IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

Iris Maday Sanchez Gamez,

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland Security; Todd Lyons, Acting Director of ICE; Pamela Bondi, U.S. Attorney General; Joshua Johnson, Field Office Director of Enforcement and Removal Operations, Dallas Field Office, Immigration and Customs Enforcement; Warden of Bluebonnet Detention Center,

Respondents.

Case No. 1:26-cv-00055

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241, BY A PERSON SUBJECT TO UNLAWFUL DETENTION

PETITION FOR WRIT OF HABEAS CORPUS

RESPECTFULLY SUBMITTED,

/s/ Jered Dobbs
Jered Dobbs
Attorney for Petitioner
Texas State Bar No. 24069618
13601 Preston Rd., Ste. 102W
Dallas, TX 75240
972-855-8267
jdobbs@dobbsimmigration.com

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INTRODUCTION

1. Petitioner, Iris Maday Sanchez Gamez, is a forty-year-old female, native and citizen of Honduras.[1]

2. Petitioner came to the United States for the first time on August 20, 2004 by entering the United States without inspection.[2] She was apprehended at the border but released on her own recognizance.[3] She was issued a Notice to Appear (NTA) in immigration court, which was filed with the Executive Office for Immigration Review (EOIR), thus initiating removal proceedings against her.[4]

3. On November 22, 2004, an order of removal was entered against her.[5] Petitioner was deported from the United States in approximately December 2009.[6]

4. On May 1, 2010, the Petitioner reentered the Unites States without inspection (EWI).[7] She was apprehended at the border, and her previous deportation order was reinstated on May 11, 2010.[8] However, Petitioner expressed a fear of return to her native country and was thus given a Reasonable Fear interview with an asylum officer.[9] The

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[1] Exhibit 1.

[2] *Id.*

[3] *Id.*

[4] 8 CFR § 1239.1(a); Exhibit 1.

[5] Exhibit 5 (Written Decision and Orders of the Immigration Judge), at 1.

[6] *Id.* at 6.

[7] Exhibit 3.

[8] Exhibit 4; Exhibit 5 at 1.

[9] *See* Exhibits 2-3.

reasonable fear interview occurred on or about June 30, 2010.[10] On June 30, 2010, the asylum officer issued a decision determining that Petitioner had established a reasonable fear of persecution in her home country.[11]

5. On August 11, 2010, the asylum officer referred the matter to an immigration judge for a request for withholding of removal only.[12]

6. On or about October 5, 2010, the Petitioner was released from custody under an Order of Supervision.[13] Thus, on information and belief, the Petitioner was in post-removal order custody May 1, 2010 to October 5, 2010.

7. Petitioner filed her application for withholding of removal on April 14, 2011.[14] On May 3, 2011, a merits hearing was held on Petitioner's application for withholding of removal before an immigration judge (IJ).[15] The IJ denied the application on that same date.[16] The Petitioner timely appealed to the Board of Immigration Appeals (BIA).

8. On November 3, 2016, the BIA remanded the decision to the IJ to enter new findings relating to certain aspects of the Petitioner's withholding-only claim.[17]

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[10] Exhibit 2.

[11] *Id.*

[12] 8 CFR § 208.31(e); Exhibit 3.

[13] Exhibit 4.

[14] Exhibit 5, at 2.

[15] *Id.*

[16] *Id.*

[17] Exhibit 5, at 2.

9. On July 26, 2021, the Petitioner appeared for another merits hearing on her withholding-only application.[18] On that same date, the IJ issued an oral decision denying the application again.[19] On August 26, 2021, the IJ issued a supplemental written decision providing further reasoning for the denial of the Petitioner's application.[20] The Petitioner timely appealed to the BIA.[21]

10. The Petitioner was re-detained by Immigration and Customs Enforcement (ICE) on or about November 21, 2025. She is currently detained at the Bluebonnet Detention Center in Anson, Texas.[22] As of the filing of this petition for writ of habeas corpus, on information and belief, the appeal of her withholding-only application remains pending with the BIA.

11. The Petitioner's detention is in violation of the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), as well as her constitutional rights to substantive and procedural due process, because she is being held beyond the presumptively reasonable six-month post-removal order detention period established in *Zadvydas*, and there is no significant likelihood of removal in the reasonably foreseeable future. The Petitioner seeks an order for her immediate release from ICE custody, or in the alternative a bond hearing before a neutral immigration judge.

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[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] Exhibit 6.

[22] Exhibit 7.

