



### INTRODUCTION

1. Petitioner Irma Torres Garcia is in the physical custody of Respondents at the Prairieland Detention Center, Alvarado, Texas. She now faces unlawful detention because the Department of Homeland Security (DHS) unlawfully revoked her parole while removal proceedings were ongoing and there has been no material change in circumstances that would warrant termination of her parole.
2. Accordingly, Petitioner seeks a writ of habeas corpus ordering her immediate release from custody due to violations of her right to due process.

### JURISDICTION

3. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
5. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### VENUE

6. Venue is proper because Petitioner is detained at the Prairieland Detention Center, Alvarado, Texas.
7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner currently is detained.
8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Texas.

### REQUIREMENTS OF 28 U.S.C. § 2243

9. 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).
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### PARTIES

11. **Petitioner, Irma Torres Garcia**, is a citizen of Mexico who has been in immigration detention since on or about December 2025. Prior to being detained, she was living in Texas. After arresting Petitioner, ICE did not set a bond. However, because of Respondents’ new policies and case decisions, Petitioner also cannot request a bond hearing before an Immigration Judge.
12. **Respondent Warden of Prairieland Detention Center** has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs

Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Warden is a legal custodian of Petitioner.

13. **Respondent Joshua Johnson** is sued in his official capacity as the Director of the Dallas Field Office of the Enforcement and Removal Operations of the U.S. Immigration and Customs Enforcement. Respondent Joshua Johnson is a legal custodian of Petitioner and has authority to release her.
14. **Respondent Todd Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement. As such, Respondent Lyons is a legal custodian of Petitioner and is responsible for Petitioner's detention, release and/or removal. He is named in his official capacity.
15. **Respondent Kristi Noem** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees the U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
16. **Respondent Pam Bondi** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review, which administers the Immigration Courts and the Board of Immigration Appeals. Respondent Bondi is a legal custodian of Petitioner.

#### **STATEMENT OF FACTS**

17. Petitioner is a 45-year-old native and citizen of Mexico. Petitioner entered the United States on or about August 19, 2024 and has resided in the United States since then.

18. Upon entry, the Petitioner underwent a credible fear interview and was found to have a credible fear of persecution. Subsequently, she was paroled into the United States on September 1, 2024, pending removal proceedings. *See Exhibit A.*
19. Upon release, the Petitioner was served with a Notice to Appear dated August 31, 2024 charging her removable under 8 U.S.C. § 1182(a)(6)(A)(i). *See Exhibit B.*
20. The Petitioner has no criminal convictions that would render her ineligible for relief.
21. On or about December 30, 2025, Petitioner was arrested by ICE at an appointment at the ICE Dallas Field Office while she was fulfilling her obligation to report to them. ICE did not provide any justification for the Petitioner's re-detention while his removal proceedings were still pending, in violation of his due process rights. Petitioner is now detained at the Prairieland Detention Center in Alvarado, Texas.
22. Following Petitioner's arrest and transfer to the Prairieland Detention Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

#### **LEGAL FRAMEWORK**

23. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
24. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

25. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).
26. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
27. This case concerns the detention provisions at § 1226(a).
28. Detention authority for those who have not yet been issued final removal orders is divided between two sections of the INA, 8 U.S.C. §§ 1225 and 1226. The Supreme Court recently analyzed the interplay between §§ 1225 and 1226 in *Jennings v. Rodriguez*. The first sentence of the Court’s decision distinguishes between decisions made at the border and those made internally:

Every day, immigration officials must determine whether to admit or remove the many [non-citizens] who have arrived at an official “port of entry” (e.g., an international airport or border crossing) or who have been apprehended trying to enter the country at an unauthorized location. Immigration officials must also determine on a daily basis whether there are grounds for removing any of the [non-citizens] who are already present inside the country.

583S. at 285

29. The Court subsequently explained, “In sum, U.S. immigration law authorizes the Government to detain certain [non-citizens] seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [non-citizens] already in the country pending the outcome of removal proceedings under §§ 1226(a) and

(c).” *Id.* at 289. (emphasis added).

