

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

Luis Alberto MORALES LOAIZA,

Petitioner,

v.

Phillip VALDEZ, Warden, Eden
Detention Facility; **Joshua JOHNSON**, Acting
Director of Dallas Field Office, U.S. Immigration
and Customs Enforcement; **Todd LYONS**,
Acting Director of Immigration and Customs
Enforcement; **Kristi NOEM**, Secretary of the
U.S. Department of Homeland Security; **Pam
BONDI**, Attorney General of the United States;
in their official capacities,

Respondents.

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) Case No. 6:26-cv-29
)
)

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Luis Alberto Morales Loaiza is a Venezuelan national who holds Temporary Protected Status (TPS) under 8 U.S.C. 1254a. TPS holders may not be either detained or deported so long as their TPS is valid. The TPS statute provides that “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. 1254a(d)(4) (emphasis added). That protection remains available even if the TPS holder has a final removal order or lacks other immigration status, because the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.” 8 U.S.C. 1254a(a)(1)(A). *See also* 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”); 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).
2. TPS holders retain TPS status until it is withdrawn on specified grounds, following notice and an opportunity to respond, 8 C.F.R. § 244.14, or until their country’s designation is terminated. 8 C.F.R. § 244.19.
3. While Respondent DHS Secretary Kristi Noem purported to terminate TPS for Venezuela on February 5, 2025, the district court in *NTPSA* issued a final judgment on December 10, 2025 declaring the termination unlawful. *Nat’l TPS All. v. Noem*, No. 25-CV-01766-EMC, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025).
4. Absent a standing, lawful termination decision, Venezuela’s TPS designation is automatically extended by operation of the statute. 8 U.S.C. § 1254a(b)(3)(B). *See also*

88 Fed. Reg. 40,317 at 40,321 (June 21, 2023) (explaining that, “absent any standing secretarial” decision to terminate TPS, a TPS designation is automatically extended in six-month increments).

5. Petitioner has now been detained by U.S. Immigration and Customs Enforcement (ICE) since October 21, 2025 despite the unambiguous statutory command that TPS holders may not be either detained or deported.
6. Petitioner challenges their detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
7. Petitioner respectfully requests that this Court grant a Writ of Habeas Corpus and order Respondents to release them from custody. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Eden Detention Facility in Eden, Texas.
9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has 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).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. 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.

12. 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

13. 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).
14. 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

15. Petitioner is a citizen of Venezuela who is in immigration detention. Prior to being detained, he was living in McKinney, Texas and was a TPS member. Petitioner has resided in the United States since December 2021.
16. Respondent Phillip Valdez is the Warden of Eden Detention Facility, and he 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 Valdez is a legal custodian of Petitioner.

17. Respondent Joshua Johnson is sued in his official capacity as the Acting Director of the Dallas Field Office of the Enforcement and Removal Operations of the U.S. Immigration and Customs Enforcement. Respondent Johnson is a legal custodian of Petitioner and has authority to release her.

18. 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.

19. 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.

20. 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

A. PETITIONER IS DETAINED DESPITE HAVING TEMPORARY PROTECTED STATUS FROM VENEZUELA

21. Petitioner came to the United States on December 31, 2021. *See* Exh. 1. Petitioner applied for and was granted Temporary Protected Status in the United States initially pursuant to the 2023 designation of TPS for Venezuela. *See* Exh. 2. Petitioner has consistently renewed TPS since this initial registration. *See* Exh. 3. Petitioner is also a class member of National TPS Alliance. *See* Exh. 4.
22. On or about October 21, 2025, ICE officers took Petitioner into custody while he was fulfilling his duty to report to them in Dallas, TX. He is currently detained at the Eden Detention Center. *See* Exh. 5.
23. On January 26, 2026, Petitioner's counsel, Attorney Oscar Mendoza, sent an email to Assistant US Attorney for the Northern District of Texas and to Immigration and Customs Enforcement. The message cited the TPS statute's non-detention provision and included as an attachment Petitioner's proof of TPS status and requested release of Petitioner.
24. Neither the Assistant US Attorney nor Immigration and Customs Enforcement replied.

B. TEMPORARY PROTECTED STATUS FOR VENEZUELA

25. Venezuela was first designated for TPS on March 9, 2021, allowing Venezuelans residing in the U.S. since March 8, 2021 to apply for protection. 86 Fed. Reg. 13,574 ("2021 Designation"). On September 8, 2022, Venezuela's 2021 designation was extended by 18 months. 87 Fed. Reg. 55,024. Venezuela was designated a second time on October 3, 2023, extending protection for the 2021 group and also allowing more recently arrived Venezuelans to apply. 88 Fed. Reg. 68,130 ("2023 Designation").
26. On January 17, 2025, the DHS Secretary extended the 2023 Venezuela designation by 18 months, through October 2, 2026. 90 Fed. Reg. 5,961. In the extension order, DHS

also streamlined the registration process for TPS holders by consolidating them into a single track, “allow[ing] existing beneficiaries of either the 2021 or 2023 TPS designation to seek an 18-month extension of status through October 2, 2026.” *Id.* at 5,962. DHS cited Venezuela’s ongoing “complex, serious and multidimensional humanitarian crisis,” which has “disrupted every aspect of life,” and concluded that the “extraordinary and temporary conditions supporting Venezuela’s TPS designation remain.” *Id.* at 5,963 (citation omitted).

