

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW, Petitioner Jesus Evenor Morales Cruz, through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and states the following.

I. INTRODUCTION

1. Petitioner Jesus Evenor Morales Cruz is a Honduran national residing in the United States with his spouse and stepchildren for over 15 years. In April 2020, Petitioner was the victim of a qualifying violent crime, namely [REDACTED] which was investigated by the Dallas Police Department and resulted in the issuance of Form I-918B Law Enforcement Certification. Based on his victimization and his continued cooperation with law enforcement, Petitioner filed a Form I-918 Petition for U Nonimmigrant Status on September 29, 2021 with the U.S. Citizenship and Immigration Services (“USCIS”).

2. On December 11, 2024, USCIS issued Petitioner a Bona Fide Determination (“BFD”), granting him deferred action for a period of four years and making him eligible for employment authorization while his U-visa petition remains pending.

3. Despite this favorable exercise of discretion, Immigration and Customs Enforcement (“ICE”) apprehended and detained Petitioner on December 8, 2025, following a routine traffic stop for an alleged speeding violation for which Petitioner was neither arrested nor charged. Petitioner was never arrested by state or local authorities. Nonetheless, ICE has placed Petitioner in immigration detention. Petitioner is presently detained at the Eden Detention Center in Eden, Texas. Respondents now seek to detain and remove Petitioner notwithstanding his valid grant of deferred action, effectively nullifying the protections conferred by USCIS’s bona fide determination.

4. Petitioner contends that his detention and threatened removal violate both statutory and constitutional protections. Specifically, Petitioner alleges that ICE's actions contravene 8 U.S.C. § 1101(a)(15)(U) and 8 C.F.R. § 214.14(d)(2), which provide deferred action and related protections to bona fide determination recipients. Petitioner further alleges that Respondents' continued detention and removal efforts directly undermine his lawfully granted deferred action, infringing a protected liberty interest under the Fifth Amendment. The Respondent's decision to detain the Petitioner after granting him Deferred Action constitutes arbitrary and capricious agency action.

5. Accordingly, Petitioner seeks an order enjoining Respondents from effectuating his removal, directing his immediate release from ICE custody, and requiring Respondents to give full effect to USCIS's bona fide determination and grant of deferred action while his U-visa petition remains subject to the statutory cap.

PARTIES

6. **Petitioner Jesus Evenor Morales Cruz** is a native and citizen of Honduras who is currently detained by Immigration and Customs Enforcement ("ICE") at the Eden Detention Center, located at 704 E Broadway Street, Eden, TX 76837, which is within the Northern District of Texas. Petitioner brings this action pursuant to 28 U.S.C. § 2241 to challenge the legality of his continued immigration detention and threatened removal.
7. **Respondent Warden, Eden Detention Center** is the immediate custodian of Petitioner and is responsible for Petitioner's physical confinement. The Warden is sued in his or her official capacity only.
8. **Respondent Kristi Noem** is the Secretary of the United States Department of Homeland Security ("DHS"). She is the cabinet-level official charged with oversight of immigration

enforcement and the administration of immigration detention. She is sued in her official capacity only.

9. **Respondent Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is responsible for the enforcement of the immigration laws of the United States, including the detention and removal of noncitizens. He is sued in his official capacity only.
10. **Respondent Robert Cerna** is the Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Dallas Field Office is the ICE official responsible for detention and removal operations within the region that includes the Eden Detention Center. This Respondent is sued in an official capacity only.
11. **Respondent Pamela Bondi** is the Attorney General of the United States. Immigration Judges and the Executive Office for Immigration Review operate under her authority. She is sued in her official capacity only.
12. **Respondent Sirce E. Owen** is the Acting Director of the Executive Office for Immigration Review (“EOIR”), an agency within the United States Department of Justice responsible for the administration of the immigration courts and the Board of Immigration Appeals. In that capacity, Respondent Owen exercises supervisory authority over Immigration Judges and EOIR policies governing removal proceedings that affect Petitioner’s custody and potential removal. She is sued in her official capacity only.

JURISDICTION

13. This action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, and the Fifth Amendment to the United States Constitution.