30. Under 8 U.S.C. 1182 (d)(5)(A), DHS may, in its discretion, grant parole into the United States to a noncitizen on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Once parole has been granted, and absent a material change in circumstances, termination of parole is not warranted while removal proceedings are pending.
31. Section 1225(a)(1), *inter alia*, defines “applicants for admission” as noncitizens “present in the United States who ha[ve] not been admitted[.]” Relevant here, § 1225(b)(2)(A) states that “in the case of a[ non-citizen] who is an applicant for admission, if the examining immigration officer determines that a[ non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [non-citizen] shall be detained for a proceeding under section 1229a of this title.” Section 1229a enumerates the procedures for standard, non-expedited removal proceedings.
32. Section 1225(b) applies to people arriving at U.S. ports of entry or at the U.S. border. The framework of § 1225(b)(2) is premised on inspections at the border of “applicant[s] for admission” who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Furthermore, the INA defines “admission,” to mean “the lawful entry... into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A). As courts have reasoned, even though an applicant for admission has not been “admitted” to the United States, it does not mean that

they always continue to be actively seeking a lawful entry (i.e. seeking admission). *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390, at \*21 (D.N.H. Sept. 8, 2025). An applicant for admission can enter the country, and therefore no longer seek entry, lawfully or otherwise, but rather seek “a lawful means to remain here.” *Id.* at \*22.

33. Here, Petitioner was granted parole by DHS on September 1, 2024, and was placed in full removal proceedings under 8 U.S.C. § 1229a. She thereafter resided in the community for more than one year before being re-apprehended. Accordingly, at the time of her re-arrest on or about December 30, 2025, Petitioner was no longer “seeking admission” within the meaning of 8 U.S.C. § 1225, and any subsequent detention authority must arise under 8 U.S.C. § 1226. Moreover, Petitioner’s re-detention occurred without any identified change in circumstances or articulated basis for termination of her parole. The revocation of parole and re-detention under these circumstances, without notice, explanation, or individualized justification, is arbitrary and violates Petitioner’s right to due process under the Fifth Amendment.

34. The Petitioner remains in detention. Absent relief from this Court, she faces prolonged immigration detention while litigating her claims for asylum and withholding of removal in removal proceedings.

35. Petitioner’s detention, without any individualized review, is unreasonable under the *Mathews v. Eldridge* due process test. Alternatively, Petitioner prevails under the multi-factor reasonableness test the Third Circuit adopted in *German Santos v. Warden Pike Correctional Facility*, 965 F.3d 203, 211 (3d Cir. 2020).

36. The Supreme Court, in applying the *Mathews v. Eldridge*, for procedural due process claims balances: (1) the private interest threatened by governmental action; (2) the

risk of erroneous deprivation of such interest and the value of additional or substitute safeguards; and (3) the government interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *see also Sales P.*, 2022 WL 17082375, at \*8 (collecting cases where judges in the Northern District of California applied the *Mathews* factors to a habeas petitioner’s due process claims). Here, each factor weighs in Petitioner’s favor, requiring this Court to promptly hold a hearing to evaluate whether the government can justify their ongoing detention.

37. First, Petitioner indisputably has a weighty interest in their liberty, the core private interest at stake here. *Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment. . . lies at the heart of the liberty [the Due Process Clause] protects.”). Petitioner, who is being held in “incarceration-like conditions,” has an overwhelming interest here, regardless of the length of his immigration detention, because “any length of detention implicates the same” fundamental rights. *Rajnish v. Jennings*, No. 3:20-cv-07819-WHO, 2020 WL 7626414, at \*6 (N.D. Cal. Dec. 22, 2020).

38. Second, Petitioner will suffer the erroneous risk of deprivation of their liberty without an individualized evidentiary hearing. The risk of erroneous deprivation of their liberty is high, as he has been detained since December 4, 2025 without any evaluation of whether the government can justify detention under their individualized circumstances. “[T]he risk of an erroneous deprivation of liberty in the absence of a hearing before a neutral decisionmaker is substantial.” *Diouf*, 634 F.3d at 1092. Conversely, “the probable value of additional procedural safeguards—an individualized evaluation of the justification for his detention—is high, because Respondents have provided virtually no procedural safeguards at all.” *Jimenez v. Wolf*, No. 19-cv-07996-NC, 2020 WL 510347, \*3 (N.D. Cal.

Jan. 30, 2020) (granting habeas petition for person who had been detained for one year without a bond hearing).

