

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MARIA ALEJANDRA OSPINA PAREDES,

A#

Petitioner,

Petitioner,

V.

WARDEN,

ELOY FEDERAL CONTRACT FACILITY,

JOHN E. CANTU, Field Office Director;

U.S. Immigration and Customs Enforcement,

Enforcement and Removal Operations,

Phoenix Field Office;

TODD LYONS, Acting Director,

U.S. Immigration and Customs Enforcement,

Enforcement and Removal Operations,

Markwayne Mullin,

SECRETARY, U.S. DEPARTMENT

OF HOMELAND SECURITY,

in his/her official capacity,

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

**PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241) AND COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner Maria Alejandra Ospina Paredes (“Petitioner”) is a citizen of Colombia and is detained by ICE.
2. Petitioner is detained under INA § 241, 8 U.S.C. § 1231(a)(6) following a prior removal order; DHS records state Petitioner “was previously removed” and “has a final order of removal issued.”
3. Petitioner seeks habeas relief under 28 U.S.C. § 2241 because her continued detention is unlawful and unreasonably prolonged, and because ICE has not provided meaningful process to justify continued confinement.
4. Petitioner also seeks declaratory and injunctive relief because her detention is arbitrary and capricious in light of her documented cooperation, humanitarian equities, and lack of criminal history. DHS records reflect no criminal history.
5. Petitioner has a pending humanitarian case: she is a VAWA self-petitioner (Form I-360) and USCIS issued a Prima Facie Determination on December 18, 2023, later renewed and valid through December 21, 2025.
6. Petitioner also affirmatively sought ICE discretionary relief and provided her identifying/contact information to the Government by submitting Form I-246 on October 21, 2025, requesting a twelve (12) month stay of removal.
7. Petitioner is the primary caregiver of her minor daughter, and separation would cause severe hardship.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331.

9. Petitioner is detained at Eloy Federal Contract Facility (CoreCivic), 1705 East Hanna Rd., Eloy, AZ 85131, which lies within the District of Arizona.
10. The Warden of the Eloy Federal Contract Facility is Petitioner's immediate custodian for purposes of habeas jurisdiction.
11. Venue is proper in this District because Petitioner is confined within this District and Respondents exercise custody authority here.

PARTIES

12. Petitioner is Maria Alejandra Ospina Paredes, A# 
13. Respondent [Warden/Administrator] is Petitioner's immediate custodian at Eloy Federal Contract Facility.
14. Respondent John E. Cantu is the ICE official responsible for custody decisions in Arizona.
15. Respondents ICE Director, Todd Lyons and Kristi Noem, DHS Secretary are federal officials with authority over detention policy and enforcement.

FACTUAL ALLEGATIONS

A. Petitioner's documented cooperation and humanitarian posture

16. Petitioner is a VAWA self-petitioner; USCIS issued a Prima Facie Determination dated December 18, 2023, renewed through December 21, 2025.
17. On October 21, 2025, Petitioner submitted Form I-246 seeking a 12-month stay of removal and provided identifying and contact information, including A-Number and address.
18. Petitioner is the primary caregiver of her minor daughter.

B. DHS encounter history and custody posture

19. DHS records describe Petitioner's apprehension on October 20, 2025 in/near Pompano Beach, Florida, and state she was "previously removed" on September 27, 2022 and has a "final order of removal issued."
20. DHS records also list immigration history entries including "12/19/2022 ... (Reinstatement of Deportation Reasonable Fear)".
21. DHS records state Petitioner has no criminal history.
22. DHS records note family equities, including Petitioner's minor child.
23. DHS records reflect that a "request for Custody Re-Determination" and a ROCC detention authorization request were submitted to hold Petitioner in custody.
24. Despite these notations, Petitioner has not received a meaningful, reasoned custody determination explaining why detention is necessary notwithstanding her lack of criminal history, her documented cooperation through filings, and her humanitarian equities.