14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 *et seq.* (habeas corpus), U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1651 (All Writs Act). Sovereign immunity is waived for purposes of this suit. 5 U.S.C. §§ 702, 706.

15. The Court may hear petitions for relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Court's inherent equitable powers.

16. This Court has authority to grant relief pursuant to 28 U.S.C. § 2243, including ordering Petitioner's immediate release or directing Respondents to provide a constitutionally adequate custody determination under the correct statutory framework.

17. Federal district courts have consistently held that these jurisdictional bars do not preclude habeas review of the proper application of INA detention provisions. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *2-4 (W.D. Tex. Oct. 16, 2025) (finding a case "falls squarely outside" the jurisdictional bars where Petitioner was only 'challenging whether certain INA provisions require his detention without a bond hearing'); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *4 (W.D. Tex. Sept. 22, 2025) (rejecting government's jurisdictional arguments); *Mo-Rales v. Thompson*, No. SA-25-CV-01391-JKP, 2025 WL 3470871, at *2-4 (W.D. Tex. Nov. 21, 2025) (same); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025) (same); *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853, at *4 (N.D. Cal. Sept. 18, 2025) (same). As these courts have recognized, habeas jurisdiction exists to review whether the government is detaining a noncitizen under the correct statutory authority and with adequate procedural protections. That is precisely the question presented here.

VENUE

18. Venue is proper in this Court pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(e) because Petitioner is currently detained at the **Eden Detention Center**, located at 704 E Broadway Street, Eden, TX 76837 which lies within this judicial district, and his immediate custodian is located within the jurisdiction of this Court.

REQUIREMENTS OF 28 U.S.C. § 2243

19. The writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)(citing U.S. Const., Art I, § 9, cl. 2). “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). “A district court’s habeas jurisdiction,” therefore, “includes challenges to immigration-related detention.” *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *3–6 (D. Nev. Sept. 17, 2025) (quoting *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001)).

20. The Court must grant the petition for Writ of Habeas Corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

STATEMENT OF FACTS

21. Petitioner Jesus Evenor Morales Cruz is a native and citizen of Honduras. Exh. 1.

22. Petitioner was born on . Exh. 2. He is currently 38 years old.

23. Petitioner last entered the United States without inspection on or about March 2010. He was not inspected by an immigration officer at the time of entry and initially resided in the

interior of the United States. Petitioner thereafter resided continuously in the interior of the United States.

24. Petitioner is married to Ombelina Ramirez Serrano. Exh. 3. The Petitioner and his wife have been married since June 14, 2014.

25. The Petitioner has five step children:

1. S [REDACTED], born on [REDACTED], in Garden Grove, California, and is a United States citizen by birth.
2. M [REDACTED] born on [REDACTED], in Garden Grove, California, and is a United States citizen by birth.
3. J [REDACTED], born on [REDACTED], in Garden Grove, California and is a United States citizen by birth.
4. R [REDACTED] born on [REDACTED], in Dallas, Texas and is a United States citizen by birth.
5. J [REDACTED] born on [REDACTED], in Mexico.

Exh. 4.

26. In 2020, Petitioner was the victim of a violent burglary and home invasion in Dallas County, Texas. The Dallas Police Department formally designated the crime as an Aggravated Robbery of an Individual pursuant to Texas Penal Code § 29.03. The Petitioner cooperated with the Dallas Police Department and in response the Dallas Police Department issued a Form I-918, Supplement B (Law Enforcement Certification) certifying that Petitioner was the victim of qualifying criminal activity. Exh. 5.

27. On August 7, 2021, Petitioner underwent a psychological evaluation conducted by Dr. Milagros M. Lozano, Ph.D., L.P.C., a licensed professional counselor, at Horizon Counseling Center. The evaluation documents that Petitioner suffers from Major Depressive Disorder with anxious distress, Post-Traumatic Stress Disorder, Insomnia related to post-traumatic stress, and chronic anxiety and depression directly related to the aggravated robbery and assault he experienced in April 2020. The evaluation further documents severe symptoms, including persistent anxiety, sleep disturbance, impaired concentration, hypervigilance, and emotional

distress, and notes that these symptoms have been exacerbated by ongoing stressors, including uncertainty related to his immigration status and detention. Exh. 6.

