

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

MAR 13 2026

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

IN RE:

GARCIA FERNANDEZ, ELIZABETH,



Pro Se Petitioner,

Currently detained at Karnes County Immigration Processing Center
409 FM 1144
Karnes City, Texas 78118

v.

WARDEN Karnes County Immigration Processing Center,
409 FM 1144 E
Karnes City, Texas 78118

Respondents

CASE NO. SA-26-CV-00912-JKP

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

I. INTRODUCTION

Petitioner Elizabeth Garcia Fernandez, appearing pro se, respectfully petitions this Honorable Court pursuant to 28 U.S.C. § 2241, for a writ of habeas corpus to secure release from unlawful detention. Petitioner's ongoing detention violates her rights under the United States Constitution, immigration law, and international law.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, to issue writ of habeas corpus for persons detained in violation of the Constitution or Federal Law.

Venue is proper as Petitioner is detained within this district at the Karnes County Immigration Processing Center. Respondent Warden has custody and control over Petitioner.

III. PARTIES

Petitioner **Elizabeth Garcia** is a Colombia national detained at Karnes County Immigration Processing Center.

Petitioner is represented pro se herein.

Respondent is the Warden of the Karnes County Immigration Processing Center sue in official capacity.

IV. STATEMENT OF FACTS

- Petitioner initially detained in Dallas, TX in October 2025 with her two minor children, [REDACTED]
- Subsequently transferred without consent from Pearsall, TX to Lumpkin, GA, highlighting irregularities.
- Petitioner entered the United States on November 24, 2022, paroled through Eagle Pass, TX.
- Petitioner timely filed an affirmative asylum application with USCIS on April 20, 2023, involving her minor child, and subsequently filed with Immigration Court in Pearsall, TX.
- On November 25, 2025, Judge Thomas G. Crossan denied asylum and issued a removal order.
- Petitioner's motion for bond was denied by ICE.
- Petitioner has maintained valid employment authorization and has been legally employed in the U.S. to support her family.
- Petitioner has strong community ties through family, employment, and social involvement in Texas.
- Petitioner has no criminal record and poses no danger or flight risk.
- Detention has exceeded four months without a bond hearing, violating due process rights.

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 her family and her detention has caused severe financial hardship and emotional distress to the mother and the entire family.

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

Arrest and Detention

On October 2025, Petitioner was detain by the ICE Department with her kids   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

The Fifth Amendment prohibits deprivation of liberty without due process.

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),

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 5 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 request bond hearing where government must show by clear and convincing evidence justification for continued detention.

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

Detention under 8 U.S.C. § 1226(a) allows release on bond or conditional parole.

Petitioner is not subject to mandatory detention under § 1226© (no disqualifying conviction).

Petitioners pose no flight risk: strong asylum claim, continuous residence, valid work authorization, and family ties.

Petitioners pose no danger: clean criminal history, law-abiding.

COUNT III: DETENTION VIOLATES SUBSTANTIVE DUE PROCESS

Fifth Amendment bars arbitrary detention violating fundamental liberty interests.

Detaining Petitioner who poses no risk, without bond hearing, is arbitrary.

Less restrictive alternatives exist, such as bond or supervision.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering immediate release from detention.
2. Alternatively, grant a bond hearing within seven days with burden on government to justify continued detention.
3. Order release on reasonable bond or own recognizance pending proceedings.
4. Declare detention unconstitutional under Fifth Amendment and federal law.
5. Grant all other appropriate relief.

VII. VERIFICATION

I, Elizabeth Garcia Fernandez, 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 09 day of March 2026.

Elizabeth Garcia F.

