

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

Maritza Rojas Pineda

Petitioner,

v.

Pamela Bondi, Attorney General of the United States
Kristi Noem, Secretary of the U.S. Department of Homeland Security;
Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement
Joshua Johnson, Acting Director of Dallas Field office for U.S. Customs and Immigration Enforcement;
Marcello Villegas, Warden of the Bluebonnet Detention Center; in their official capacities,

Respondents

Case No:

PETITION FOR WRIT OF HABEAS CORPUS

Expedited Hearing Requested

I. INTRODUCTION

1. Maritza Rojas Pineda, (“Petitioner”) was born in on [REDACTED] 1960, in Fomento in the province of Sancti Spiritus in the country of Cuba. On March 30, 2026, Petitioner applied for and was granted humanitarian parole into the United States through the CBP one application.¹ On March 30, 2024, Petitioner was given a Notice to Appear (“NTA”) which was for admission to the United States until March 29, 2026.

¹ Exhibit 1

2. At the same time that the Petitioner was paroled into the United States, Petitioner was released by DHS on her own recognizance, and given instructions to attend scheduled check-ins with DHS, to keep her address up to date with DHS, and to appear for all hearings in the immigration court and not to violate any laws. Petitioner complied with all requirements of her release.
3. On August 15, 2024, the immigration Court issued a "NOTICE OF INTENT TO TAKE CASE OFF THE COURT'S CALENDAR", indicating that "The case involves a respondent who is *prima facie* eligible for adjustment of status under the Cuban Adjustment Act".² Neither DHS nor the Petitioner opposed this as the Petitioner was eligible to adjust status to that of a Lawful Permanent Resident after one year of continuous physical presence, anyway, and there is no need to burden the court's calendar when this case was clearly intended to be resolved outside of the court.
4. On March 31, 2025, exactly one day after meeting the one-year continuous physical presence requirement to apply for adjustment of status under the Cuban Adjustment Act, Petitioner filed the I-485 Application to Register or Adjust Status to that of a Lawful Permanent Resident (i.e. a Green Card Holder).³ Counsel for Petitioner verified that DHS had a copy of this at the Petitioner's previous check-ins with DHS at the Oklahoma City office at the last check in on December 16, 2025. DHS verbally acknowledged to counsel that they were aware of the pending adjustment with USCIS.

² Exhibit 3

³ Exhibit 4

5. On July 16, 2025, without notice, cause, or a chance for Petitioner to object, the Court arbitrability placed the Petitioner's case back on the active docket.⁴ This was done even though the court had previously acknowledged that there was no reason to have the case on the Courts active docket due to the Petitioners *prima facie* eligibility for relief outside of the Court, relief for which the Petitioner has been awaiting USCIS adjudication since March 31, 2025. The Petitioner was also scheduled for a Master Calendar Hearing on March 24, 2027.⁵
6. On March 17, 2026, while attending the scheduled check-in with DHS at the Oklahoma City field office, Petitioner was taken into DHS custody and placed in the Bluebonnet Detention Center in Anson, Texas without notice or cause. The Petitioner is currently detained at said facility.⁶
7. Petitioner legally entered the United States on Humanitarian parole, immediately filed for her green card exactly one year after arriving in the United States (as soon as she was eligible to do so), has complied with all requirements including keeping her address up to date, obeying laws and checking in as required by DHS. There was and is no legitimate purpose to detain the Petitioner.
8. Accordingly, to vindicate Petitioner's Constitutional & regulatory rights, this Court should grant the instant Petition for a Writ of Habeas Corpus or order the Respondents to show cause why the Petitioner should be detained. Petitioner asks this Court to find that the Petitioner's detention is unlawful and order her immediate release.

⁴ Exhibit 5

⁵ Exhibit 5

⁶ Exhibit 6

II. JURISDICTION

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 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). 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.

III. VENUE

10. Venue is proper because Petitioner is detained at Bluebonnet Detention Center Facility in Anson, Texas, which is within the jurisdiction of this Court.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

11. 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).
12. 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).

V. PARTIES

13. Petitioner is a foreign national in immigration proceedings and is currently detained at Bluebonnet Detention Center in Anson, Texas and she is in the custody of, and under the direct control, of Respondents and their agents.
14. 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.
15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.⁷
16. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent Lyons is responsible for the enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of the Petitioner.
17. Respondent Joshua Johnson is sued in his official capacity as the Acting Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement.

⁷ Counsel for Petitioner realizes that Kristi Noem is in the process of being replaced as Secretary of the U.S. Department of Homeland Security but this has not occurred yet.

Respondent Johnson is a legal custodian of Petitioner and has authority to release him.

18. Respondent Marcello Villegas is the Warden of Bluebonnet Detention Center and 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, Marcello Villegas, is a legal custodian of Petitioner and has the authority to release him.

VI. LEGAL ARGUMENT

Detention of a Cuban Parolee with Pending I-485 Application to Adjust Status under the Cuban Adjustment Act is Unlawful

19. The Parole of the Petitioner into the United States as well as the Pending I-485 Application to Adjust status confers authorized presence and a strong liberty interest for the Petitioner. The Petitioner was inspected and paroled into the United States under INA § 212(d)(5) and subsequently filed a Form I-485 under the Cuban Adjustment Act (CAA).
20. The CAA expressly permits Cuban nationals who were "inspected and admitted or paroled" to apply for adjustment after one year of physical presence.⁸
21. A parolee remains lawfully present during the period of authorized parole, and DHS may impose conditions—but parole is a discretionary, civil mechanism—not a punitive detention authority.

