UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Rosney Roselyn Zamora-Matos **Petitioner,** **v.** **Markwayne Mullin, Secretary, U.S. Depart. of Homeland Security, Todd Blanche, U.S. Attorney General, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement; Miguel Vergara, Field Office Director at U.S. Immigration & Customs Enforcement; Jose Rodriguez Jr., Warden of Dilley Immigration Processing Center,** **Respondents**	**Civil Case No. 5:26-cv-04217**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

BACKGROUND

1. This is a petition for a Writ of Habeas Corpus filed on behalf of Rosney Roselyn Zamora-Matos. Petitioner is seeking relief to remedy her unlawful detention. Respondents are detaining Petitioner in violation of the law. This Petitioner has been detained since June 27, 2026.
2. Petitioner was on her way to work on Saturday morning , June 27, 2026 when she was stopped and detained by ICE. They informed her that she had not done anything wrong but that they had new orders to take her under custody.
3. Petitioner was detained and transferred to the Dilley Immigration Processing Center located in Dilley, Texas.

4. Petitioner is Rosney Roselyn Zamora-Matos, who has been assigned alien number: [redacted], she is a citizen of Venezuela, with a date of birth of [redacted], she is a mother of three children.

5. The Petitioner is a citizen of Venezuela, who entered the United States with a Venezuela Humanitarian Parole on October 8, 2002. She was given a one year parole until October 8, 2023 by Respondents. She has been residing in the interior of the United States since October 8, 2022. She received a lawful paroled entry into to the United States by DHS. This Petitioner had complied with all terms of her release from Respondents, including prior ICE check-in appointments. This family is not a flight risk or a danger to the community as Respondents had previously vetted her in October 2022 and released her into the United States of America.

6. Petitioner has not committed any crimes. She has never been arrested, nor had any issues with the law. She has complied with all terms of release form Respondents and timely filed her asylum application. She was pending a hearing before the San Antonio Immigration Court on August 13, 2026 before Immigration Judge Santander. Petitioner had applied for and obtained work authorization, a social security number and applied for and obtained a Texas Driver's license.

7. For no reason, and without any change in circumstances, Petitioner was re-detained by Respondent's when they stopped her on her way to work. Petitioner was not given any reason for the re-detention. She was merely informed upon arrest by ICE agents that their policy had changed and she was being re-detained.

8. This sudden deprivation of liberty was done without a material change in circumstances that would render Petitioners a danger or a flight risk. There was no reason that Petitioner

was denied her liberties. Petitioner is now held, in flagrant violation of constitutional due process protections

9. The Petitioner accordingly file this petition seeking a Writ of Habeas Corpus ordering their release from custody immediately. See e.g. Tinoco Pineda v. Noem, No. SA-25-CA-01518-XR, 2025 WL 3471418 (W.D. Tex. Dec. 2, 2025) (ordering Petitioner's immediately released); Y.M.M. v. Wamsley, No. 2:25-CV-02075, 2025WL 3101782 (W.D. Wash, Nov. 6, 2025)(same); Sanchez v. LaRose, No. 25-CV-2396-JES-MMP, 2025 WL 2770629 (S.D. Cal Sept. 26, 2025)(same). Dager Delgado v. Markwayn Mullin, No 26-cv-2800 (W. D. Tex. May 12, 2026); Garica Velasquez, No. 26-cv-2809 (W.D. Tex. May 12, 2026); Salazar Actosta v. ICE et al, No-26-CV-874-OLG (W.D. Tex. May 20, 2026), Lopez Henriquez v. Mullin, et al, No-26-CV-2870-FB (W.D. Tex. May 20, 2026), Rivera Rivera v. U.S. Customs Enforcement and Removal Operations San Antonio Field Office et al, No-26-C-2247-FB (May 20, 2026), Valdez de Villalta v. Kristi Noem, No-26-CV-02049-FB (W.D. Tex. May 31, 2026), Pesina Coronado v. Markwayne Mullin, No-26-CV-2241-FB, Diaz Manuel v. Markwayne Mullin, No-26-CV-2827-FB (W. D. Tex. May 29, 2026), Yorka Alvarez v. Kristi Noem, No-26-CV-706-FB (W.D. Tex. May 29, 2026), Portillo Bernal v. Markwayne Mullin, No.-5:26-CV-1893-JKP (W.D. Tex. June 12, 2026).