Elizabeth Garcia Fernandez
Petitioner, Pro-Se

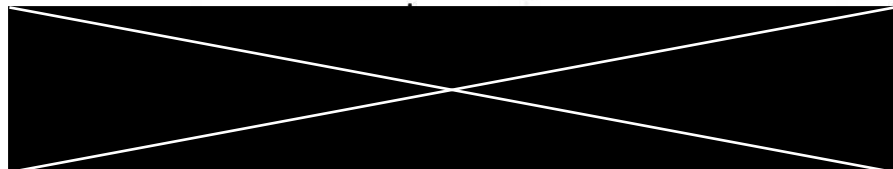
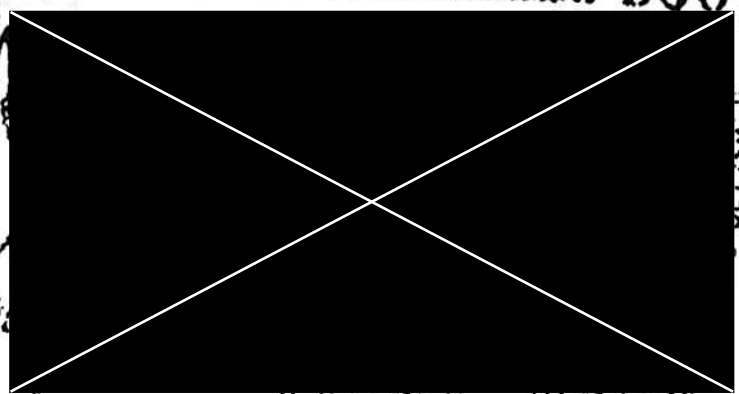


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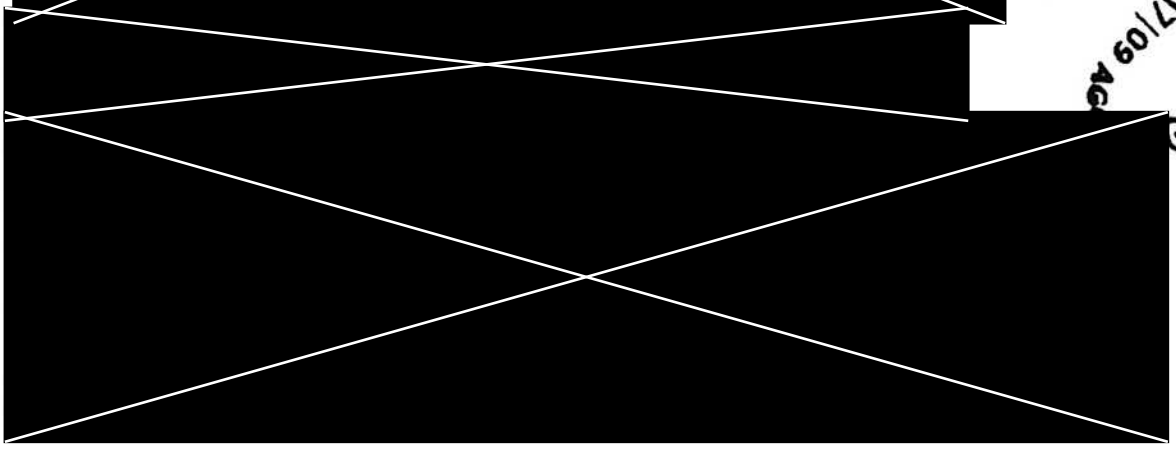
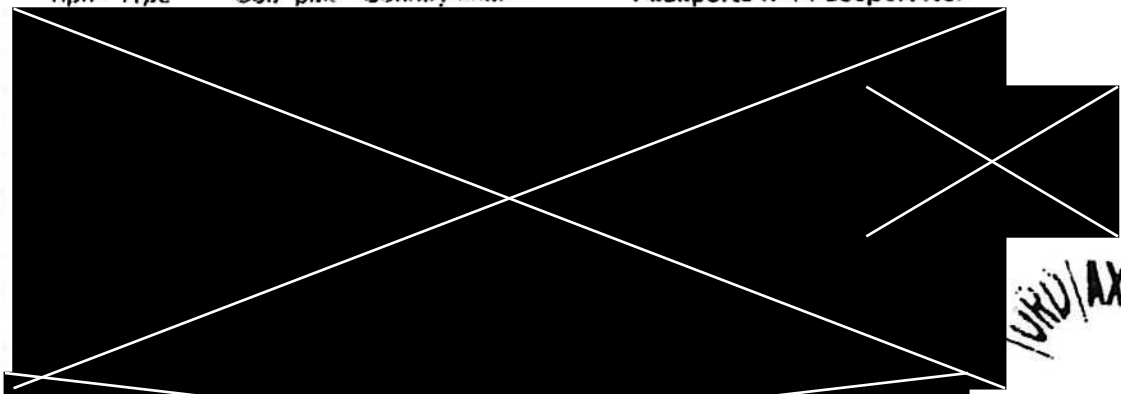


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REPÚBLICA DE COLOMBIA



Tipo / Type Cod pas. Country code Pasaporte N° / Passport No.



