

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

IN RE:
GARCIA FERNANDEZ, ELIZABETH



Petitioner,

v.

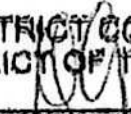
KARNES COUNTY IMMIGRATION PROCESSING CENTER,
409 FM 1144 E
Karnes City, Texas 78118

Respondents

ATTN: U.S. DISTRICT JUDGE

CASE NO. **SA26CA0912**

JKP

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §
2241. RELEASE**

Petitioner **Garcia, Andres**, files this petition for a writ of habeas corpus on behalf of his sister **Elizaeth Garcia Fernandez**,  who is unlawfully detained by Immigration and Customs Enforcement (ICE) at Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, Texas 78118.

This Petition seeks the immediate release of Elizabeth Garcia Fernandez from detention as his continued detention violates his rights under the United States Constitution, Immigration Laws, and International Law. Respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and in support thereof states as follows:

I. INTRODUCTION

Petitioner Elizabeth Garcia Fernandez are currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, Texas 78118.

Petitioner Elizabeth Garcia have been detaining in Dallas, Texas on October 2025 by ICE on her appointment with her 2 son (minors) ([REDACTED] and [REDACTED] have move to Pearsall, Texas Detention Center, on November 2025 have move to Lumpkin, GA without parents' authorization.

Petitioner's detention is unlawful and violates his constitutional rights to due process under the Fifth Amendment of the United States Constitution.

Petitioners seek immediate release from custody or, in the alternative, a bond hearing before an Immigration Judge with the burden placed on the government to prove by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which provides federal courts with jurisdiction to issue writs of habeas corpus to persons held in custody in violation of the Constitution or laws of the United States.

Venue is proper in the Southern District of Georgia pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within this judicial district at the Karnes County Immigration Processing Center.

Respondents are proper parties because they have custody and control over Petitioner and the authority to release her.

III. PARTIES

Petitioner Garcia, Andres brother of Elizabeth Garcia and uncle of [REDACTED] and [REDACTED] brings this action on his behalf. Under habeas corpus law, a next friend or close relative may file on behalf of detained person.

Petitioner **Elizabeth Garcia** is a national of Colombia, currently detained by ICE at the Karnes County Immigration Processing Center.

Respondent Karnes County Immigration Processing Center is the custodian of Petitioner and is sued in his official capacity.

IV. STATEMENT OF FACTS

A. Petitioner's Immigration History

Petitioner Elizabeth Garcia entered the United States on November 24, 2022, inspected by United States at Eagle Pass, Texas by Parole.

On April 20, 2023, Petitioner timely filed an application for asylum with USCIS Affirmative Asylum with child [REDACTED] because her child was a minor, and on November 2025 have file Asylum with Immigration Court when she was detained.

Petitioner's asylum application remains pending before Immigration Court in Pearsall, Texas with Judge: Crossa, Thomas G., on November 25, 2025 the Judge denied her Asylum and order a Removal.

The petitioner have filling a Motion for Bond was denied by ICE.

Petitioner has maintained lawful work authorization under SSN number has been working legally in the United States to support herself and her family.

B. Petitioner's Family Ties and Community Connections

Petitioner have a family in Texas (Brothers, Children, and Friends) who reside in the United States.

Petitioner is the primary financial provider for his family and his detention has caused severe financial hardship and emotional distress to his mother and the entire family.

Petitioner has established significant ties to the community, including : employment, church membership, community involvement, etc..

C. Arrest and Detention

On October 2025, Petitioner was detain by the ICE Department with her kids [REDACTED] and [REDACTED] who was move to Folkston Main Detention Complex, GA

Petitioner has **no criminal record** and has never been convicted of any crime.

Petitioner was transferred to ICE custody Pearsall, Texas and is currently detained at the Karnes County Immigration Processing Center.

Petitioner has been detained since approximately **October 2025**, without a bond hearing or determination of whether his continued detention is necessary.

ICE has not provided Petitioner with a bond hearing or an opportunity to demonstrate that he does not pose a flight risk or danger to the community.