JURISDICTION & VENUE

12. This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 500-596, 701-706.

13. 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), 28 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

14. The Court may grant 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.

15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Respondents are agencies or officers of agencies of the United States, Respondents and Petitioner reside in this District, Petitioner is detained in this District at the Bluebonnet Detention Center, and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.[23]

THE NEED FOR IMMEDIATE CONSIDERATION IN ACCORDANCE WITH HABEAS CORPUS PURPOSE AND REQUIREMENTS

[23] Ex. 7 ICE Detainee Locator.

16. The writ of habeas corpus is "available to every individual detained within the United States."[24] "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."[25] "Historically, 'the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.'"[26] "A district court's habeas jurisdiction," therefore, "includes challenges to immigration-related detention."[27]

17. Pursuant to 28 U.S.C. § 2243, a court may grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the respondents "forthwith."[28] If an order to show cause is issued, respondents should generally be required to file a return "within *three* days unless for good cause additional time . . . is allowed."[29]

PARTIES

18. Petitioner Iris Maday Sanchez Gamez is a citizen of Honduras who entered the U.S. without inspection following a previous deportation. She is in ongoing

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[24] *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2).

[25] *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

[26] *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)).

[27] *Id.* (citing *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) and *Demore v. Kim*, 538 U.S. 510, 517 (2003)).

[28] 28 U.S.C. § 2243.

[29] *Id.* (emphasis added).

withholding-only proceedings, but is being held unlawfully beyond the six-month presumptively reasonable post-removal order detention period established in *Zadvydas*.[30]

19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

20. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

21. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

22. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to removal procedures and the detention of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official capacity.

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[30] *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001)

23. Respondent Joshua Johnson is the Director of the Dallas Field Office of ICE's Enforcement and Removal Operations division. As such, Mr. Johnson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

24. Respondent Warden of the Bluebonnet Detention Center is who has immediate physical custody of Petitioner. The Warden is sued in their official capacity.

LEGAL FRAMEWORK

A. Post-Removal Order Detention under 8 U.S.C. § 1231.

25. Petitioner is detained pursuant to 8 U.S.C. § 1231 because she is an alien subject to a reinstated removal order. Section 1231(a)(5) states that an alien who illegally reenters the United States after having been removed or having voluntarily departed, while under a removal order, shall be removed by reinstating the removal order from its original date.[31] The statute authorizes the Government to detain aliens ordered to be removed and gives the Government ninety days to remove them from the United States—the "removal period."[32] After the removal period expires, the Government can either continue to detain these aliens or release them under supervision.[33] The Government may detain these aliens beyond the removal period so long as the district director conducts a post-order custody review ("POCR") before the ninety-day removal period expires and the aliens' removal

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[31] *See* 8 U.S.C. § 1231(a)(5); *see also* 8 C.F.R. § 241.8(a).

[32] 8 U.S.C. § 1231(a)(1)–(2).

[33] *See Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing 8 U.S.C. § 1231(a)(6)).

will not be accomplished during the removal period.[34] If the district director decides that the aliens should remain in custody pending removal, DHS must continue to provide periodic reviews for as long as the aliens remain in custody pending removal.[35]

26. While the Government may continue to detain aliens under § 1231 after the removal period expires pursuant to the above-mentioned procedures, the aliens can still challenge their detention under the framework established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). In *Zadvydas*, the Supreme Court concluded that indefinite detention under § 1231 presents a "serious constitutional problem" when the statute's goal—"assuring the alien's presence at the moment of removal"—no longer bears a "reasonable relation" to the alien's detention, i.e. when removal was "a remote possibility at best."[36] Therefore, the Supreme Court held that the Government's authority to detain an alien under § 1231 ends "once removal is no longer reasonably foreseeable."[37] But even in such cases where the Government cannot continue to detain the alien, the alien is still subject to supervision under § 1231(a)(3).[38]

27. Accordingly, the Supreme Court recognized that a six-month post-removal order detention was "presumptively reasonable" under the statute.[39] For the detention to

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[34] *See* 8 C.F.R. § 241.4(k)(1)(i).

[35] *See id.* § 241.4(k).

[36] *Zadvydas*, 533 U.S. at 690.

[37] *Id.* at 699.

[38] *See id.* at 696.