C. Prolonged detention

25. Petitioner has been detained since August 20, 2025 and has now been detained for more than five months.
26. Removal is not significantly likely in the reasonably foreseeable future because Petitioner is presently pursuing protection from removal through withholding-only proceedings, and the Government is legally barred from executing her removal while those proceedings remain pending. As a result, DHS lacks present authority to effectuate removal to the designated country, and removal cannot occur unless and until those proceedings are fully resolved. Given the ongoing adjudicative process and the absence of any scheduled removal or travel arrangements, there is no significant likelihood that Petitioner's removal will occur in the reasonably foreseeable future.

CLAIMS FOR RELIEF

COUNT I — Unlawful Post-Final-Order Detention (8 U.S.C. § 1231(a)(6) as construed by Zadvydas)

27. Petitioner incorporates paragraphs 1–25.

28. Petitioner is detained under 8 U.S.C. § 1231(a)(6). DHS records state she has a final order and was previously removed.

29. Under *Zadvydas v. Davis*, detention under § 1231(a)(6) is limited to a period reasonably necessary to effect removal; once detention becomes prolonged and removal is not reasonably foreseeable, continued detention is not authorized and violates due process.

30. Petitioner’s detention has exceeded the reasonable period because more than 5 months has passed, and removal is not reasonably foreseeable for the reasons in paragraph 25.

31. Accordingly, Petitioner’s continued detention is unlawful, and habeas relief is warranted.

COUNT II — Fifth Amendment Due Process (Arbitrary Detention; No Meaningful Custody Determination)

32. Petitioner incorporates paragraphs 1–30.

33. Civil immigration detention must remain reasonably related to its purposes and must be accompanied by adequate process to prevent arbitrary confinement.

34. ICE’s continued detention of Petitioner is arbitrary and unconstitutional because DHS records confirm no criminal history, yet Petitioner has been confined without meaningful justification notwithstanding:

- a. her documented humanitarian posture as a VAWA self-petitioner with a valid *Prima Facie* Determination through December 21, 2025;

- b. her affirmative notice to the Government and cooperation shown by filing Form I-246 on October 21, 2025 seeking a 12-month stay; and
 - c. her caregiving role for her minor child
35. DHS records state a custody re-determination request was submitted, but Petitioner was not given a meaningful, reasoned custody determination and an opportunity to contest continued detention with adequate procedural protections.
36. Continued detention under these circumstances violates the Due Process Clause.

COUNT III — (Alternative) APA: Arbitrary and Capricious Agency Action (5 U.S.C. § 706(2)(A))

37. Petitioner incorporates paragraphs 1–35.
38. To the extent ICE’s continued detention decision and/or failure to provide a reasoned custody determination constitutes reviewable final agency action, it is arbitrary, capricious, and not in accordance with law because it failed to consider critical, documented factors, including:
- a. Petitioner’s lack of criminal history;
 - b. Petitioner’s pending VAWA case recognized through a Prima Facie Determination valid through December 21, 2025; and
 - c. Petitioner’s affirmative engagement with DHS/ICE through the I-246 filing seeking a 12-month stay.
39. The Court should set aside the unlawful action and order appropriate relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;

- B. Issue a writ of habeas corpus ordering Petitioner's immediate release under appropriate conditions of supervision;
- C. In the alternative, order a prompt individualized custody hearing before a neutral decisionmaker with a reasoned decision addressing flight risk, danger, and alternatives to detention;
- D. Declare that Petitioner's continued detention violates federal law and the Fifth Amendment; and
- E. Grant such other relief as the Court deems just and proper.

DATED this 25th of MARCH, 2025

Respectfully submitted,

/S/ Cesar E. Guerrero

Cesar E. Guerrero Esq.

Attorney for Respondent

Abogado Guerrero PLLC

P. O. Box 430130

Miami, FL 33243

(561) 562-1721; attorney@jhonguerrero.law

FL Bar# 1054657

CERTIFICATE OF SERVICE CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 25th, 2026, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing. /s/ Cesar E. Guerrero CESAR E GUERRERO Esq Attorney for the Petitioner