V. LEGAL CLAIMS

COUNT I: PROLONGED DETENTION WITHOUT BOND HEARING VIOLATES DUE PROCESS

Petitioners incorporate by reference all preceding paragraphs.

The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

The Supreme Court has held that prolonged immigration detention without a bond hearing violates due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

In *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013), the Ninth Circuit held that immigration detainees held for more than six months are entitled to a bond hearing at which the government must prove by clear and convincing evidence that the detainee poses a flight risk or danger to the community.

Although *Rodriguez* is a Ninth Circuit case, its reasoning has been adopted by numerous district courts, including courts within the Fifth Circuit.

Petitioner has been detained for 4 months without a bond hearing.

Petitioner's continued detention without a bond hearing violates his constitutional right to due process under the Fifth Amendment.

Petitioner is entitled to a bond hearing before an Immigration Judge at which the government bears the burden of proving by clear and convincing evidence that Petitioner's detention is justified.

COUNT II: DETENTION IS NOT JUSTIFIED UNDER 8 U.S.C. § 1226

Petitioners incorporate by reference all preceding paragraphs.

Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes the detention of certain non-citizens pending removal proceedings.

Section 1226(a) provides that the Attorney General may release a non-citizen on bond or conditional parole.

Petitioner does not fall within the mandatory detention provisions of 8 U.S.C. § 1226© because:

She has not been convicted of any crime enumerated in § 1226©.

- She has no criminal record whatsoever.

Petitioner poses no flight risk because:

- She has a pending asylum application and strong incentive to appear for all immigration proceedings.
- She has maintained continuous residence in the United States since November 24, 2022.
- She possesses valid employment authorization and has been gainfully employed.

Petitioners pose no danger to the community because:

- She has no criminal record.
- She has been a law-abiding member of the community.
- There is no evidence suggesting he poses any threat to public safety.

Petitioner's continued detention is not justified under § 1226(a) and violates the statute's requirement that detention decisions be individualized and based on legitimate governmental interests.

COUNT III: DETENTION VIOLATES SUBSTANTIVE DUE PROCESS

Petitioner incorporates by reference all preceding paragraphs.

The Fifth Amendment protects against government action that "shocks the conscience" or violates fundamental principles of liberty and justice.

Detaining a person with no criminal record, strong family ties, valid work authorization, and a pending asylum application based solely no violation and violates substantive due process.

Petitioner's detention serves no legitimate governmental interest and is arbitrary and capricious.

Less restrictive alternatives to detention are available, including release on bond, electronic monitoring, or regular check-ins with ICE.

Petitioner's continued detention violates his substantive due process rights under the Fifth Amendment.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody.
- B. In the alternative, order Respondents to provide Petitioner with a bond hearing before an Immigration Judge within seven (7) days, at which hearing the government shall bear the burden of proving by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.
- C. Order that Petitioner be released on reasonable bond or on his own recognizance pending the outcome of his immigration proceedings;
- D. Declare that Petitioner's detention violates his rights under the Fifth Amendment to the United States Constitution and 8 U.S.C. § 1226(a);
- F. Grant such other and further relief as the Court deems just and proper.

VII. VERIFICATION

I, Carlos Garcia, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 11 day of Feb, 2026.

Andres Garcia

Andres Garcia

On behalf of Elizabeth Garcia Fernandez



Petitioner

SUPPORTING DOCUMENTS TO ATTACH:

1. ☐ ☐ Copy of asylum application receipt notice or other proof of pending asylum case
2. ☐ ☐ Proof of family ties
3. ☐ Proof of residence
4. ☐ Any correspondence from ICE regarding detention
5. ☐ Declaration from Petitioner providing detailed factual account
6. ☐ ☐ Any other relevant supporting documentation



Court Closures Today February 11, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Home > GARCIA-FERNANDEZ, ELIZABETH ([REDACTED])

Automated Case Information

Name: GARCIA-FERNANDEZ, ELIZABETH | A-Number: [REDACTED] | Docket Date: 10/20/2025