27. On February 3, 2025, just days after she took office, Respondent Secretary Noem purported to “vacate” DHS’ January 17 extension of TPS for Venezuela. 90 Fed. Reg. 8805 (Feb. 3, 2025). That decision was the first vacatur of a TPS extension in the 35-year history of the TPS statute.

28. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040 (Feb. 5, 2025).

29. On September 8, 2025, DHS published a notice in the Federal Register purporting to terminate the 2021 designation of TPS for Venezuela.¹ 90 Fed. Reg. 43225 (Sept. 8, 2025).

C. LEGAL CHALLENGE TO VENEZUELA’S TPS TERMINATION

30. On February 19, the National TPS Alliance and seven individual Venezuelan TPS holders sued the federal government, alleging that the vacatur of the January 17, 2025 extension of TPS for Venezuela and subsequent termination of Venezuela’s 2023 TPS designation were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *Nat’l TPS All. v. Noem*, No.

¹ The termination of Venezuela’s 2021 designation is not at issue in this case because Petitioner held TPS under Venezuela’s 2023 designation.

25-CV-01766-EMC (N.D. Cal. Filed Feb. 19, 2025).

31. On December 10, 2025, the district court in *NTPSA* issued a final judgment declaring the vacatur of the January 17, 2025 extension of TPS for Venezuela and termination of Venezuela's 2023 TPS designation unlawful. *Nat'l TPS All. v. Noem*, No. 25-CV-01766-EMC, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025) ("*NTPSA* December 10 Order"); see Exh. 6 ("*NTPSA* December 10 Order"). The court stayed its order for two weeks to permit the government to appeal and/or seek a stay. *Id.* The government did neither.
32. Pursuant to the *NTPSA* December 10 Order, Petitioner retains TPS because his TPS has never been withdrawn and the only action purporting to deprive him of TPS status has been vacated as unlawful.

LEGAL FRAMEWORK

33. The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unequivocally prohibits the detention of persons with valid TPS, and Petitioner must be released. See 8 USC 1254a(a)(1)(A), (d)(4) ("[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General") (emphasis added).² It is hard to imagine a clearer statutory mandate proscribing detention.
34. The Court need not delve further in an attempt to understand other aspects of Petitioner's immigration status, because TPS protection remains valid even if the TPS holder has a final removal order or lacks other immigration status. 8 U.S.C. 1254a(a)(1)(A) (the government "shall not remove the alien from the United States during the period in which

² "Attorney General" in Section 1254a now refer to the Secretary of the Department of Homeland Security. See 8 U.S.C. 1103; 6 U.S.C. 557.

such [TPS] status is in effect.”). Indeed, individuals with a final order of removal are statutorily eligible for TPS and may not be denied TPS if otherwise eligible on the basis of that removal order. 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”). *See also* 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens). For that reason alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

35. Should the Court nonetheless choose to address constitutional questions, it should also find that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
36. Petitioner’s detention violates the Fifth Amendment’s protection for liberty, for at least three related reasons. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.
37. Second, because Petitioner is not “deportable” insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that 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”); *Demore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”). Petitioner’s on-going imprisonment obviously cannot satisfy that rigorous standard.

38. Third, at a bare minimum, “the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention also violates the Due Process Clause.
39. Petitioner may not be legally detained or deported, and this Court should order Petitioner’s immediate release him from ICE custody. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

CLAIMS FOR RELIEF

COUNT ONE **VIOLATION OF THE IMMIGRATION AND NATIONALITY** **ACT – 8 U.S.C. § 1254a**

40. Petitioners reallege and incorporate by reference each and every allegation contained above.
41. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.
42. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.
43. Thus, Petitioners’ detention violates Section 1254a, and he is entitled to immediate release from custody.

COUNT TWO

**VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

44. Petitioners reallege and incorporate by reference each and every allegation contained above.
45. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. See generally *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).
46. Petitioners' detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

47. Assume jurisdiction over this matter;
48. Order Respondents to show cause why the writ should not be granted within three days as required by 28 U.S.C. 2243;
49. Declare that Petitioner's detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. 1254a;
50. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
51. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;

52. Enjoin Petitioners from further detaining Petitioner so long as the December 10 Order remains in effect;
53. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
54. Grant such further relief as this Court deems just and proper.

DATED this 1st of February 2026.

Respectfully submitted,

/s/ Oscar Jesus Mendoza Esq.

Oscar Jesus Mendoza
Texas State Bar No. 24093631
The Law Office of Oscar Mendoza, PLLC
P.O. Box 600046
Dallas, TX 75360
469-426-1861
omendoza@omendozalaw.com

Attorney for Petitioner

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

I represent Petitioner, Luis Alberto Morales Loaiza, 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 1st of February 2026.

/s/ Oscar Jesus Mendoza Esq.
Oscar Jesus Mendoza