

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

MAR 23 2026

Nathan Ochener, Clerk of Court

ANDREA ARAUJO,

Petitioner,

v.

Warden, Houston Contract Detention Facility,
U.S. Immigration and Customs Enforcement,
Field Office Director (Ero Houston),
Attorney General of the United States,

Respondents.

Case No. 26CV 2344

**PETITION FOR WRIT OF
HABEAS CORPUS**

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR
TEMPORARY RESTRAINING ORDER**

I. INTRODUCTION

Petitioner Andrea Araujo seeks immediate federal intervention to correct an unlawful detention scheme that deprives her of any meaningful opportunity for release.

Although Petitioner is not an arriving alien and has long resided in the United States, Respondents are improperly detaining her under INA §235(b) to categorically deny her access to a bond hearing.

This misclassification is legally erroneous and constitutionally impermissible.

Petitioner is entitled to detention under INA §236(a) and therefore an individualized bond hearing before an Immigration Judge.

Absent emergency relief, Petitioner will remain unlawfully detained without process.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to:

- 28 U.S.C. §2241 (habeas corpus)

- 28 U.S.C. §1331 (federal question)
- 28 U.S.C. §2201 (declaratory relief)

Venue is proper in the Southern District of Texas because Petitioner is detained within this district.

III. PARTIES

1. Petitioner Andrea Araujo (A# [REDACTED]) is currently detained in the custody of U.S. Immigration and Customs Enforcement at the Houston Contract Detention Facility, located at 15850 Export Plaza Drive, Houston, Texas 77032.
2. Respondent Warden of the Houston Contract Detention Facility is Petitioner's immediate physical custodian and is responsible for her day-to-day confinement.
3. Respondent Merrick B. Garland, Attorney General of the United States, has ultimate legal authority over the administration and enforcement of immigration laws.
4. Respondent Alejandro Mayorkas, Secretary of the Department of Homeland Security, oversees the agencies responsible for immigration enforcement and detention.
5. Respondent Tae D. Johnson, Acting Director of U.S. Immigration and Customs Enforcement (ICE), is responsible for the supervision and implementation of Petitioner's detention.
6. Respondent Field Office Director, Enforcement and Removal Operations (ERO), Houston Field Office, is responsible for the local custody and detention decisions concerning Petitioner.

IV. FACTUAL BACKGROUND

7. Petitioner is a noncitizen who has resided in the United States for a significant period.
8. She was previously encountered by immigration authorities and released on recognizance, establishing that she was not subject to mandatory detention.
9. Petitioner has fully complied with ICE reporting requirements.
10. Petitioner is a U visa applicant and has received a Bona Fide Determination, along with deferred action and a valid C14 employment authorization document.
11. On or about February 10, 2026 Petitioner appeared for a routine ICE check-in.
12. At that check-in, she was suddenly taken into custody without prior notice.

13. Petitioner did not enter the United States recently, was not apprehended at the border, and is not subject to expedited removal.
14. Despite this, ICE has classified her as subject to INA §235(b), thereby denying her eligibility for bond
15. Petitioner sought a bond hearing before the Immigration Court.
16. The Immigration Judge denied jurisdiction, accepting ICE's classification.
17. As a result, Petitioner is detained without any access to an individualized custody determination.

V. CLAIMS FOR RELIEF

COUNT I – UNLAWFUL DETENTION UNDER THE INA

18. Respondents are unlawfully detaining Petitioner under INA §235(b).
19. Petitioner does not fall within §235(b) because:

- She is not an arriving alien;
- She was previously released into the United States;
- She was re-detained inside the country, not at the border.

20. Accordingly, the governing statute is:

INA §236(a)

21. Under §236(a), Petitioner is entitled to a bond hearing before an Immigration Judge.
- Respondents' misclassification is contrary to the INA and exceeds their statutory authority

COUNT II – VIOLATION OF DUE PROCESS

22. The Fifth Amendment guarantees that civil detention must include adequate procedural safeguards.

Here:

- Petitioner is detained indefinitely;
 - She is denied access to bond;
 - No neutral decisionmaker has reviewed her custody.
23. This constitutes a deprivation of liberty without due process of law.

VI. EMERGENCY REQUEST FOR TEMPORARY RESTRAINING ORDER

24. Petitioner respectfully requests a Temporary Restraining Order requiring Respondents to:

Primary Relief

25. Provide Petitioner with an individualized bond hearing before an Immigration Judge within 7 days

Alternative Relief

26. Immediate release under reasonable conditions of supervision

VII. GROUNDS FOR TRO

1. Likelihood of Success

Petitioner is clearly detained under the wrong statutory authority.

2. Irreparable Harm

Unlawful detention constitutes irreparable harm per se.

3. Balance of Equities

Petitioner is:

- A U visa recipient (BFD)
- Compliant with ICE
- Not a danger
- Not a flight risk

4. Public Interest

Ensuring lawful detention procedures serves the public interest.

IX. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Respondents to provide a bond hearing within 7 days;
3. Alternatively, order immediate release;
4. Grant a Temporary Restraining Order;
5. Grant any further relief the Court deems just.
3. Grant such other relief as the Court deems just and proper.

X. CONCLUSION

Petitioner's continued detention without a bond hearing has become unconstitutionally prolonged. This Court should intervene to ensure compliance with due process.

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

I represent Petitioner, ANDREA ARAUJO, 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 03/20/2026

Andrea Araujo
ANDREA ARAUJO