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

December 3, 2025

COURT ADDRESS

566 Veterans Drive
PEARSALL, TX 78061

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER

(210) 368-5700



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Facility Page

Detention Information For:

ELIZABETH GARCIA-FERNANDEZ
Country of Birth: Colombia
A-Number: 



Current Detention Facility:

KARNES COUNTY IMMIGRATION
PROCESSING CENTER
409 FM 1144
NA
KARNES CITY, TX 78118
Visitor Information: (830) 254-2000

[MORE INFORMATION >](#)

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - Karnes City, TX Sub-Office
Phone Number: (830) 254-2500

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Related Information

Helpful Info

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[About the Detainee Locator](#)
[Brochure](#)
[ICE ERO Field Offices](#)
[ICE Detention Facilities](#)
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External Links

[Bureau of Prisons Inmate Locator](#)



11/5/25, 5:36 PM

search

Official Website of the Department of Homeland Security



U.S. Immigration and Customs Enforcement

Report

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Facility Page

Detention Information For:

[REDACTED]
Country of Birth: Colombia
Address: [REDACTED]

Current Detention Facility:

LOCKPORT MAIN

3020 GA 21071

NA

Lockport, GA 31537

For more information: (912) 496 6905

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

Lockport ICE Processing Center,

Phone Number: (912) 496 6905



U.S. Immigration
and Customs
Enforcement

Case 5:26-cv-00912-JKP

Document 1

Filed 02/11/26

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Report Crimes: Email or Call 1-866-DHS-2-ICE

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[Information Library](#)

[Contact ICE](#)

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Facility Page

Detention Information For:

Country of Birth: Colombia
A-Number: [REDACTED]

Current Detention Facility:

FOLKSTON MAIN
3026 GA 252 E
NA
Folkston, GA 31537
Visitor Information: (912) 496-6905

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

Folkston ICE Processing Center
Phone Number: (912) 496-6905

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[OIG](#)

[Open Gov](#)

[FOIA](#)

[Metrics](#)

[No Fear Act](#)

[Site Map](#) [Site Policies & Plug-Ins](#)



