

1:26-cv-00201

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. §2241)
AND EMERGENCY MOTION FOR RELEASE**

I. INTRODUCTION

Petitioner Lisaida Terrero Hastie is a citizen of Cuba currently detained by U.S. Immigration and Customs Enforcement at the Bluebonnet Detention Facility in Anson, Texas.

Petitioner has remained in civil immigration detention since September 4th, 2025. After appearing punctually for her scheduled appointment with U.S. Immigration and Customs Enforcement (ICE), she was taken into custody by the agents.

On November 24th, 2025, an immigration judge issued an order of removal. Petitioner has filed a timely appeal before the Board of Immigration Appeals on January 7th, 2026, and the case therefore remains pending. Despite:

- There is an order of removal; however, the petitioner has filed a timely appeal before the Board of Immigration Appeals.
- lack of dangerousness findings
- lack of meaningful procedural safeguards

Petitioner remains detained approximately seven months later.

Civil immigration detention must remain regulatory rather than punitive. When detention becomes prolonged and no longer reasonably related to its regulatory purpose, it violates the Due Process Clause of the Fifth Amendment.

Petitioner therefore seeks relief through a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241.

II. JURISDICTION

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

Petitioner is detained within this judicial district.

Venue is proper in the Northern District of Texas.

III. PARTIES

Petitioner

Lisaida Terrero Hastie



Petitioner is a citizen of Cuba currently detained at the Bluebonnet Detention Facility in Anson, Texas.

Kristi Noem

Secretary of Homeland Security

Patrick J. Lechleitner

Acting Director,

Field Office Director

ICE Dallas Field Office

Warden

Bluebonnet Detention Facility, Anson Processing Center

Respondents exercise legal and physical custody over Petitioner.

IV. STATEMENT OF FACTS

1. Petitioner is a citizen of Cuba.
2. On September 4th, 2025, Petitioner was taken into ICE custody after attending her appointment with ICE.
3. On November 24th, 2025, an Immigration Judge issued an order of removal.
4. Petitioner has filed an appeal before the Board of Immigration Appeals.
5. The appeal remains pending.
6. The Government was not required to demonstrate dangerousness by clear and convincing evidence.
7. Petitioner has no violent criminal history.
8. Petitioner has family support in the United States, including her sister, who is a lawful permanent resident.
9. Petitioner has now been detained for approximately seven months.

V. EXHAUSTION OF REMEDIES

Petitioner has pursued the available administrative remedies by filing a timely appeal before the Board of Immigration Appeals (BIA).

Further administrative review would not cure the constitutional violations caused by prolonged detention. Accordingly, habeas corpus review is appropriate.

VI. LEGAL FRAMEWORK

Immigration detention is civil in nature.

Civil detention must remain reasonably related to a regulatory purpose, not punishment.

The Fifth Amendment prohibits deprivation of liberty without due process of law.

When detention becomes prolonged without adequate procedural safeguards, constitutional concerns arise.

VII. ARGUMENT

A Prolonged Civil Immigration Detention

Civil immigration detention must remain reasonably related to its regulatory purpose.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that immigration detention cannot become indefinite.

Although *Zadvydas* addressed post-removal detention, it reaffirmed that civil detention cannot become punitive.

In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention only because such detention typically lasted a brief period necessary for removal proceedings.

Petitioner has now been detained for approximately seven months, far exceeding the brief detention contemplated in *Demore*.

B. Fifth Circuit Jurisprudence

Immigration detention remains subject to constitutional due process limitations.

In *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018), the Supreme Court held that immigration statutes do not themselves require periodic bond hearings but left open constitutional challenges to prolonged detention. Civil detention cannot become punitive.

C. Procedural Due Process

Meaningful procedural safeguards require:

- individualized review
- government burden of proof
- clear and convincing evidence

D. Continued Detention Is Unreasonable

Petitioner remains detained despite:

- pending appellate proceedings
- lack of violent criminal history
- available family support

E. Substantive Due Process

Civil detention without a valid regulatory justification violates substantive due process.

Foucha v. Louisiana, 504 U.S. 71 (1992).

VIII. PROLONGED DETENTION FRAMEWORK

Courts evaluating prolonged immigration detention consider:

1. Length of detention
2. Petitioner has been detained for approximately seven months.
3. Responsibility for delay
4. Petitioner has complied with all court proceedings and has filed a timely appeal before the Board of Immigration Appeals (BIA).
5. Status of proceedings
6. Removal proceedings remain unresolved; the petitioner's appeal is pending before the BIA.
7. Government interest
8. Continued detention without meaningful procedural safeguards becomes unreasonable.
9. These factors demonstrate that Petitioner's continued detention has become unreasonably prolonged and constitutionally suspect.

IX. IRREPARABLE HARM

Loss of physical liberty constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347 (1976).

Each additional day of detention compounds the constitutional injury.

Petitioner suffers:

- deprivation of liberty
- separation from family
- inability to prepare her immigration defense
- psychological distress

X. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
 2. Order Petitioner released under reasonable supervision conditions;
 3. Order a constitutionally adequate bond hearing within five days were
- the government bears the burden
 - the standard is clear and convincing evidence.

XI. MOTION TO EXPEDITE

Petitioner respectfully requests expedited consideration.

Petitioner has been detained for approximately seven months without a final removal order.

Continued detention causes ongoing constitutional harm.

Expedited review is warranted.

XII. NEXT FRIEND STANDING

Petitioner lacks meaningful ability to prepare this petition due to detention.

Accordingly, this petition is filed by Yisandra Terrero Hastie as Next Friend.

Whitmore v. Arkansas, 495 U.S. 149 (1990).

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Lisaída Terrero Hastie

A black rectangular box with a white 'X' inside, used to redact the signature.

Date: April 10th, 2026

CERTIFICATE OF SERVICE

I certify that on this 10th day of April, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to be served by placing it in the United States Mail, postage prepaid, addressed to the following:

- Clerk of Court
United States District Court for the Northern
District of Texas, Abilene Division
341 Pine St, Room 2008
Abilene, TX 79601
- U.S. Immigration and Customs Enforcement (ICE)
Office of Chief Counsel
8101 N. Stemmons Freeway
Dallas, TX 75247.
- Warden
Bluebonnet Detention Facility
400 E. 2nd Street
Anson, TX 79501

Date: April 10th, 2026


ID: 1gMBjtzQLoHPawHYv1WzaD84

Yisandra Terrero Hastie
Next Friend – Pro Se
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Yisandraterreol@gmail.com

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

Lisaida Terrero Hastie



Petitioner,

Kristi Noem
Secretary of Homeland Security

Patrick J. Lechleitner
Acting Director, U.S. Immigration and Customs Enforcement

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