

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

UNITED STATES DISTRICT COURT
for the
Northern District of Texas

Naibeth Andreina Oropeza-Castillo
(A# [REDACTED])

Petitioner

v.

Warden, Prairieland Detention Center, Kristi Noem
Secretary for Homeland Security, Todd Lyons, Acting
Director for ICE.

Respondent

(name of warden or authorized person having custody of petitioner)

3-26CV0210-G

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Naibeth Andreina Oropeza-Castillo
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: Prairieland Detention Center
(b) Address: 1599 FM 3471
Alvarado, TX 76009
(c) Your identification number: [REDACTED]
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: [REDACTED]
(c) Date of sentencing: 01/22/2026
 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: ICE / DHS (ICE ERO Dallas; Prairieland)

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

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: _____

No meaningful administrative remedy available for constitutional custody challenge / urgent medical-family harm detention prevents access.

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: _____

(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: Fifth Amendment due process violation

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 Do not cite cases or law.)*:

No bill/DA declined; ICE took custody; no individualized hearing; not danger/flight risk; sole caregiver.

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

Yes No

GROUND TWO: Prolonged/arbitrary detention

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 Do not cite cases or law.)*:

Continued detention without justification; harms child; no prompt custody review.

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

Yes No

GROUND THREE: Family unity/humanitarian harm

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 Do not cite cases or law.)*:

child's disabilities; no caregiver; irreparable harm.

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

Yes No

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GROUND FOUR: Lack of statutory authority / no imminent removal

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

detention not tied to removal purpose; no mandatory detention basis explained.

(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:

Request for Relief

15. State exactly what you want the court to do: Immediate release or alternative conditions; order custody hearing; any just relief

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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: _____

/s/ Jesús Alberto Rodríguez Arroyo, Next Friend"

Signature of Petitioner

Signature of Attorney or other authorized person, if any

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NAIBETH ANDREINA OROPEZA-CASTILLO, A# 
by her Next Friend,
JESÚS ALBERTO RODRIGUEZ ARROYO,
Petitioner,

v.

KRISTI NOEM, Secretary, Department of Homeland Security;
ACTING DIRECTOR, U.S. Immigration and Customs Enforcement;
FIELD OFFICE DIRECTOR, ICE ERO Dallas;
WARDEN, Prairieland Detention Center,
Respondents.

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

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the unlawful and continued immigration detention of Petitioner Naibeth Andreina Oropeza-Castillo by U.S. Immigration and Customs Enforcement ("ICE"). 2. Petitioner remains detained at Prairieland Detention Center despite the complete termination of all state criminal proceedings, the absence of any individualized custody determination, and overwhelming humanitarian considerations. 3. Continued detention violates the Due Process Clause of the Fifth Amendment. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

II. JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within the Northern District of Texas. 5. Federal district courts retain jurisdiction to review the legality of immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). 6. Venue is proper in this District because Petitioner is confined at Prairieland Detention Center in Alvarado, Texas. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

III. NEXT FRIEND STANDING

7. This Petition is properly brought by Next Friend Jesús Alberto Rodríguez Arroyo. 8. A next friend may file a habeas petition where the detainee is unable to litigate on her own behalf and the next friend has a significant relationship and acts in good faith. *Whitmore v. Arkansas*, 495

U.S. 149, 163–64 (1990). 9. Petitioner is detained, unrepresented, and lacks meaningful access to legal resources. 10. Next Friend standing is therefore proper.

IV. STATEMENT OF FACTS

11. Petitioner entered the United States pursuant to humanitarian parole and complied with all ICE reporting requirements. 12. She was arrested on state criminal allegations in Denton County, Texas. 13. A Texas Grand Jury returned a NO BILL and the Denton County District Attorney declined prosecution, expressly directing that Petitioner not be held. 14. Despite the termination of all state authority, ICE assumed custody directly from county jail without a warrant or individualized custody determination. 15. Petitioner was later transferred to Prairieland Detention Center.

V. FAMILY UNITY AND HUMANITARIAN CONSIDERATIONS

16. Petitioner is the sole caregiver of a minor child with serious neurological and developmental disabilities, including Moebius Syndrome and autism. 17. Family integrity is a fundamental liberty interest. *Moore v. City of East Cleveland*, 431 U.S. 494, 499 (1977). 18. Continued detention inflicts severe and irreparable harm.

VI. VIOLATION OF SUBSTANTIVE DUE PROCESS

19. The Fifth Amendment prohibits detention that is arbitrary or punitive. *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring). 20. Continued detention serves no legitimate government purpose.

VII. VIOLATION OF PROCEDURAL DUE PROCESS

21. Due process requires an individualized custody determination. *Zadvydas v. Davis*, 533 U.S. at 690. 22. ICE failed to provide such process.

VIII. LACK OF STATUTORY AUTHORITY

23. ICE lacks statutory authority to detain Petitioner absent mandatory detention or imminent removal. 24. Arbitrary detention violates federal law. *Zadvydas*, 533 U.S. at 690.

IX. TRANSFER DOES NOT DEFEAT JURISDICTION

25. Transfer does not divest this Court of jurisdiction. *Ex parte Endo*, 323 U.S. 283, 304–07 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004).

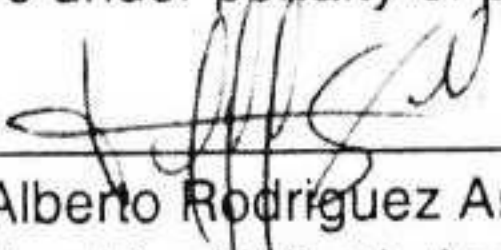
X. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court grant the Writ of Habeas Corpus and order her immediate release from ICE custody, or alternatively release under

reasonable conditions of supervision.

XI. VERIFICATION

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



Jesús Alberto Rodríguez Arroyo
Next Friend for Naibeth Andreina Oropeza-Castillo