DRIVER LICENSE

Director: *Steven C. McQueen*

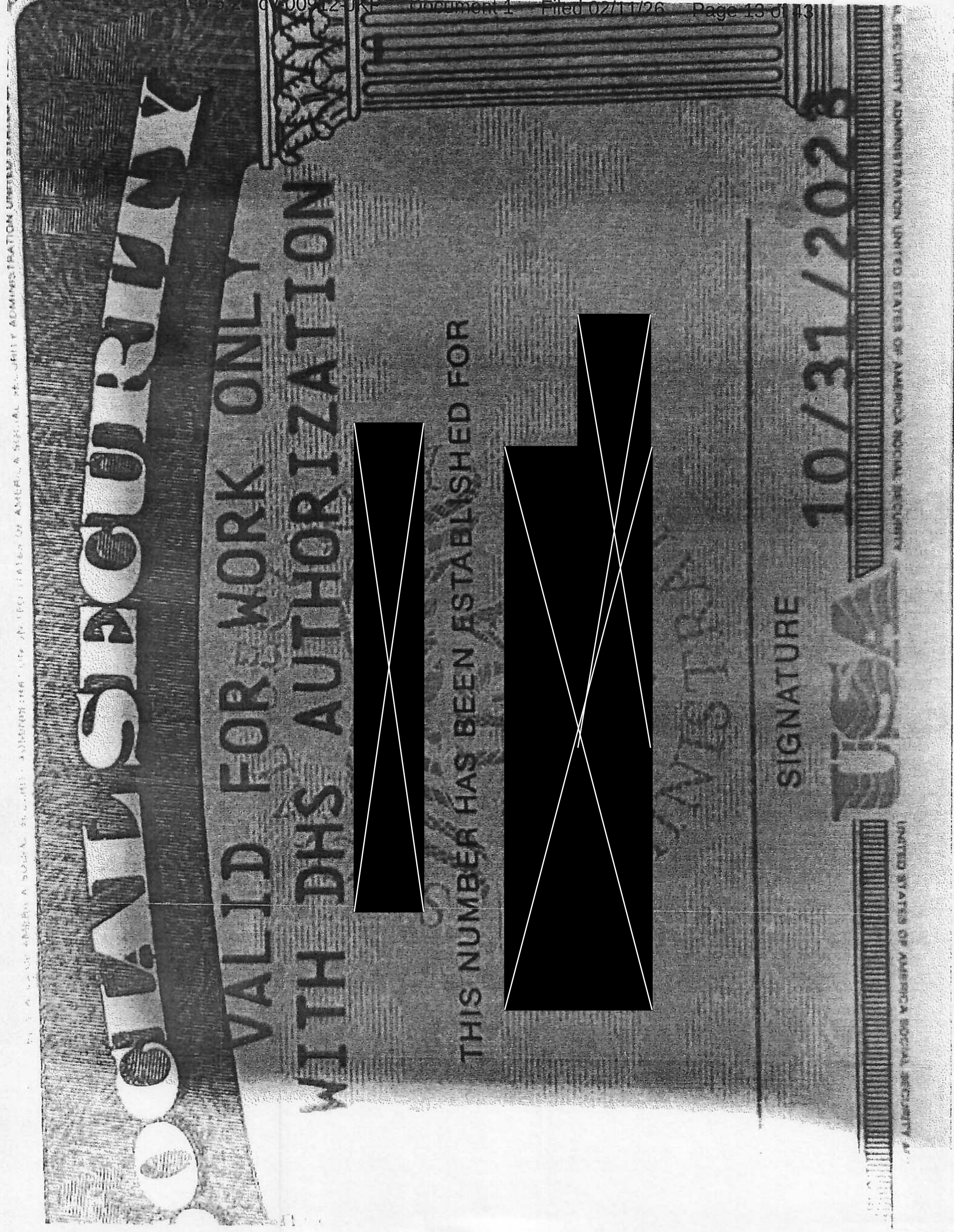
LIMITED TERM

DRIVER LICENSE



4d. DL:	[REDACTED]	9. Class:	C
3. DOB:	[REDACTED]	4b. Exp:	[REDACTED]
1.	[REDACTED]	4a. Iss:	[REDACTED]
2.	[REDACTED]		
8.	[REDACTED]		
12. Rest:	NONE	9a. End:	NONE
16. Hgt:	[REDACTED]	15. Sex:	[REDACTED]
5. DD:	[REDACTED]	18. Eyes:	[REDACTED]

Robert G. Gade



ORIGINAL SECURITY

**VALID FOR WORK ONLY
WITH DHS AUTHORIZATION**

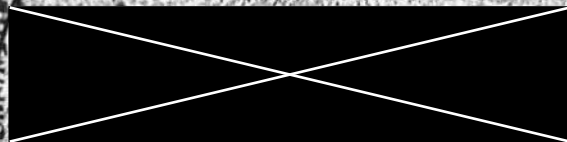
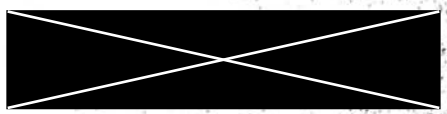
THIS NUMBER HAS BEEN ESTABLISHED FOR

SIGNATURE

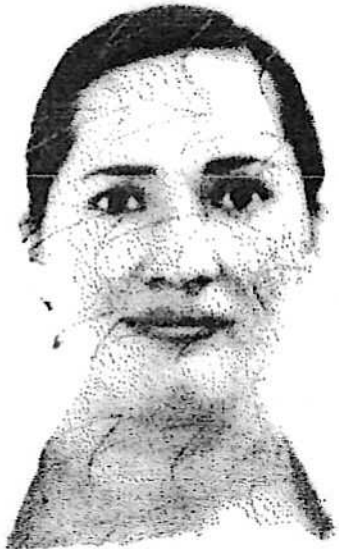
10/31/2026



UNITED STATES OF AMERICA SOCIAL SECURITY ADMINISTRATION



PASAPORTE
PASSPORT



REPÚBLICA DE COLOMBIA

Tipo / Type P Cod. país / Country code COL Pasaporte N° / Passport No. [Redacted]

