of the Fifth Amendment and may not be imposed arbitrarily or as a matter of administrative convenience.

43. Petitioner is detained while removal proceedings under INA § 240 remain pending and while her asylum application has not been adjudicated. See Exhibits C, D, E, and F. Her detention is therefore governed by INA § 236(a), which expressly contemplates release on bond or conditional parole following an individualized assessment.
44. Despite this statutory framework, ICE has continued Petitioner's detention without providing a meaningful opportunity to present evidence of her lack of danger to the community and lack of flight risk. Petitioner has no criminal history, has maintained lawful employment authorization, has resided stably in the community, has complied with all ICE requirements, and has appeared voluntarily for scheduled appointments. See Exhibits G, H, and J through L.
45. Due process requires that detention bear a reasonable relationship to its regulatory purpose and that the government provide adequate procedural safeguards to prevent erroneous deprivation of liberty. Here, Petitioner's continued detention is not supported by an individualized determination and is therefore arbitrary and excessive.
46. The failure to provide Petitioner with a meaningful custody determination violates substantive and procedural due process and renders her continued detention unconstitutional.

47. Count II

Violation of INA § 236(a), 8 U.S.C. § 1226(a) – Unlawful Denial of Eligibility for Release on Bond

48. Petitioner is detained under the authority of INA § 236(a) while in removal proceedings under INA § 240. Under § 236(a), noncitizens are eligible for release on bond or conditional parole pending the outcome of removal proceedings.
49. For decades, the Board of Immigration Appeals has recognized that detention under § 236(a) requires an individualized assessment of danger and flight risk. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). See Exhibit O. That framework requires consideration of positive and negative equities and does not permit categorical detention.
50. Petitioner squarely satisfies the criteria for release under § 236(a). She has no criminal convictions, presents no danger to the community, has strong family and community ties, has maintained steady employment, owns her home, and has demonstrated consistent compliance with immigration authorities. See Exhibits J through L.
51. By refusing to provide Petitioner with a custody determination consistent with § 236(a) and longstanding BIA precedent, Respondents have acted contrary to the statute and deprived Petitioner of the liberty interest Congress expressly preserved.
52. Respondents' actions therefore violate the Immigration and Nationality Act and independently support habeas relief.

53. Count III

Violation of the Fourth Amendment – Arrest and Seizure Without Warrant or Probable Cause

54. Petitioner was seized by ICE without the presentation of a warrant and without probable cause while voluntarily appearing at a scheduled ICE appointment. See Exhibit I.
55. The Fourth Amendment protects individuals against unreasonable searches and seizures, including seizures conducted under civil immigration authority. An arrest without a warrant and without probable cause is presumptively unreasonable.
56. Petitioner's arrest occurred after she complied with ICE's instructions to appear at the office and without any intervening conduct suggesting flight risk or danger. She was not informed of the legal basis for her arrest in a language she could understand and was immediately taken into custody.
57. An unlawful seizure in violation of the Fourth Amendment taints the resulting detention. Continued confinement flowing from an unlawful arrest is unconstitutional and cannot be sustained under civil detention authority.
58. Because Petitioner's arrest lacked probable cause and was conducted without a warrant, her continued detention violates the Fourth Amendment and warrants immediate habeas relief.

VII. EXHAUSTION

59. Petitioner has no adequate or effective administrative remedy to challenge the constitutional violations described herein. Although immigration courts conduct bond proceedings in certain circumstances, the violations at issue arise from

Petitioner's arrest and continued detention without a constitutionally adequate individualized custody determination.

60. The harms suffered by Petitioner are ongoing and immediate. Administrative remedies, to the extent they exist, are neither capable of addressing the Fourth Amendment violations arising from Petitioner's warrantless arrest nor sufficient to remedy the deprivation of liberty caused by prolonged civil detention without meaningful procedural safeguards.

61. Because Petitioner's claims sound in constitutional law and challenge the legality of her detention itself, exhaustion is not required, and habeas relief under 28 U.S.C. § 2241 is appropriate.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner Oleannys Pina Alvarado respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;
- B. Order Petitioner's immediate release from U.S. Immigration and Customs Enforcement custody;
- C. In the alternative, order Respondents to provide Petitioner with a prompt and constitutionally adequate individualized custody or bond hearing before a neutral adjudicator;
- D. Grant such other and further relief as the Court deems just and proper.
- D. Grant such other and further relief as the Court deems just and proper, including, but not limited, the possibility of restitution for the economic loss of her car.

IX. VERIFICATION

I, Oleannys Piña Alvarado, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 8 day of January, 2026.

Oleannys Pina Alvarado

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Petitioner, Pro Se

X. CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of January, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was served by U.S. Mail upon the following:

Office of the United States Attorney

Western District of Oklahoma

Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

Warden

Diamondback Correctional Facility


Oleannys Pina Alvarado

Petitioner, Pro Se