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UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN TEXAS
SAN ANTONIO DIVISION

Nozima Isakhova
Petitioner,

v.

Warden, Karnes County Correctional Center;
Miguel Vergara is the Field Office Director
for Enforcement and Removal Operations
(ERO) in El Paso, Texas;
Secretary of Homeland Security; and
Pamela Bondi, Attorney General of the United
States
Respondents.

Civil Case No.: 26-1814

**FIRST AMENDED PETITIONER'S
PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

Petitioner, through, counsel, files this first amended petition for writ of habeas corpus solely to reflect the true and correct spelling of her name, "Nozima Isakhova."¹

I. INTRODUCTION

1. Petitioner, Nozima Isakhova ("Petitioner"), is an Uzbekistani national who entered the United States on or about January 2025 with a visitor visa. Petitioner is a survivor of human trafficking and is actively pursuing protection under the T visa provisions of the Immigration and Nationality Act. She was brought to the United States by her trafficker, from whom she subsequently escaped, therefore, Petitioner's presence in the United States is directly tied to the trafficking she endured. *See* Exhibit A.

¹ Initially submitted with a misspelling of the Petitioner's surname as "Ishakova."

2. Petitioner has no criminal history and presents no danger to the community. Although the Immigration Judge denied bond on March 3, 2026 based on flight risk alone, Petitioner alleges that continued detention is not justified because reasonable conditions of release and less restrictive alternatives would mitigate any flight risk concerns.
3. Petitioner suffers from severe post-traumatic stress disorder (“PTSD”) and major depressive disorder, as documented by a licensed psychological evaluation. *See* Exhibit A.
4. Petitioner has been detained by Immigration and Customs Enforcement (“ICE”) since January 2026, and has been at the Karnes County Immigration Detention Center since January 15, 2026. She is detained pursuant to INA § 236(a).
5. On March 3, 2026, Petitioner had a bond redetermination hearing in front of an Immigration Judge wherein the judge denied bond due to a finding of flight risk.
6. Detention exacerbates Petitioner’s trauma, undermines her access to treatment, and recreates the coercive conditions central to her trafficking experience.
7. Under these circumstances, continued detention is not reasonably related to any legitimate nonpunitive governmental purpose.
8. Where detention is excessive, harmful, and unnecessary, it becomes punitive and violates the Due Process Clause of the Fifth Amendment.
9. Additionally, federal trafficking law requires that victims be protected, appropriately housed, and shielded from harm; not subjected to prolonged detention that exacerbates trauma.
10. Petitioner is, therefore, in custody in violation of the Constitution and laws of the United States.

11. Petitioner asks the court to find that her ongoing detention is unlawful, and seeks immediate release, or alternatively, a constitutionally adequate bond hearing.

I. JURISDICTION AND VENUE

12. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. This 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.*, and the All Writs Act, 28 U.S.C. § 1651.

15. Petitioner does not challenge any final order of removal, and she does not seek review of any discretionary decision to commence proceedings, adjudicate her removability, or execute a removal order. Rather, she challenges the legality of her present detention and the constitutional adequacy of the process afforded to justify that detention. Therefore, 8 U.S.C. § 1252(b)(9) does not bar jurisdiction, as the Petitioner's claims are independent of removal proceedings. Likewise, 8 U.S.C. § 1252(g) does not apply because Petitioner does not challenge the decision to commence proceedings, adjudicate her case, or execute a removal order.

16. Venue is proper because the Petitioner is detained at Karnes County Correctional Center in Karnes City, Texas, which is within the jurisdiction of this district.

17. No administrative exhaustion requirement bars this petition. To the extent exhaustion applies, it is prudential rather than jurisdictional, and exhaustion should be excused because

Petitioner challenges the legality of her current detention and seeks prompt habeas relief.

See Fuller v. Rich, 11 F.3d 61 (5th Cir. 1994).