28. On September 29, 2021, Petitioner filed a Form I-918, Petition for U Nonimmigrant Status, together with supporting documentation. Exh. 7.

29. On September 30, 2021, USCIS issued notices acknowledging receipt of (1) Form I-918 Application for U Nonimmigrant Status, Form I-192 Application for Advance Permission to Enter as Nonimmigrant, and I-765 Application for Employment Authorization. Exh. 8

30. On December 11, 2024, USCIS issued a Bona Fide Determination Notice, Form I-797 and approved the Petitioner's application for work authorization. Exh. 9

31. U.S. Citizenship and Immigration Services issued a Bona Fide Determination, recognizing that Petitioner meets the statutory requirements for U Nonimmigrant classification but cannot be granted final status at this time due to the annual statutory cap. Exh. 10

32. On December 8, 2025, Petitioner was pulled over by Texas state police for an alleged traffic violation, reportedly speeding. Petitioner was not arrested, not formally charged, and was not issued a traffic citation or infraction.

33. Despite the absence of any criminal charges, Immigration and Customs Enforcement (ICE) apprehended Petitioner at the scene and transferred him into immigration custody. Petitioner is currently detained at the Eden Detention Center in Eden, Texas, where he remains in the physical custody of Respondents.

34. On January 22, 2026, the Petitioner filed an Emergency Stay with the Dallas Field Office seeking release from detention based on a grant of Deferred Action.

LEGAL FRAMEWORK

35. Congress created the U visa classification to encourage immigrant victims of serious crimes to report those crimes and cooperate with law enforcement, while offering protection

consistent with the humanitarian interests of the United States. Pub. L. No. 106-386, div. B, tit. V, § 1513(a), 114 Stat. 1533 (2000). In doing so, Congress expressly contemplated that cooperating victims would receive temporary legal status and protection from immigration enforcement, recognizing that such protection is necessary to facilitate law-enforcement objectives and serve the public interest. *Id.* Detention or removal of noncitizens whose U-visa Petitions are bona fide, directly undermines the statutory purpose of the program and exceeds the bounds of lawful enforcement discretion.

36. Congress codified the U visa classification at 8 U.S.C. § 1101(a)(15)(U) and established detailed requirements applicable to such visas in 8 U.S.C. § 1184(p). Central to that framework is Congress's express recognition that noncitizens with pending, bona fide U-visa applications are entitled to interim protection while their petitions are adjudicated.

37. Congress authorized the Secretary of Homeland Security to grant employment authorization to "any alien who has a pending, bona fide application for nonimmigrant status under section 1101(a)(15)(U)." 8 U.S.C. § 1184(p)(6). By its plain terms, this provision does not require approval of the U-visa petition itself. Rather, Congress deliberately chose the lower threshold of a pending, bona fide application, reflecting its intent to protect cooperating crime victims during the pendency of adjudication.

38. The statute's emphasis on bona fide eligibility is consistent with the structure and purpose of the U-visa program as a whole. Congress required law-enforcement certification that the applicant "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of qualifying criminal activity. 8 U.S.C. § 1184(p)(1). Congress also imposed an annual numerical cap on principal U visas. 8 U.S.C. § 1184(p)(2).

39. Together, these provisions make prolonged adjudication foreseeable and render interim protection not incidental, but necessary. Congress further made clear that U-visa eligibility is non-exclusive of other forms of relief. 8 U.S.C. § 1184(p)(5).

40. The Department of Homeland Security implemented Congress's statutory design through 8 C.F.R. § 214.14, which governs petitions for U nonimmigrant status. That regulation confirms that USCIS has sole jurisdiction over U-visa petitions. 8 C.F.R. § 214.14(c)(1). It establishes a regulatory framework that expressly contemplates interim protection for eligible petitioners while their applications remain pending.

41. In particular, where a U-visa petitioner is eligible but cannot be granted status immediately due solely to the statutory annual cap, USCIS will grant deferred action or parole to the petitioner and qualifying family members while the petition remains pending on the waiting list. 8 C.F.R. § 214.14(d)(2). During this period, DHS may authorize employment, and no unlawful presence accrues. *Id.* § 214.14(d)(2)–(3).