[39] *Id.* at 701.

remain reasonable, "as the period of prior postremoval confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink."[40] This presumption applies uniformly to all categories of aliens covered by § 1231.[41] However, the Supreme Court noted that this presumption does not mean that every alien must be released after six months.[42]

28. After the presumptively reasonable six-month period expires, aliens can attack the reasonableness of their detention by providing "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future."[43] As such, aliens bear the initial burden of proof.[44] To meet this burden, aliens must allege sufficient evidence establishing "that there is no significant likelihood of removal in the reasonably foreseeable future," and not merely offer conclusory statements suggesting that removal will not occur immediately following the resolution of their appeals.[45] Once the alien makes that showing, "the Government must respond with evidence sufficient to rebut [it]."[46]

B. Reasonable Fear Review and Withholding-Only Proceedings

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[40] *Id.*

[41] *See Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (citing *Clark v. Martinez*, 543 U.S. 371, 378 (2005)).

[42] See *Zadvydas*, 533 U.S. at 689.

[43] *Id.*; *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006).

[44] *See Andrade*, 459 F.3d at 543–44.

[45] *Id.* (citing *Zadvydas*, 553 U.S. at 701).

[46] *Zadvydas*, 553 U.S. at 701.

29. Detentions under § 1231 can be prolonged beyond the removal period when the alien cannot be removed to a country where "the alien's life or freedom would be threatened."[47] When the alien subject to a reinstated removal order "expresses a fear of returning to the country designated in that order"—like Petitioner has done here, DHS refers the alien to an asylum officer who must "determine whether the alien has a reasonable fear of persecution or torture."[48] If the asylum officer determines that the alien "has a reasonable fear of prosecution or torture," the officer then refers the case to an IJ for what is called "withholding-only" proceedings.[49] In withholding-only proceedings, the IJ's scope of review is "limited to a determination of whether the alien is eligible for withholding or deferral of removal" to the country designated in the removal order and "all parties are prohibited from raising or considering any other issues."[50]

30. The IJ must withhold deportation only "[i]f the alien shows that it is more likely than not that the alien will suffer persecution or torture in the country of removal."[51] Accordingly, the main question in these proceedings is only whether the alien can be removed "to a third country where the alien does not face a reasonable risk of persecution or torture."[52] If the IJ concludes that the alien does not have a "reasonable

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[47] *See Ponce-Osorio v. Johnson*, 824 F.3d 502, 505 (5th Cir. 2016) (citing 8 U.S.C. § 1231(b)(3)).

[48] 8 C.F.R. §§ 208.31(b), 241.8(e).

[49] *See Ponce-Osorio*, 824 F.3d at 505 (citing 8 C.F.R. § 208.31(e)).

[50] 8 C.F.R. § 1208.2(c)(3)(i); *see Crespin v. Evans*, 256 F. Supp. 3d 641, 647 (E.D. Va. 2017).

[51] *Crespin*, 256 F. Supp. 3d at 647 (citing 8 C.F.R. § 208.16(d)(1)).)

[52] *Id.* (citing 8 C.F.R. § 208.16(f)).

fear of prosecution or torture," the alien can appeal the IJ's decision to the BIA.[53] In turn, the BIA's decisions may be reviewed by a court of appeals.[54]

APPLICATION OF THE RELEVANT LEGAL FRAMEWORK

31. If a detained alien exercises their legal right to seek relief from removal through withholding-only proceedings, this continuing litigation naturally prolongs their detention. The relevant question for this case is whether an alien can assert a viable constitutional claim under *Zadvydas* when the prolonged detention is caused by their own actions, in particular by applying for withholding of removal.

32. Initially, the Petitioner acknowledges that there is some persuasive authority arising in other district courts in the Fifth Circuit on this issue. Those courts have held that when a petitioner's ongoing withholding-only proceedings are the *sole* cause prolonging his or her detention beyond the presumptively reasonable six-month timeframe established in *Zadvydas*, the detention is not unreasonable because there is a significant likelihood that removal is reasonably foreseeable once withholding-only proceedings end.[55]

33. However, those cases also acknowledged that a petitioner's "continued

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[53] *See* 8 C.F.R. § 208.31(e).

[54] *Crespin*, 256 F. Supp. 3d at 647 (citing 8 U.S.C. § 1252(b); 8 C.F.R. § 208.31(e)).