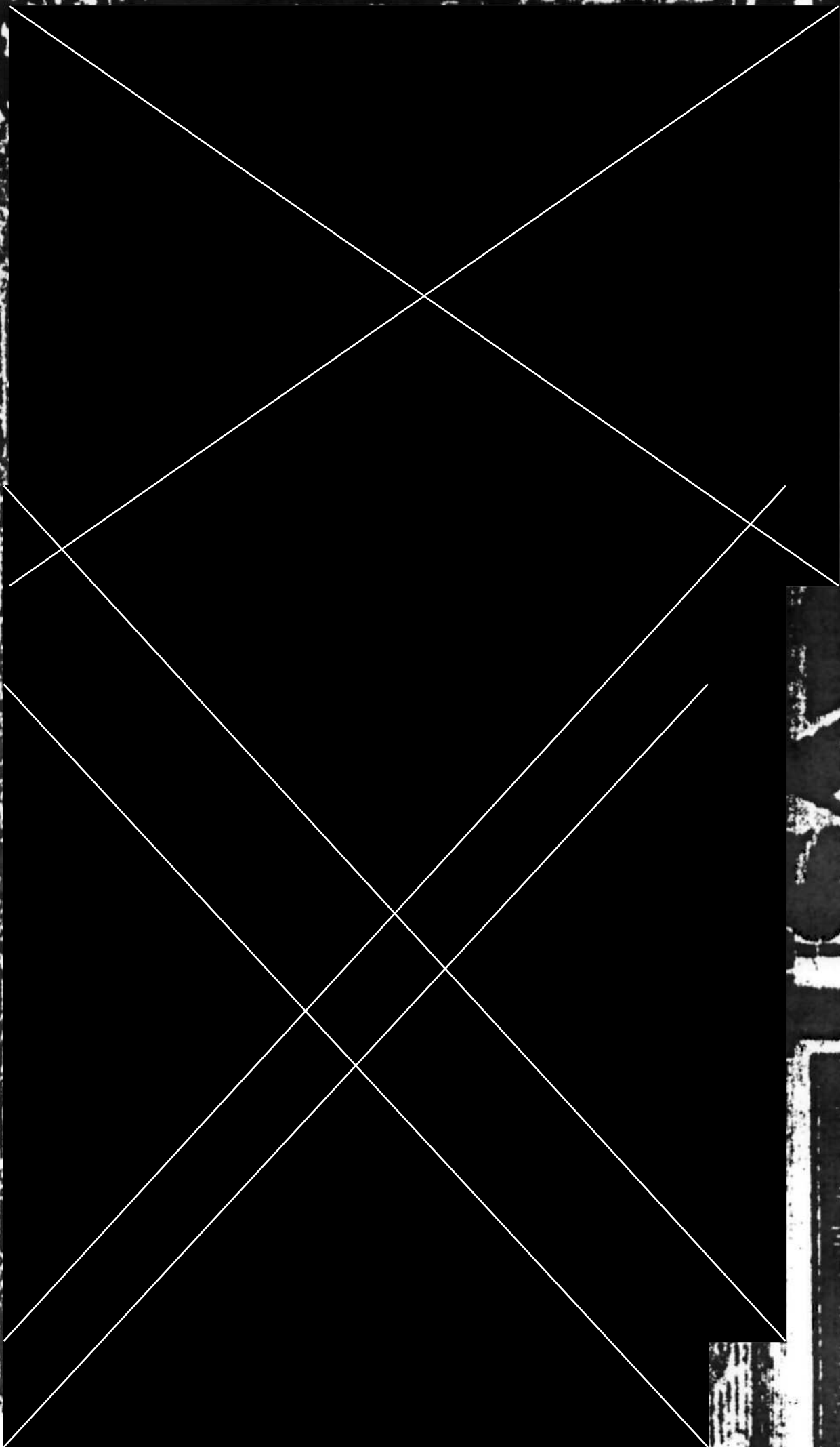
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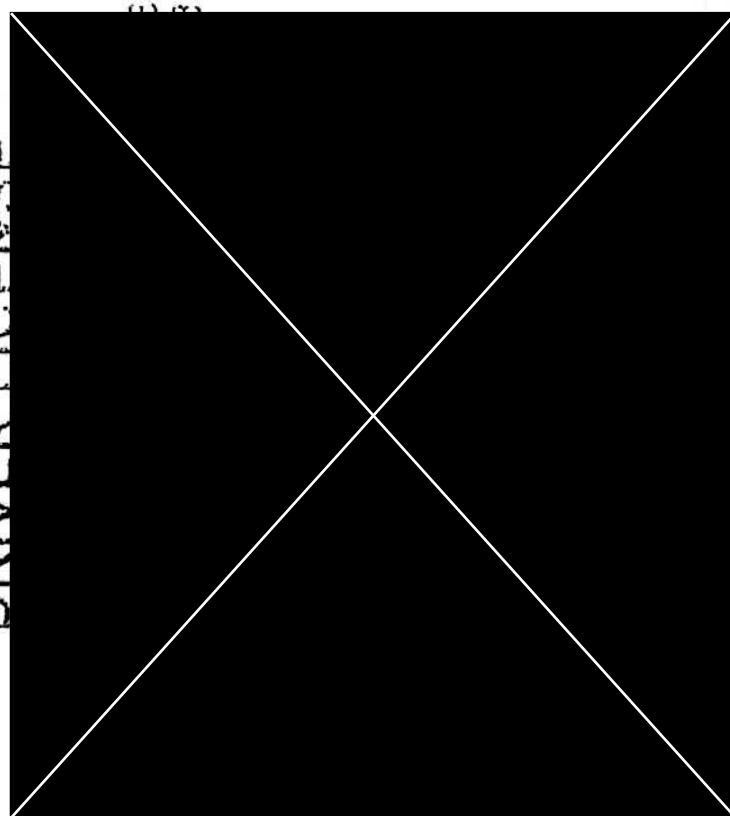