PARTIES

10. Petitioner Rosney Roselyn Zamora-Matos, [redacted], is a citizen of Venezuela who is currently detained in immigration detention in the Dilley Immigration Processing Center located in Dilley, Texas.

11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS) and is charged with implementing the immigration laws of the United States. Secretary Mullin is being sued in his official capacity.

12. Respondent Todd Blanche is the Attorney General for the United States and is charged with overseeing the Executive Office of Immigration Review (EOIR). General Blanche is being sued in his official capacity.

13. Respondent Todd M. Lyons is the Acting Director of the Immigration and Customs Enforcement (ICE), a sub-agency of Homeland Security. It is under ICE's authority that the Petitioner is being held without bond. Acting Director Lyons is being sued in his official capacity.

14. Respondent Miguel Vergara is the Field Office Director for ICE enforcement and Removal Operations (ERO). It is under Respondent Vergara's order that the Petitioner is in immigration custody. Respondent Vergara is being sued in his official capacity.

15. Respondent Jose Rodriguez is the warden and/or immediate custodian at the Dilley Immigration Processing Center in Dilley, Texas. Respondent Rodriguez being sued in his official capacity.

JURISDICTION

16. This Court has subject mater jurisdiction over Petitioners' petition for write of habeas corpus pursuant to 28 U.S.C §2241, art. I. §9, cl.2 of the Unites States Constitution ("Suspension Clause"). The Court also has jurisdiction pursuant to 28 U.S.C §1331 (Federal Question Jurisdiction) inasmuch as the case is a civil action arising under the laws of the United States as the Petitioner is presently in custody under color of authority of the Unites States and such custody is in violation of the U.S. Constitution,

laws, or treaties of the Unites States. This Court may grant relief pursuant to 28 U.S.C §2241, and the All Writs Act, 28 U.S.C §1651.

17. Although only the Court of Appeals has jurisdiction to review removal orders directly through a petition for review, see 8 U.S.C §§ 1252(a)(1), (a)(5), (b), District Courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. See e.g. Jennings v. Rodriguez, 583 U.S. 281, 292-96 (2018); Demore v. Hyung Joon Kim, 538 U.S. 510, 516-17 (2003); Zadvydas v. Davis, 533 U.S. 678, 687-88(2001).

VENUE

18. Venue is proper in this district because the Petitioner is detained within this district, and a substantial amount of the events giving rise to this claim occurred within the district. 28 U.S.C §139(e)(1).

19. Once an individual has been released from ICE custody, DHS is only authorized to revoke a bond upon a finding of materially changed circumstances meriting the noncitizen's return to custody. See e.g. Saravia v. Sessions, 280 F. Supp. 3d 1168 (N.D. Cal. 2017) (Once a noncitizen has been released, the law prohibits federal agents from rearresting him merely because he is subject to removal proceedings. Rather, the federal agents must be able to present evidence of materially changes circumstances—namely, evidence that the noncitizen is in fact dangerous or has become a flight risk or is now subject to a final order of removal." See also Matter of Sugay, 17 I&N Dec. 637, 640 (BIA 1981) (finding a change in circumstances, in part, when it was determined that the noncitizen was "wanted for murder in the Philippines'....").

FACTS

20. The Petitioners is a citizen of Venezuela, who entered the United States on October 8, 2022 with a parole under the Venezuelan Humanitarian parole program (VHP). Petitioner was granted a one year parole that ended on October 8, 2023.