42. On June 14, 2021, U.S. Citizenship and Immigration Services updated its Policy Manual to implement a Bona Fide Determination Process for U nonimmigrant status petitions. USCIS, *Policy Alert*, at 2 (June 14, 2021).¹ The BFD process is set forth in Volume 3, Part C, Chapter 5 of the USCIS Policy Manual. USCIS, *Policy Manual*, Vol. 3, Part C, Ch. 5.² USCIS adopted this process to manage the statutory annual cap on U visas while ensuring interim protection for eligible petitioners whose applications cannot be immediately approved due to numerical limitations. The policy applies to all Forms I-918 that were pending or filed on or after June 14, 2021.

¹ Available at <https://www.uscis.gov/sites/default/files/document/policymanualupdates/20210614-VictimsOfCrimes.pdf>.

² Available at <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5>.

43. Under the BFD process, USCIS first determines whether a pending Form I-918 petition is bona fide, meaning it was filed in good faith and is supported by the required initial evidence. *See* USCIS Policy Manual, Vol. 3, Part C, Ch. 5. If USCIS determines that a petition is bona fide, the agency then evaluates whether the petitioner warrants a favorable exercise of discretion, including whether the petitioner presents any national security or public safety concerns. *Id.* If USCIS makes a favorable discretionary determination, it grants deferred action and employment authorization, and places the petitioner in a queue to await final U-visa issuance as visa numbers become available under the annual cap.

44. If USCIS determines that a petition is not bona fide, or if the petitioner does not receive a favorable discretionary determination, USCIS evaluates whether the petitioner is eligible for placement on the U-visa waiting list due solely to the statutory cap. Eligible petitioners placed on the waiting list may receive interim benefits consistent with governing regulations while awaiting final adjudication.

45. Congress's intent to protect victims of serious criminal activity and to support law-enforcement investigations and prosecutions is underscored by the breadth of the waiver authority it granted in the U-visa context. Congress authorized DHS to waive most grounds of inadmissibility for noncitizens seeking U nonimmigrant status when such a waiver serves the public or national interest. *See* INA § 212(d)(3)(A)(ii).

46. Congress went further by enacting a U-visa-specific waiver provision that permits DHS to waive any ground of inadmissibility under the Immigration and Nationality Act, with only narrow exceptions for participation in Nazi persecution, genocide, or acts of torture or extrajudicial killing. *See* INA § 212(d)(14).

47. The scope of this waiver authority reflects Congress's determination that safeguarding victim cooperation and advancing law-enforcement objectives outweigh the application of nearly all inadmissibility grounds that would otherwise bar relief.

CAUSE OF ACTION I:
Violation of Fifth Amendment Right to Due Process

48. The above paragraphs are realleged and incorporated herein.

49. The Fifth Amendment guarantees liberty and requires that immigration detention be reasonably related to a legitimate governmental purpose. Petitioner's detention, in light of the bona fide determination, is arbitrary and capricious.

50. Under the Fifth Amendment to the United States Constitution, those threatened with the loss of liberty or property due to actions by the federal government are entitled to due process of law.

51. The Petitioner, as a BFD recipient who has tendered and paid for his employment authorization document in conformance with USCIS procedures and received assurances that he was eligible to secure that document, has a liberty interest in freedom from physical restraint and in continued reliance on lawfully granted deferred action. This protected liberty interest flowed from the statute and regulations which permitted Petitioner's BFD grant, and the actual grant of BFD to the Petitioner.

52. Petitioner has followed the legal requirements to obtain benefits under the U-visa program and indeed has been granted them under the regulations. Respondents' efforts to now unilaterally and without due process strip him of those benefits is unlawful under the Fifth Amendment of the Constitution.

53. Petitioner has complied with each and every requirement USCIS and Respondents have imposed upon him. He has applied for U-visa benefits and provided all requested information,

including biometrics and fees. Despite each of these things, Respondents never alerted Petitioner to any issues or concerns at any point prior to their unlawful detention and threats to remove him and dissolve his BFD benefits unilaterally, without notice and without justification.