[55] *See, e.g.*, *Fuentes-De Canjura v. McAleenan*, 2019 WL 4739411, at *8 (W.D. Tex. Sept. 26, 2019); *Bautista-Avelino v. Rice*, 2023 WL 3370463, at *3 (W.D. La. Apr. 20, 2023), report and recommendation adopted, No. 1:23-CV-00180-P, 2023 WL 3366977 (W.D. La. May 10, 2023); *Abu-Hamdah v. Vergara*, 2025 WL 4089348, at *4 (S.D. Tex. Aug. 25, 2025) (holding that "the removal period was effectively tolled by Abu-Hamdah's [...]application challenging his removal to Palestine.").

detention may present a future due process problem if the instant withholding-only proceedings take an unusually long period of time that would be inconsistent with due process."[56]

34. That is a key distinction between Petitioner's case and those persuasive cases from the other districts. In those other matters, the withholding-only proceedings had been ongoing for a relatively short period of time. For example, in *Bautista-Avelino*, the petitioner was taken into ICE custody in April 2022 and the district court ruled on his *Zadvydas* claim in April 2023.[57] Thus, his withholding-only proceedings could only have been pending for perhaps a year. In *Fuentes-De Canjura*, the petitioner was taken into ICE custody in December 2017, and the district court ruled on his *Zadvydas* claim in September 2019.[58] His withholding-only proceedings were thus pending for less than two years at the time of his habeas denial. In both cases, detention beyond the six-month *Zadvydas* window was deemed reasonable because there was a significant likelihood that removal would be reasonably foreseeable once withholding-only proceedings ended.

35. A reasonably predictable end to withholding-only proceedings is what is missing in Petitioner's case, and what distinguishes it from the cases noted above. In the matter at hand, the Petitioner's withholding-only proceedings have been ongoing for

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[56] *Fuentes-De Canjura v. McAleenan*, 2019 WL 4739411, at *8 (W.D. Tex. Sept. 26, 2019); *Bautista-Avelino v. Rice*, 2023 WL 3370463, at *3 (W.D. La. Apr. 20, 2023), report and recommendation adopted, 2023 WL 3366977 (W.D. La. May 10, 2023).)

[57] *Bautista-Avelino v. Rice*, 2023 WL 3370463, at *2 (W.D. La. Apr. 20, 2023), report and recommendation adopted, No. 1:23-CV-00180-P, 2023 WL 3366977 (W.D. La. May 10, 2023)

[58] *Fuentes-De Canjura v. McAleenan*, 2019 WL 4739411, at *8 (W.D. Tex. Sept. 26, 2019)

nearly sixteen years, essentially since she re-entered the U.S. on May 1, 2010.[59] That timeframe also includes two periods of detention – the first from her May 1, 2010 re-entry date to her October 5, 2010 release on an Order of Supervision (five months, five days),[60] and the second from her November 21, 2025 re-detention by ICE to the present (two months, 14 days).[61] Neither of those detention periods have resulted in the expedited completion of her withholding-only proceedings, nor has the remainder of the sixteen-year process she has faced.

36. Moreover, there is little reason to think that Petitioner's recent detention will somehow spark a quicker resolution of her withholding-only proceedings. Detention failed to cause expedited completion of her withholding-only proceedings back in 2010, causing ICE to acknowledge the delay and release her on an Order of Supervision.[62] The situation in terms of agency resources is all the more dire today. The current backlog for immigration court cases stands at the second highest number of all time, just shy of 3.5 million pending cases.[63] Additionally, from January 2025 to January 2026, the number of detainees in ICE custody has more than quadrupled to nearly 60,000 people.[64] To

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[59] Exhibit 3.

[60] Exhibits 3-4.

[61] Petitioner submits that her two periods of detention, in the aggregate, are sufficient to meet the six-month timeframe noted in *Zadvydas*. The Supreme Court did not specifically state whether the six-month post-removal order detention period must be continuous or in the aggregate, but there is strong reason to believe time in the aggregate is sufficient. Otherwise, ICE could simply "restart" the six-month clock by briefly releasing and then re-detaining an alien, thus defeating the spirit and purpose of the ruling in *Zadvydas*.

[62] Exhibit 4.

[63] Exhibit 8.

[64] *Id.*

posit that such a volume of cases will not affect EOIR's adjudication pace is simply to ignore the reality of the limited resources available to the agency. Faced with such an overwhelming influx, it is only reasonable to expect that Petitioner's withholding-only proceedings will drag on for an unforeseeable amount of time. *Zadvydas* simply does not permit an alien to be indefinitely detained in such a situation.