21. Petitioner was pending an immigration hearing before Immigration Judge Santander on August 13, 2026. An NTA was issued on March 9, 2023. See Exhibit A.

22. Petitioner was released on recognizance and given specific terms of release. See Exhibit B. Release on Recognizance issued by Respondents.

23. Petitioner has complied with all terms of release on recognizance.

24. Petitioner timely filed her application for asylum and complied with the laws in seeking work authorization, a social security number and a Texas Driver's license. Petitioner's work authorization and Texas Drivers license are valid through 2029. See Exhibit C.

25. The Petitioner has been residing in the interior of the United States since she was released in October 2022.

26. On June 27, 2026, she was apprehended and re-detained by ICE on the way to work. She was merely stopped for no reason as she entered the roadway from her apartment complex. She was not given any type of ticket or traffic infraction. She was simply told that she was being placed in detention.

27. Petitioner's detention was not based on any materially changed circumstances that would now render her a flight risk or danger to the community. Indeed, "[t]he law requires a change in relevant facts, not just a change in 'the government's] attitude." Singh v. Andrews. No 1:25-CV-00801--SKO(HC), 2025 WL 1918679, at *7(E.D. Cal

July 11, 2025)(quoting Valdez v. Joyce, 25 Civ. 4627 (GBD), 2025 WL 1707737, at *3n.6(S.D.N.Y. June 18, 2025)).

28. The Respondents are detaining Petitioner without providing her an opportunity to post bond at the Dilley Immigration Processing Center in Dilley, Texas. Petitioners recognize that the immigration court will state that it does not have jurisdiction to hear her request for release on bond at the Immigration Court will claim it does not have jurisdiction as Petitioner is currently considered "an applicant for admission" after Respondent's allowed her to enter the United States on parole.

29. Respondent's vetted the Petitioners in October 2022 when she initially entered the United States and Respondents determined that she was neither a danger to the community or a flight risk thereby granting her permission to enter on parole.

30. DHS did not have a warrant, they did not have any changed circumstances and they did not present any evidence indicating that Petitioner was a danger to the community or a flight risk, but merely re-detained Petitioner without any justification in clear violation of the Due Process Clause.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

31. Administrative exhaustion is unnecessary as it would be futile. The Court of Appeals or the Fifth Circuit has explained that "exceptions to the exhaustion requirement are appropriate where the available administrative remedies are unavailable or wholly inappropriate to the relief sought, or where an attempt to exhaust such remedies would itself be a patently futile course of action." Fuller v. Rich, 11 F.3d 61, 62 (5th Cir. 1994) (quoting Hessbrook v. Lennon, 777 F.2d 999, 1003 (5th Cir. 1985)).

32. . It would be futile for Petitioner to seek a custody redetermination hearing before an immigration judge because of the Board of Immigration Appeals ("BIA") recent decision holding that anyone who has entered the U.S. without inspection is now considered an "applicant for admission" who is "seeking admission" and therefore subject to mandatory detention under § 1225(b)(2)(A). See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025); see also Zaragoza Mosqueda v. Noem, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA's decision in Yajure Hurtado renders exhaustion futile).

33. Further, as the court recognized in Buenrostro-Mendez v. Bondi, 2025 WL 2886346 at * 3 (S.D. Tex 2025) "exhaustion does not bar this court's review because it is not a statutory requirement in these circumstances. Lopez Benitez v. Francis, 25 Civ. 5937, 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025). When a "'legal question is fit for resolution and delay means hardship,' a court may choose to decide the issues itself." Pizarro Reyes, 2025 WL 2609425, at *3 (quoting Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000)). The issue here largely "boils down to a matter of statutory interpretation," which "belong[s] historically within the province of the courts." Id. Other courts faced with similar issues have found that preventing six months or more of unlawful detention (bond determinations typically take six months or more) outweighs the BIA's interest in detaining an individual while his or her bond determination is resolved on appeal. Id.; See also Lopez-Arevelo v. Ripa, No. EP-25-cv-337, 2025 WL 2691828, at *6 (W.D. Tex. Sep. 22, 2025) (waiving exhaustion in a similar case because "[t]o wait, indefinitely, for a ruling on that appeal would be

inappropriate because it would exacerbate [the petitioner's] alleged constitutional injury—detention without a bond hearing")".