CAUSE OF ACTION II:

Violation of the Immigration and Nationality Act (INA) and Implementing Regulations

54. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

55. ICE's continued detention of the Petitioner violates 8 U.S.C. § 1101(a)(15)(U), implementing regulations 8 C.F.R. § 214.14(d)(2) and the policies of the U-visa program, which provide for deferred action upon prima facie eligibility.

56. The Petitioner, as a BFD recipient has a liberty interest in being able to obtain the benefits he was granted. Petitioner's protected liberty interest flows from the statute and regulations through which USCIS issued a grant of Deferred Action which grants the Petitioner right to be protected from enforcement operations.

57. Failure to give effect to Petitioner's grant of Deferred Action frustrates Congress' intent to assist federal, state, and local law enforcement efforts.

58. Petitioner has followed the legal requirements to obtain benefits under the U-visa program and indeed has been granted them under the regulations. Respondents' efforts to now unilaterally and without due process strip him of those benefits is unlawful under the Fifth Amendment of the Constitution.

59. As of the filing of this writ, USCIS has not issued any statement or document which purports to terminate or otherwise rescind the Petitioner's BFD, employment authorization, or

deferred action. Accordingly, the Petitioner enjoys protection from detention and removal based on his grant of deferred action.

60. Respondents cannot effectuate a *de facto* termination of Petitioner's BFD, without proper procedures consistent with the Due Process clause. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 n.8 (1954).

61. Procedural due process requires, in most cases, a hearing of some kind. *Mathews v. Eldridge*, 424 U.S. 319, 332-333, 96 S.Ct. 893, 901-902 (1976). The process depends on three factors: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* 424 U.S. at 335, 96 S.Ct. at 903.

62. Petitioner has a fundamental liberty interest in the benefits he has obtained under his BFD grant.

63. The procedures employed by Respondents offered Petitioner no hearing, no notice, and no opportunity to be heard. Respondents had multiple other means available to achieve its objective without denying the Petitioner procedural fairness.

64. The cost and administrative burden of adopting these alternate procedures would be minimal, as the Respondents already possess an entire agency dedicated to processing removal cases.

65. Instead, Respondents have acted with complete disregard to due process by unlawfully acting in a way to terminate his BFD and unlawfully detain him under a threat of removal. Such

unlawful actions threaten Petitioner's constitutionally protected interest in his interim benefits in the short term and his U-visa filings in the long term.

66. Given the Petitioner's rights and interests, the Government's interests, and the cost and availability of alternate means of protecting the Government's objectives, the procedures employed by Respondents are wholly unlawful and contrary to their own policy and law.

CAUSE OF ACTION III:
Violation of the Administrative Procedures Act

67. Petitioner repeats, realleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

68. The Administrative Procedure Act ("APA"), 5 U.S.C. §§ 702 and 706, provides a cause of action for persons suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute. The APA waives sovereign immunity and authorizes this Court to "hold unlawful and set aside agency action, findings, and conclusions" that are arbitrary, capricious, an abuse of discretion, contrary to law, in excess of statutory authority, or taken without observance of procedure required by law. 5 U.S.C. § 706(2)(A), (C), (D).

69. Respondents' decision to apprehend, detain, and threaten the removal of Petitioner, despite his valid and unrescinded Bona Fide Determination ("BFD") and grant of deferred action issued by U.S. Citizenship and Immigration Services ("USCIS") constitutes final agency action reviewable under the APA.

70. USCIS has exclusive jurisdiction over U-visa petitions and the administration of the BFD process. *See* 8 C.F.R. § 214.14(c)(1); USCIS Policy Manual, Vol. 3, Part C, Chapter 5. Under this framework, USCIS determined that Petitioner's Form I-918 petition was bona fide and that

Petitioner warranted a favorable exercise of discretion, resulting in a grant of deferred action and employment authorization while his petition remains pending due solely to the statutory cap.

71. Respondents' detention of Petitioner operates as a *de facto* nullification of USCIS's BFD determination and deferred-action grant, notwithstanding that USCIS has not revoked, terminated, or rescinded those benefits. ICE lacks authority to disregard or override USCIS's discretionary determination absent compliance with governing statutes, regulations, and internal agency procedures.