Apellidos / Surname [Redacted]

Nombres / Given names [Redacted]

Nacionalidad / Nationality [Redacted]

Fecha de nacimiento / Date of birth [Redacted]

[Redacted]

Sexo / Sex

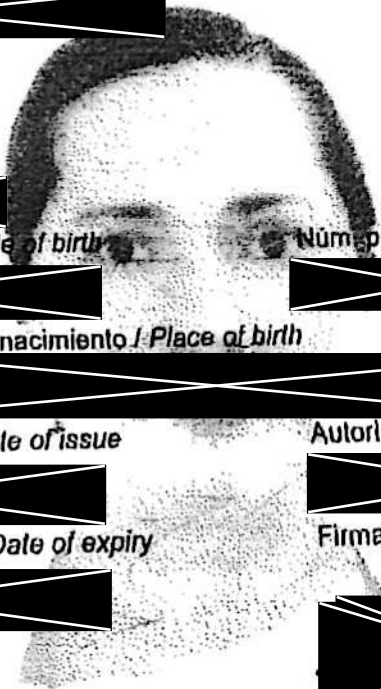
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Lugar de nacimiento / Place of birth [Redacted]

Fecha de expedición / Date of issue [Redacted]

Fecha de vencimiento / Date of expiry [Redacted]

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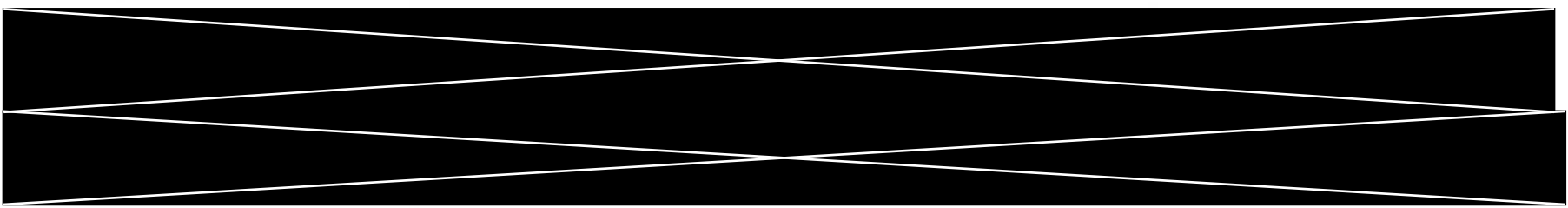
Pasaporte N° / Passport No. [Redacted]

Número personal / Personal No. [Redacted]

Autoridad / Authority [Redacted]

Firma del titular / Holder's signature [Redacted]

ORD/AX440207109 AGO
AUG 2031



REPÚBLICA DE COLOMBIA



PASAPORTE
PASSPORT



Tipo / Type Cod. país / Country code

P COL

Pasaporte Nº / Passport No.

Apellidos / Surname

Nombres / Given names

Nacionalidad / Nationality

Fecha de nacimiento / Date of birth

Sexo / Sex

Lugar de nacimiento / Place of birth

Fecha de expedición / Date of issue

Fecha de vencimiento / Date of expiry

COL

Nº personal / Personal No.

Autoridad / Authority

Firma del titular / Holder's signature

ORDEN AX-40269/09 AGO
AUG 2009

Fort Worth, Texas
October 28, 2025

To Whom It May Concern:

I, Alfredo Rivera Colón, holder of driver's license number [REDACTED] hereby state that I have known Elizabeth Garcia Fernández and [REDACTED] for two years as a friend. During this time, I have found them to be responsible, honest, respectful, and committed individuals in all their endeavors.