34. Additionally, the agency does not have jurisdiction to review Petitioner's claim of unlawful custody in violation of due process rights, and it would therefore be futile for them to pursue administrative remedies. See Reno v Amer.-Arab Anti-Discrim. Comm., 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction to review" constitutional claims); See also Petgrave v. Aleman, 529 F. Supp. 3d 665, 672 (S.D. Tex. 2021) (finding exhaustion futile because the agency cannot answer the constitutional question whether due process vests Petitioner with the right to immediate release or a bond hearing in federal court).

CLAIMS FOR RELIEF

Count I: Fifth Amendment Due Process Violations

35. "It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." Demore v. Kim, 538 U.S. 510, 523 (2003) (quoting Reno v. Flores, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
36. The Respondents may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. Petitioner has a weighty liberty interest as his freedom "from government ...detention...lies at the heart of the liberty that [the Fifth Amendment] protects." Zavadas, 533 U.S. at 690.

37. Individuals who have been released from custody gain a protected liberty interest in remaining free from custody, and ICE must show materially changed circumstances to justify re-detention. See e.g. Matter of Sugay, 17 I&N at 640, Ortega v. Bonnar, 415 F. Supp. 3d 963, 969 (N.D. Cal 2019), Lopez-Arevelo v. Ripa, No. EP-25-CV-337-KC, 2025 WL 2691828, at *11(W.D. Tex. Sept. 22, 2025)("[Once] released from immigration custody, noncitizens acquire 'a protectable liberty interest in remaining out of custody on bond,"); Singh, 2025 WL 1918679, at *6 ("Furthermore, the Supreme Court has held that, even when a statute authorizes revocation of an individual's freedom, the individual may retain a protected liberty interest under the Due Process Clause.").
38. In the immigration context, the Supreme Court has addressed two purposes for civil detention: preventing flight and danger to the community. Zadvydas, 533 U.S. at 690.
39. To determine whether a civil detention violates a detainee's right to due process, courts apply the three-part test set forth in Mathews v. Eldridge, 424 U.S. 319 (1976), See Martinez v. Noem, No. 5:25-CV-1007-JKP.2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025), The Mathews factors are (1)"the private interest that will be affected by the official action" (2) "the risk of an erroneous deprivation of such interest through the procedural safeguards" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." Mathews, 424 U.S. at 335.
40. These factors all favor a determination that Petitioner is being held without due process of law. Petitioner challenges her detention on constitutional grounds. See, e.g., Sanchez v. Noem, No. 25-CV00403-DCG, 2026 WL 596133, at *8 (W.D. Tex. Mar.

2, 2026) (explaining that the Fifth Circuit's decision in Buenrostro-Mendez was limited to the interpretation of §1225(b)(2)(A), and, thus, "does not control whether Respondent's are detaining Petitioner in violation of the Constitution). Petitioner argues that being detained without a bond hearing violates the Due Process Clause of the United States Constitution. As many cases have found in the Western District, "Noncitizens are entitled to due process of law under the Fifth Amendment." Ochoa v. Vergara, ---F. Supp. 3d.---, No.26-CV-266-RP, 2026 WL 482211, at *2 (W.D. Tex. Feb. 20, 2026) (citing Trump v. J.G.G., 604 U.S. 670, 673(2025)). "[G]overnment detention violates th[e Due Process] Clause unless the detention is ordered in a criminal proceeding with adequate procedural protention....or, in certain special and narrow nonpunitive circumstances, ... where a special justification...outweighs the individuals constitutional protected interest in avoiding physical restraint." Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Accordingly, it stands to reason that Petitioner has a constitutionally protected liberty interest in residing freely within the United States during the pendency of her immigration proceedings. Respondents may not re-detained her during these proceedings unless Respondent's have a 'special justification or changed circumstances' for detaining Petitioner that "outweighs" their liberty interest. *See id.*