39. Third, the government's interest is very low in continuing to detain Petitioner without providing any neutral review. *See Mathews*, 424 U.S. at 335. The specific interest at stake here is not the government's ability to continue to detain Petitioner, but rather the government's ability to continue to detain them for months on end without any individualized review. *See Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 964 (N.D. Cal. 2019); *Henriquez v. Garland*, No. 5:22-CV-00869-EJD, 2022 WL 2132919, at \*5 (N.D. Cal. June 14, 2022). The cost of providing an individualized inquiry is minimal. *See Henriquez*, 2022 WL 2132919, at \*5. The government has repeatedly conceded this fact. *See Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 777 (N.D. Cal. 2019); *Singh v. Barr*, 400 F. Supp. 3d 1005, 1021 (S.D. Cal. 2019); *Marroquin Ambriz*, 420 F. Supp. 3d at 964.
40. In sum, the *Mathews* factors establish that Petitioner is entitled to an evidentiary hearing before a neutral adjudicator. Unsurprisingly, courts applying these standards have repeatedly held that prolonged detention without a hearing before a neutral adjudicator violates procedural due process for individuals who were held under the same detention statute. *See, e.g., Romero Romero v. Wolf*, No. 20-CV-08031-TSH, 2021 WL 254435, at \*2, \*5 (N.D. Cal. Jan. 26, 2021) (holding that the petitioner's detention under § 1226(c) of just over one year without a custody hearing was "not compatible with due process" and granting habeas); *Jimenez*, 2020 WL 510347, at \*1, \*2, \*4 (holding that the petitioner's detention under § 1226(c) of just over one year without a custody hearing violated his due process rights and granting habeas); *Gonzalez v. Bonnar*, No. 18-CV-05321-JSC, 2019 WL 330906, at \*1, \*5 (N.D. Cal. Jan. 25, 2019) (holding that the petitioner's detention under §

1226(c) for just over one year without a custody hearing violates his due process rights and granting habeas). This Court should so hold as well.

41. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered the United States after release under parole by DHS and were residing in the United States for a period of time.

**CLAIMS FOR RELIEF**  
**COUNT I**  
**Violation of the Immigration and Nationality Act**

42. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
43. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply categorically to all noncitizens residing in the United States who are charged with grounds of inadmissibility. As relevant here, § 1225(b)(2) does not govern the detention of individuals who allegedly entered the United States without inspection but were subsequently released into the interior and placed in standard removal proceedings under 8 U.S.C. § 1229a. Such individuals are detained pursuant to 8 U.S.C. § 1226(a), unless they fall within a distinct statutory category mandating detention, such as 8 U.S.C. §§ 1225(b)(1), 1226(c), or 1231.
44. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to the Immigration and Nationality Act and unlawfully mandates her continued detention without eligibility for bond. Because Petitioner's detention is governed by 8 U.S.C. § 1226(a), Respondents' refusal to afford her an individualized custody determination violates the INA.

**COUNT II**

**Fifth Amendment Substantive Due Process**

*28 U.S. § 2241; U.S. Const. Art. I, § 9, cl. 2; amend. V*

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
46. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Detention for non-criminal purposes is only allowed “in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. See *Id.*
47. Substantive due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). “Substantive due process analysis must begin with a careful description of the asserted right.” *Id.* at 302.
48. Petitioner has a fundamental interest in liberty and being free from official restraint.
49. The government’s detention of Petitioner without a bond redetermination hearing to assess whether she poses a flight risk or a danger to the community violates her right to due process.

**PRAYER FOR RELIEF**

50. WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Declare that the actions of Respondents as set forth in this Petition violate the Fifth Amendment, of the United States Constitution, 28 U.S.C. § 2241.
- c. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner.
- d. Declare that Petitioner's re-detention while removal proceedings remain pending violates the Fifth Amendment;
- e. Enjoin the Respondents from transferring Petitioner to another detention facility;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 30<sup>th</sup> day of January, 2026.

Respectfully submitted,

/s/ Felix L. Galvez

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

I represent Petitioner, Irma Torres Garcia, and submit this verification on her behalf. 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 30<sup>th</sup> day of January, 2026.

/s/ Felix L. Galvez  
Felix L. Galvez