II. PARTIES

18. Petitioner is an individual who entered the United States on a B-2 visa and has subsequently filed a T nonimmigrant visa with United States Citizenship and Immigration Service ("USCIS"). Petitioner is currently detained at the Karnes County Correctional Center in Karnes City, Texas. She is in the custody, and under the direct control, of Respondents and their agents.
19. Respondent Warden of the Karnes County Correctional Center has the 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.
20. Miguel Vergara is sued in his official capacity of the Director of the San Antonio Field Office of U.S. Immigration and Customs Enforcement. Respondent Vergara is a legal custodian of Petitioner and has authority to release her.
21. Respondent (identity unknown at time of filing) is sued in their official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent DHS Secretary is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent DHS Secretary is a legal custodian of Petitioner.
22. Respondent Pamela 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 (DOJ). In that

capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

III. FACTUAL ALLEGATIONS

23. Petitioner entered the United States in January 2025 on a B-2 visa. She thereafter became a victim of human trafficking within the United States. She has filed for T nonimmigrant status with U.S. Citizenship and Immigration Services and is actively pursuing that relief. *See* 8 C.F.R. § 214.204.

24. She faces credible threats from her trafficker, and suffers from severe PTSD and major depressive disorder. Immigration detention facilities are widely recognized as harmful to women's mental health, particularly trauma survivors. *See* Ellmann, Nora, "*Immigration Detention Is Dangerous for Women's Health and Rights*," Ctr. for Am. Progress (Oct. 2019).²

25. Detention exacerbates her trauma and undermines her access to treatment.

26. Petitioner has no criminal history. She presents no danger to the community, and cannot be shown to be a flight risk. Less restrictive means to monitoring the Petitioner while she goes through removal proceedings are available and justified in this matter.

IV. LEGAL FRAMEWORK

27. 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

² <https://www.americanprogress.org/article/immigration-detention-dangerous-womens-health-rights/>

file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

28. 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).
29. Civil detention must be reasonably related to legitimate government purposes. Civil detention becomes unconstitutional when excessive. *See Zadvydas v. Davis*, 533 U.S. 678 (2001).
30. The Due Process Clause requires meaningful procedural safeguards. Further, federal trafficking law requires protection of victims. *See* 22 U.S.C. § 7105(c)(1); 28 C.F.R. § 1100.27.
31. The TVPA’s implementing regulations impose specific obligations on federal officials to protect trafficking victims, including requirements of appropriate housing, protection from retaliation, and safeguards against further harm. *See* 28 C.F.R. §§ 1100.27(a)–(c), 1100.35(a)–(b).
32. These obligations apply to federal law enforcement, including ICE. *See* 28 C.F.R. § 1100.27(c). Additionally, federal regulations further require protection from retaliation and ongoing harm. *See* 28 C.F.R. § 1100.35(a)–(b).

V. CLAIMS FOR RELIEF

COUNT I – Substantive Due Process Violation

33. Petitioner incorporates and realleges 1-32 herein.

34. Detention is excessive and punitive as applied.
35. Petitioner is not dangerous and poses a minimal flight risk, which would be ameliorated by a reasonable immigration bond.
36. Detention is causing severe psychological harm to Petitioner, who is a victim of human trafficking.
37. Civil detention that causes ongoing harm to a human trafficking survivor cannot be reasonably related to a regulatory purpose.
38. For these reasons, Petitioner's detention violates her substantive due process.

COUNT II – Procedural Due Process Violation

39. Petitioner incorporates and realleges 1-38 herein.
40. Petitioner lacks constitutionally adequate process to challenge her detention. Although she received a bond redetermination hearing on March 3, 2026, that process was constitutionally inadequate because there were insufficient findings, a failure to consider less restrictive alternatives, and a failure to account for trauma-related vulnerabilities.
41. Due process requires a hearing at which the Government bears the burden to justify continued detention.