41. Petitioner has a constitutionally protected liberty interest in residing freely within the United States during the pendency of her asylum application because she "has lived in the United States for [almost four]years, with at least [one] of those years occurring with the express permission of DHS while he was subject to supervised release pending the resolution of his removal proceedings. " Bonilla Chicas v. Warden, ---F.

Supp 3d.---, No. 26-CV-131, 2026 WL 539475 at *6 (S.D. Tex. Feb. 20, 2026); see Mareceau v. Noem, No. 26-CV-237-KC, 2026 WL 368953, at *1 (W.D. tex. Feb. 9, 2026) ("[A] person may obtain a liberty interest through their presence in the country, particularly where the presence is with the express permission of the Government. " (citing Lopez-Arevelo, 801 F. Supp. 3d at 685-86)). This is the case at hand as Petitioner was specifically vetted by Respondents in October 2022 and allowed to enter the United States on a parole. Petitioner was detained by DHS as she entered the United States and allowed to enter with a parole after considering the factors of dangerousness and flight risk. Petitioner has the Respondents permission to enter and lawfully reside in the United States on the grant of parole. She had a liberty interest in being free from detention. Petitioner's liberty interest is her most treasured interest and of upmost importance to her. Petitioner's "interest in being free from imprisonment" is "the most significant liberty interest there is." Bonilla Chhicas, 2026 WL 539475, at *10 (quoting Velasco Lopez v. Decker, 978 F.3d 842, 851 (2d Cir. 2020)). In fact, "liberty from bodily restraint always has bene recognized as the core of the liberty protected by the Due Process Clause," Youngberg v. Romeo, 457 U.S. 307, 316 (1982)). Thus, not only does this factor clearly weigh in Petitioner's favor, but it "deserve great weight and gravity." Ochoa, 2026 WL 482211, at *3 (quoting Vieira v. De Anda-Ybarra, 806 F. Supp. 3d 690, 701(W.D. Tex. 2025)). Accordingly, Respondents' "special justification" must "outweigh" Petitioner's very weighty liberty interest, See. Zadvydas, 533 U.S. at 690.

42. The Respondents re-detention of Petitioner on June 27, 2026 without any notice, without any showing of changed circumstances, or a meaningful opportunity to contest

her detention all violate the Fifth Amendment's Due Process Clause. Based on the foregoing, Petitioners argue that Respondents re-detained Petitioners unlawfully and violated the Due Process Clause, and as such, the appropriate remedy "cannot be mitigated through a post-deprivation hearing." Bonilla Chicas, 2026 WL 539475, at *11. Instead, "the need for an individualized determination of whether detention is warranted ***at the time of arrest*** is required to protect Petitioner's liberty interest. " *Id.* As such, "the Due Process Clause of the Fifth Amendment guarantees [Petitioner] adequate notice of intent to revoke his prior release, an individualized assessment of his flight risk and dangerousness, and an opportunity to respond at a hearing before his detention by ICE." Bonilla Chicas, 2026 WL 539475, at *11. In this case, the appropriate remedy after, having endured almost a ten days as of the filing of this petition, is immediate release.

Count II Accardi Doctrine Violation/Administrative Procedure Act

(Failure of Agency to follow it's Own Binding Regulations)

43. Petitioner incorporates paragraphs 1 through 34 as if fully set forth herein.

44. Under the Accardi doctrine, established in United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954), a federal agency must comply with its own regulations, internal rules, and procedural frameworks.