I have had the opportunity to spend time with Elizabeth Garcia Fernández and [REDACTED] in different settings, and they have always demonstrated exemplary behavior, consistently showing values such as punctuality, solidarity, and dedication. I consider them to be an excellent choice for any responsibility or activity entrusted to them.

For the above reasons, I have no hesitation in highly recommending them, confident that they will fulfill their commitments efficiently and reliably.

Please feel free to contact me if you require any additional information.

Sincerely,

Alfredo Rivera Colón

Phone: [REDACTED]

Email: [REDACTED]

Address: [REDACTED] Fort Worth, [REDACTED]

Fort Worth, Texas
October 28, 2025

To Whom It May Concern:

Through this letter, I, Alfredo Rivera Colón, holder of driver's license number [REDACTED], hereby declare that I have known [REDACTED] for the past two years as a friend. During this time, I have been able to confirm that he is a responsible, honest, respectful, and dedicated individual in all his endeavors.

I have had the opportunity to interact with [REDACTED] in various settings, and he has consistently demonstrated exemplary behavior, showing values such as punctuality, solidarity, and commitment. I consider him to be an excellent choice for any responsibility or task entrusted to him.

Therefore, I have no hesitation in highly recommending him, confident that he will fulfill his commitments efficiently and reliably.

Please feel free to contact me should you require any additional information.

Sincerely,

Alfredo Rivera Colón

Alfredo Rivera Colón

[REDACTED]
[REDACTED]
Fort Worth, TX [REDACTED]

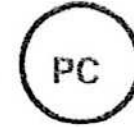
Pilar Candia

Deputy Regional Director, Political Coalitions – AIPAC

1904 Jenson Road, Dallas, TX 76112

Phone: (682) 239-1366

Email: pcandia@aipac.org



Recommendation Letter for Immigration Purposes

Dallas, Texas, October 28, 2025

To Whom It May Concern:

My name is Pilar Candia, holder of Texas Driver License No. [REDACTED], and I currently serve as Deputy Regional Director, Political Coalitions – AIPAC. I am writing to express my sincere recommendation and support for the following individuals:

- Elizabeth Garcia Fernandez

- [REDACTED]
- [REDACTED]

I have known this family for several years and can state with full confidence that they are hardworking, honest, respectful individuals with deeply rooted family values. They have always shown warmth, humility, and a determination that inspires those around them.

I would like to highlight [REDACTED], who has developed a close relationship with my family as my daughter's boyfriend. I have witnessed his exemplary behavior firsthand: he is respectful, dedicated to his studies, athletic, and always willing to help. He contributes responsibly to household tasks and shows maturity and empathy beyond his years. I am confident [REDACTED] has a bright future in the United States; he demonstrates leadership, dedication, and responsibility to become an outstanding citizen.

Elizabeth, his mother, is an admirable woman who has worked tirelessly to support her family, instilling in her sons the values of effort, respect, and solidarity. [REDACTED] is a hardworking and responsible young man, committed to his family and community.



Date: 10/29/2025

To Whom It May Concern,

It is my pleasure to provide this professional reference for **Ms. Elizabeth Garcia Fernandez**, who I have know since **2022**, as a friends and we attend the same church with her two sons [REDACTED] and [REDACTED].

As a friend during this time I have been able to confirm that she is a respectful person with great human qualities, capable of helping those in need and with impeccable moral conduct.

Throughout her tenure, Elizabeth has consistently demonstrated at her work professionalism, reliability, and strong ethical standards. She approaches her work with diligence and accuracy. Her ability to maintain a positive attitude while managing responsibilities under pressure has made her a valued team member in her work area.

Beyond her technical capabilities, Elizabeth exemplifies excellent character and integrity in her professional conduct. She is respectful, cooperative, and trusted among colleagues and management alike.

I confidently recommend Ms. Garcia Fernandez as a professional of high moral standing and strong conduct ethic. Should you require further information, please feel free to contact me directly at [REDACTED] or [REDACTED]

Email [REDACTED]

Sincerely,

Maria Elena Clemetson
Clemetco services,LLC
Senior Manager/Owner