72. Respondents' actions are arbitrary and capricious in violation of 5 U.S.C. § 706(2)(A) because they:

- a. Fail to acknowledge or give effect to USCIS's BFD determination and grant of deferred action;
- b. Disregard DHS's own regulations and policy governing U-visa petitioners who have received bona fide determinations, including 8 C.F.R. § 214.14(d)(2);
- c. Reflect an unexplained and irrational departure from established DHS practice without reasoned explanation; and,
- d. Lack any individualized assessment demonstrating that Petitioner presents a public-safety or national-security concern sufficient to justify detention notwithstanding the favorable discretionary determination already made by USCIS.

73. Respondents' actions are contrary to law and in excess of statutory authority, in violation of 5 U.S.C. § 706(2)(A) and (C), because they undermine and frustrate the statutory scheme enacted by Congress in 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p), which expressly provide interim protection to bona fide U-visa petitioners during prolonged adjudication caused by the statutory cap.

74. Respondents' actions are also without observance of procedure required by law, in violation of 5 U.S.C. § 706(2)(D), because ICE effectively terminated or suspended Petitioner's deferred action and attendant protections without notice, explanation, or any process required by DHS regulations or the Due Process Clause.

75. Under the doctrine articulated in *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), Respondents are bound to follow their own regulations and policies. ICE's detention of Petitioner in direct contravention of USCIS's unrescinded BFD determination violates this foundational principle of administrative law.

76. As a direct and proximate result of Respondents' unlawful agency action, Petitioner has suffered and continues to suffer irreparable harm, including unlawful deprivation of liberty, interference with federally granted interim immigration benefits, emotional and psychological harm, and disruption to his family and medical care.

77. Petitioner satisfies all requirements for temporary and preliminary injunctive relief. First, Petitioner is likely to succeed on the merits because Respondents are unlawfully detaining him in direct contravention of USCIS's unrescinded Bona Fide Determination and grant of deferred action, in violation of the INA, implementing regulations, the APA, and the Fifth Amendment.

78. Second, Petitioner faces irreparable harm absent injunctive relief. Unlawful detention and the imminent threat of removal constitute per se irreparable injuries that cannot be remedied by monetary damages. Petitioner's continued detention also exacerbates his documented psychological conditions and disrupts his family unity.

79. Third, the balance of equities weighs sharply in Petitioner's favor. Releasing Petitioner would merely restore the status quo already determined appropriate by USCIS, while continued detention unlawfully deprives him of liberty.

80. Finally, the public interest favors ensuring that federal agencies comply with governing statutes, regulations, and constitutional protections, and that immigrant victims of crime are not punished for their cooperation with law enforcement.

81. Petitioner is entitled to declaratory and injunctive relief under the APA, including an order setting aside Respondents' unlawful agency action, enjoining continued detention and removal efforts inconsistent with USCIS's BFD determination, and requiring Respondents to give full force and effect to the deferred-action grant issued to Petitioner.

PRAYER

(1) Petitioner prays for judgment against Respondents and respectfully request that the Court enters an order:

- (i) Issue a writ of habeas corpus directing Respondent to immediately release Petitioner from detention.
- (ii) Issue a temporary restraining order prohibiting Petitioner's removal or continued detention while this petition is pending.
- (iii) Declare that Petitioner's detention is unlawful in light of the bona fide determination.
- (iv) Award reasonable attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. 5. Grant any other relief the Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Vernal Farnum Mejia

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, and I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 14th Day of January 2026

Respectfully submitted,

/s/ Vernal Farnum Mejia

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2026, I served a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus and Exhibits** by **United States Postal Service, certified mail**, upon the following:

Warden

Eden Detention Center
704 E Broadway Street
Eden, TX 76837

Todd M. Lyons

Acting Director
U.S. Immigration and Customs
Enforcement
500 12th Street SW
Washington, DC 20536

Kristi Noem

Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Robert Cerna

Dallas Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs
Enforcement
8101 N. Stemmons Frwy
Dallas, TX 75247

I further certify that the above-named Respondents were also served through the Court's **CM/ECF system** in connection with the electronic filing of this habeas corpus action in the United States District Court for the Northern District of Texas.

Respectfully submitted,

/s/ Vernal Farnum Mejia

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