37. Petitioner also acknowledges the Fifth Circuit's decision in *Balogun v. I.N.S.* where, in the context of the Government's removal obligations, the Fifth Circuit first addressed the legal effect of an immigrant detainee's voluntary conduct which delays removal.[65] In that litigation, a magistrate judge found that a Nigerian national had deliberately withheld information and obstructed immigration authorities from obtaining travel documents from the Nigerian embassy in order to impede his removal.[66] Though it reversed the district court's grant of summary judgment for the Government on procedural grounds, the Fifth Circuit held that "if it is shown that petitioner by his conduct has intentionally prevented INS from effecting his deportation, the six-month period should be equitably tolled until petitioner begins to cooperate with the INS in effecting his deportation or his obstruction no longer prevents the INS from bringing that about."[67] In arriving at that conclusion, the Fifth Circuit favorably cited caselaw from various other district courts and the Second Circuit which broadly stood for the view that

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[65] *Balogun v. I.N.S.*, 9 F.3d 347 (5th Cir. 1993).

[66] *Id.* at 349, 351.

[67] *Id.* at 351–52.

"[t]he six-month period is tolled if the alien 'hampers' his deportation by, for example, initiating litigation regarding the validity of the deportation order."[68]

38. Petitioner submits that *Balogun* should be deemed distinguishable and not controlling for two reasons. First, *Balogun* was interpreting a now-defunct provision of the former 8 U.S.C. § 1252 (1994 ed.) which has been essentially replaced by the 90-day removal period in 8 U.S.C. § 1231(a)(1)(C) and the Supreme Court's decision in *Zadvydas* (which came some eight years after *Balogun*). The language of 8 U.S.C. § 1231(a)(1)(C) clearly contemplated situations like those in *Balogun* though, stating

> The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal.[69]

The language of this statute, which was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)[70] on September 30, 1996 (some three years after the *Balogun* decision) clearly does not contemplate a punitive intent for aliens pursuing lawful recourse that is simply taking an inordinate amount of time to be completed. Rather, it obviously contemplates situations like those in *Balogun* in which an alien employs an illegitimate means of obstructing his own deportation. Given that both Congress and the Supreme Court have spoken on the question of the post-removal

[68] *Id.* at 350–51 (collecting cases).)

[69] 8 U.S.C. § 1231(a)(1)(C).

[70] Public Law 104–208—SEPT. 30, 1996, 110 STAT. 3009–598

order detention period since *Balogun*, the court should give greater weight to these more recent and more authoritative sources of law regarding how the post-removal order detention period should be interpreted.

39. Second, the question in *Balogun* was whether the six-month removal period found in former 8 U.S.C. § 1252 (1994 ed.) could by tolled by the alien's actions, which at least in that case were deliberately and illegitimately obstructive. The panel noted that "the principle established by the Second Circuit that an alien is not entitled to relief for a delay that he himself has intentionally caused applies with greater force when the conduct in question is not connected to his legitimate right of recourse to the judicial system, but rather is the deliberate obstruction of an otherwise imminent deportation."[71] The issue in *Zadvydas* cases, of course, is *whether* deportation is "otherwise imminent" as it apparently was in *Balogun*. So, *Balogun* dealt with the deliberate obstruction (by legitimate or illegitimate means) of an "otherwise imminent" deportation. *Zadvydas* deals with whether there is in fact a significant likelihood of removal in the reasonably foreseeable future at all. Especially when other factors *beyond* the simple fact of the alien's own actions are in play (such as availability of agency resources to adjudicate cases in a timely manner, and the effect of an already extremely lengthy withholding-only process, as in Petitioner's case), the simple tolling question in *Balogun* becomes much less relevant.

CLAIMS FOR RELIEF

[71] *Balogun v. I.N.S.*, 9 F.3d 347, 351 (5th Cir. 1993).

COUNT I: VIOLATION OF DUE PROCESS

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

41. 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."[72]

42. Petitioner has a fundamental interest in liberty and being free from official restraint.

43. The government's detention of Petitioner beyond the presumptively reasonable six-month timeframe set forth in *Zadvydas* without a bond redetermination hearing to determine whether she is a flight risk or danger to others violates her right to due process.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter and issue a writ of habeas corpus requiring that Respondents release Petitioner immediately, or provide Petitioner with a bond hearing before a neutral IJ pursuant to 8 U.S.C. § 1226(a) within three days in which the Government bears the burden of showing that she is a danger to the community or a flight risk;

b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

c. Grant any other and further relief that this Court deems just and proper.

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[72] *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

RESPECTFULLY SUBMITTED,

/s/ Jered Dobbs
Jered Dobbs
Attorney for Petitioner
Texas State Bar No. 24069618
13601 Preston Rd., Ste. 102W
Dallas, TX 75240
972-855-8267
jdobbs@dobbsimmigration.com

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Iris Maday Sanchez Gamez, 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: February 5, 2026

Respectfully submitted,
/s/ Jered Dobbs