⁸ https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-a-cuban-native-or-citizen?utm_source=chatgpt.com

22. On December 15, 2025, DHS announced in the Federal Register the “Termination of Family Reunification Parole Processes for Colombians, Cubans, Ecuadorians, Guatemalans, Haitians, Hondurans and Salvadorans” but this was stayed for those individuals with Pending I-485 Applications for Adjustment of Status postmarked on or before December 15, 2025.⁹ The Petitioner’s I-485 has been pending since March 31, 2025.¹⁰

23. The Petitioner’s lawful presence in the United States has not been terminated according to the Federal Guidelines exemption to the termination of the Family Reunification Parole as outlined in the Federal Register for the following reasons:

- a. Petitioner lawfully entered under the Family Reunification Parole (“FRP”) Process for Colombians, Cubans, Ecuadorians, Guatemalans, Haitians, Hondurans and Salvadorans.¹¹
- b. The Petitioner’s “Admit until” date is March 29, 2026, which is beyond the January 14, 2026, date of termination mentioned in the Federal Register (this does not have any actual bearing on this matter as the Petitioner meets the requirements for the exemption because of the pending I-485 filed on March 31, 2025)
- c. Petitioner filed an I-485 Application to Adjust Status to Permanent Resident under the Cuban Adjustment Act (“CAA”) on March 31, 2025, almost nine months before the deadline December 15, 2025.¹² According to the Federal Register regarding FRP Parolees with pending I-485 Applications filed before

⁹ Exhibit 8 (90 FR 58033 <https://www.federalregister.gov/d/2025-22744/page-58033>)

¹⁰ Exhibit 4

¹¹ Exhibit 2

¹² Exhibit 4

December 15, 2025, FRP parole has not terminated and the Petitioner's presences in the United States is lawful.

24. Because the Petitioner's presence in the United States Remains Lawful and the Petitioner has done nothing to violate the terms or conditions of her parole, her detention is unlawful. The Respondents are not exempt from their own guidelines.¹³

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

25. The allegations in the above paragraphs are realleged and incorporated herein.
26. The Fifth Amendment's Due Process Clause protects all "persons" within the United States, including noncitizens, from arbitrary deprivation of liberty. Immigration detention is civil, not punitive, and therefore must be reasonably related to a legitimate governmental purpose and accompanied by fundamentally fair procedures.
27. The Petitioner is not unlawfully present and is not
28. The Fifth Amendment prohibits detention that is disconnected from its civil purpose. Civil detention is constitutional only when it is reasonably related to its stated purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001) Detention of an individual paroled into the United States under who is still lawfully present and is not removable in the foreseeable future without notice or new justification bears no rational relationship to ensuring appearance at proceedings or protecting the community

¹³ https://www.uscis.gov/newsroom/alerts/dhs-ends-the-abuse-of-the-humanitarian-parole-process-and-terminates-family-reunification-parole?utm_source=chatgpt.com

which it is alleged to accomplish. Instead, it operates as punishment for past conduct or procedural posture, which the Fifth Amendment categorically forbids in civil immigration enforcement.

29. To date, the Respondents have provided no legitimate basis to re-detain the Petitioner.
30. For these reasons, the Petitioner's detention violates the Due Process clause of the Fifth Amendment

COUNT THREE

Arbitrary Detention violates the Administrative Procedures Act (APA)

31. The allegations in the above paragraphs are realleged and incorporated herein.
32. Agency action is unlawful when it is arbitrary, capricious or an unexplained departure from a prior policy or factual findings.
33. The Petitioner was paroled into the United States under the FRP program in effect at that time. Petitioner timely filed the I-485 Adjustment of Status which preserves the Petitioner's lawful status as a parolee, therefore extending Petitioner's lawful status until the Petitioner is granted her adjustment of status or that application is denied, neither has happened to date) With no changed circumstances, and the parole extended for the Petitioner, her re-detention is arbitrary and capricious.
34. The arbitrary detention of the Petitioner by DHS without notice or materially changed circumstances is a violation of the APA.

VIII. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to 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, 8 C.F.R. § 236.1(c), and the Administrative Procedures Act.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (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,

Dated: March 23, 2026

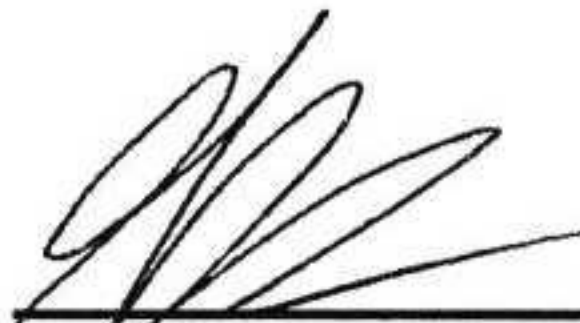


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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Maritza Pineda Rojas, and submit this verification on his 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 23rd day of March 2026.


Gina V. Pointon