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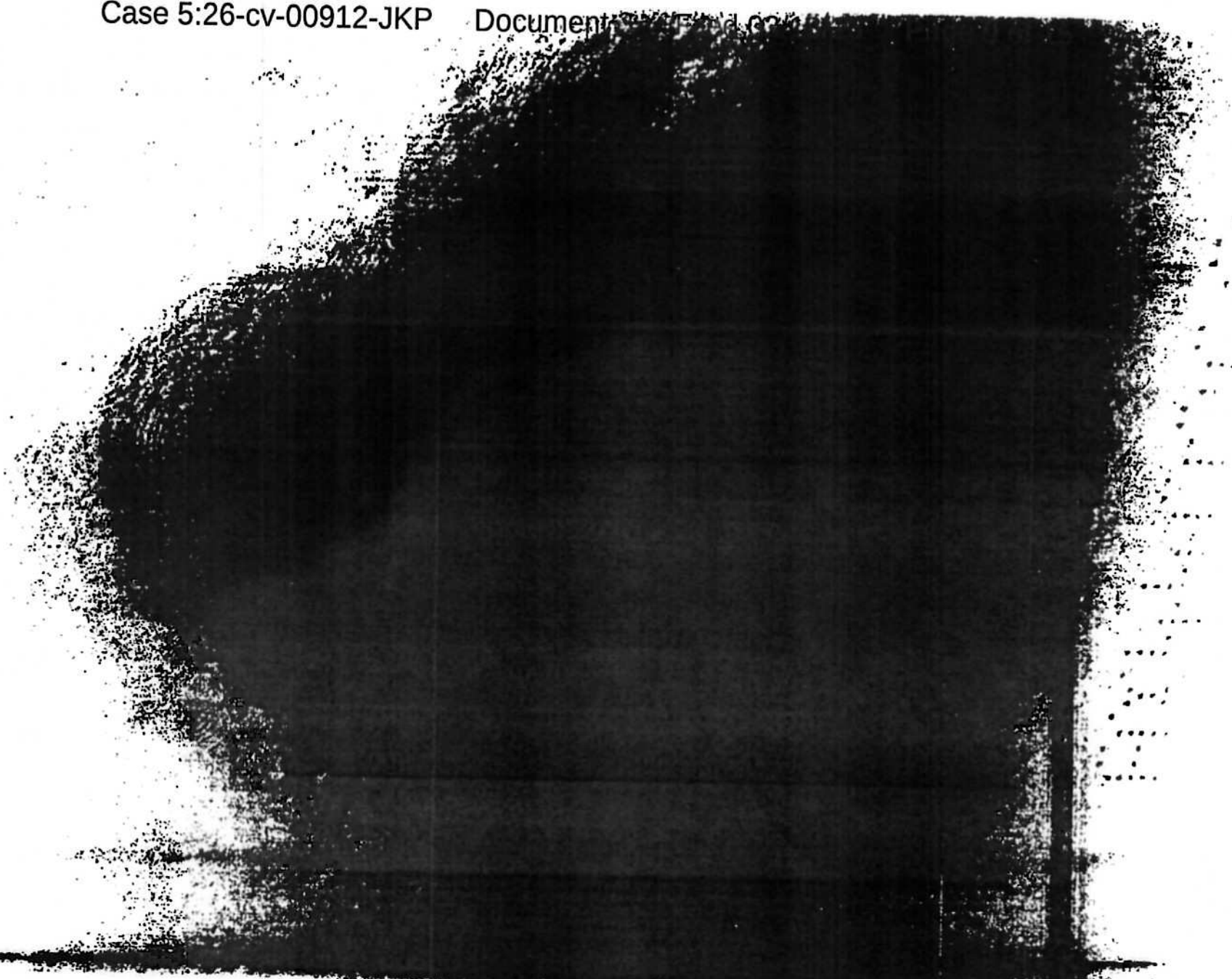