**COUNT III – Detention is Inconsistent with the Trafficking Victims Protection Act (TVPA)
and Implementing Regulations**

42. Petitioner incorporates and realleges 1-41 herein.
43. Federal law requires protection of trafficking victims. *See* 22 U.S.C. § 7105(c)(1).
44. The statute mandates that, "to the extent practicable," victims should not be detained in inappropriate facilities, receive necessary care, and be protected from further harm. *Id.*

45. The regulations require that victims be treated as victims, not offenders, and be protected from intimidation and retaliation. *See* 28 C.F.R. § 1100.27(c). They further require protection from retaliation and re-trafficking. *See* 28 C.F.R. § 1100.35(a)-(b). Petitioner's circumstances trigger these protections.

46. Here, Petitioner alleges that her continued detention is inconsistent with the protections afforded to trafficking victims because detention exacerbates her trauma, undermines access to treatment, and subjects her to conditions inconsistent with trauma-informed protection.

47. Detention under these circumstances is inconsistent with federal law.

**COUNT IV – Detention Can No Longer Reasonably Serve its Purpose in Light of the T-
Visa Regulatory Scheme**

48. Petitioner incorporates and realleges 1-47 herein.

49. The regulatory framework governing T visa applications reflects a clear policy judgment that trafficking victims should be permitted to remain in the United States while their applications are adjudicated.

50. T visa regulations contemplate presence in the U.S. through the point of adjudication by USCIS. *See* 8 C.F.R. § 214.204.

51. Under current regulations and agency practice, T visa applicants may receive a Bona Fide Determination (“BFD”), which may provide interim protection where issued. Petitioner alleges that the existence of this framework demonstrates that the government has recognized non-custodial mechanisms for individuals pursuing T-visa relief. That interim protection includes eligibility for deferred action, employment authorization, and

protection from removal during the pendency of adjudication. *See* 8 C.F.R. §§ 214.204, 274a.12(c)(25).

52. Additionally, the statutory framework permits administrative stays of removal for trafficking victims pursuing relief. *See* 8 U.S.C. § 1227(d).
53. The availability of BFD, deferred action, and work authorization demonstrates that the government has established non-custodial mechanisms to ensure compliance with immigration proceedings while permitting victims to remain safely in the community.
54. Civil immigration detention is justified primarily by ensuring appearance and effectuating removal. Where the government has created a regulatory framework that contemplates continued presence in the United States, authorizes work and lawful presence, and anticipates protection from removal, detention can no longer bear a reasonable relationship to its stated purposes.
55. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention is permissible only so long as it is reasonably related to its purpose, including removal. Where removal is not reasonably foreseeable, or where the government's own policies render removal impracticable or inappropriate, continued detention becomes constitutionally suspect.
56. Even where a formal BFD has not yet been issued, the existence of the BFD framework and Petitioner's pending T visa application demonstrate that removal is not imminent and that alternative, non-custodial mechanisms are available.
57. Moreover, the availability of employment authorization and supervision mechanisms further undermines any claim that detention is necessary to ensure appearance. Because the government has already established less restrictive means of achieving its objectives, continued detention is arbitrary and not reasonably related to a permissible purpose.

58. Accordingly, Petitioner's continued detention violates the Due Process Clause and is unlawful under 28 U.S.C. § 2241.

VI. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and federal regulations and laws;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or, in the alternative, order a prompt constitutionally adequate bond hearing before an Immigration Judge at which the Government bears the burden of justifying continued detention, the court considers less restrictive alternatives to detention, and the Immigration Judge makes individualized findings on the record;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Elizabeth Shaw

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Counsel for Petitioner

Date: 3/23/2026

CERTIFICATE OF SERVICE

I certify that on March 23, 2026, I electronically filed the foregoing First Amended Petition for Writ of Habeas Corpus and corresponding documents, that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

/s/ Elizabeth Shaw

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Counsel for Petitioner

Date: 3/23/2026