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LIMITED TERM

DRIVER LICENSE

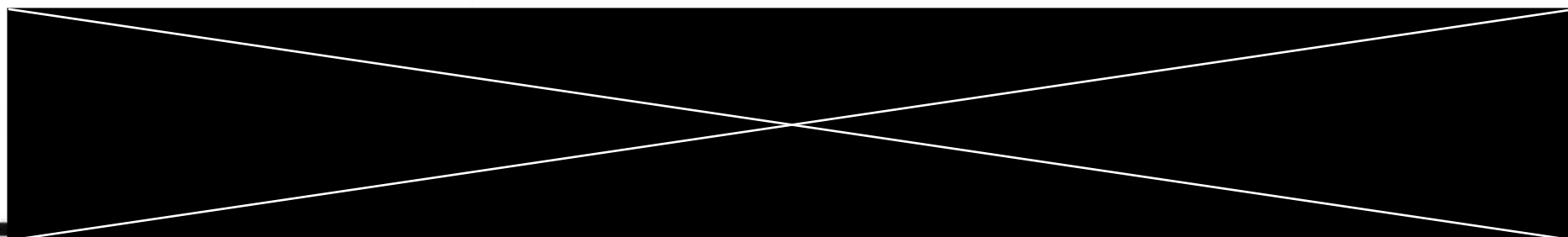
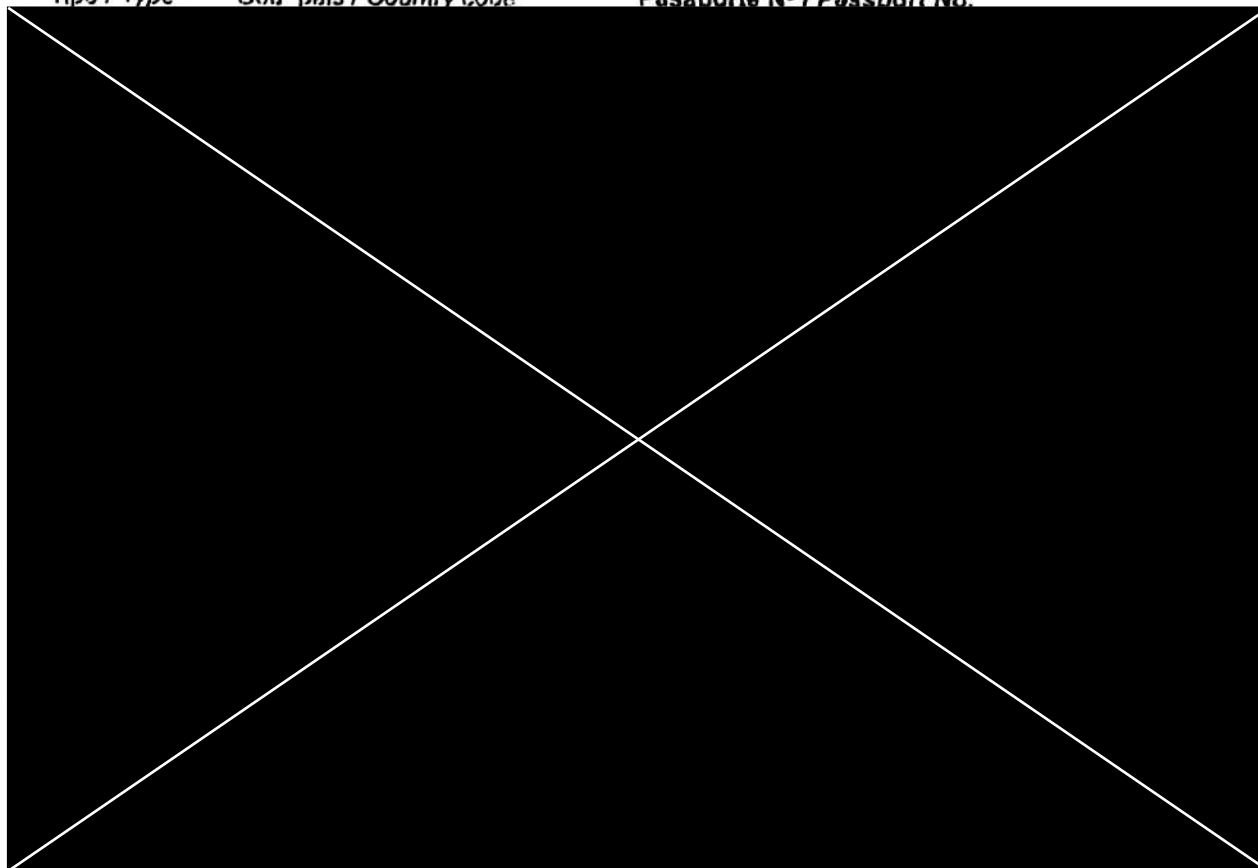




REPÚBLICA DE COLOMBIA



Tipo / Type Cod. país / Country code Pasaporte N° / Passport No.



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]
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 [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]

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.

The Duran-Garcia family enjoys the respect and affection of their community, their church,  school, and their neighbors, who recognize them as an exemplary, hardworking, and kind-hearted family. They are the kind of family the United States needs: dedicated, grateful, and eager to contribute positively to their community.

I am confident that allowing them to remain in this country will be a benefit to us all. Should you require any additional information or have any questions, please do not hesitate to contact me.

Kindest regards,



Pilar Candia

Deputy Regional Director, Political Coalitions – AIPAC



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 teen 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

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, TX [REDACTED]

To whom it may concern,

Through this letter, I, Daniela Juzl, with license number  hereby declare that I have known Elizabeth Garcia for three years, in the capacity of a friend. During this time, I have witnessed that she is a responsible, honest, respectful, and committed person in all the activities she undertakes.

I have had the opportunity to interact with Elizabeth Garcia in various settings, and she has always demonstrated exemplary behavior, showing values such as punctuality, solidarity, and dedication. I consider her an excellent choice for any responsibility or task entrusted to her.

Therefore, I have no hesitation in highly recommending her, confident that she will fulfill her commitments efficiently and reliably.

I remain at your disposal to provide any additional information you may require.

Sincerely,



Daniela Juzl