45. Respondents are bound by the mandatory provisions of 8 C.F.R. § 236.1 and 8 C.F.R. § 287.8, which require an individualized, fact-based assessment of a noncitizen's specific history, flight risk, equities, and potential pathways to statutory relief prior to executing a warrantless administrative arrest and imposing continuous detention.

46. By executing an arrest derived from a pretextual local traffic stop lacking separate probable cause, and by mechanically ordering Petitioner's ongoing detention without a meaningful, individualized review of her six-year community ties and prima facie asylum eligibility, ICE failed to follow its own governing regulations. This arbitrary deviation from agency rules violates the Accardi doctrine and renders Petitioner's continued detention unlawful.

47. Government agencies are required to follow their own regulations. United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954); United States v. Heffner, 420 F. 2d 809, 811 (4th Cir. 1969) ("An agency of the government must scrupulously observe rules, regulations, or procedures which it has established. When it fails to do so, its actions cannot stand and courts will strike it down."). A violation of the Accardi doctrine may itself constitute a violation of the Fifth Amendment Due Process Clause, particularly when liberty is at stake. See e.g. Sering Ceesay v. Kurzdorfer, 781 F. Supp. 3 d 137, 160(W.D. N.Y. 2025) (citing Rombot v. Souza, 296 F. Supp 3d 383, 388 (D. Mass. 2017)).

COUNT III: VIOLATION OF THE EQUAL PROTECTION CLAUSE (Unlawful Discriminatory Targeting and Profiling)

48. Petitioner incorporates paragraphs 1 through 34 as if fully set forth herein.

49. The Equal Protection Clause of the Fourteenth and Fifth Amendments prohibits law enforcement officers from targeting, stopping, or prolonging the detention of individuals based on race, ethnicity, or national origin.

50. Responding officers subjected Petitioner to a traffic stop but issued zero citations, warnings, or vehicle equipment violations.

51. The officer's decision to immediately initiate an inquiry into Petitioner's immigration status and prolong her roadside detention lacked independent reasonable suspicion of a crime. It was motivated impermissibly by Petitioner's perceived race, ethnicity, or national origin. This egregious constitutional violation poisons the root of the administrative arrest and invalidates ICE's resulting physical custody at the Dilley Residential Immigration Processing Center in Dilley, Texas.

COUNT IV: VIOLATION OF 8 U.S.C. § 1357(g) AND THE TENTH AMENDMENT (Ultra Vires Local Enforcement and Lack of Statutory Authority)

52. Petitioner incorporates paragraphs 1 through 51 as if fully set forth herein.

53. Federal law preempts state and local law enforcement from executing civil immigration arrests unless explicitly authorized by federal statute or a valid Memorandum of Agreement under 8 U.S.C. § 1357(g).

54. The local police officers pulled Petitioner over on a public roadway while she was on his way to work. The responding deputies issued no traffic citations or infractions, indicating the initial traffic-related rationale for the seizure had terminated.

55. The Sheriff's Office operates under a restrictive 287(g) model (the Warrant Service Officer or Jail Enforcement Model) which limits its delegated federal authority strictly to custodial processing inside a county jail facility. It provides no field-enforcement or roadside patrol immigration authority.

56. By extending the roadside seizure for the sole purpose of investigating federal civil immigration status and holding Petitioner for ICE, the officers acted ultra vires, completely outside their statutory and regulatory boundaries. ICE's subsequent administrative arrest relies on an illegal usurpation of federal power, rendering Petitioner's ongoing detention void.

CONCLUSION

57. In Habeas cases where the Court finds that detention was unlawful, "the typical remedy for such detention is, of course, release," Munaf v. Geren, 553 U.S. 674, 693 (2008). "In recent months, courts across the country have ordered the release of detainees in similar situations." Ochoa, 2026 WL 482211, at *4 (See Sanchez, 2026 WL 596133 at *8 (granting relief, post-Buenrostro-Mendez, in habeas case brought by petitioner who entered without inspection in 1996 and arrested and mandatorily detained for the first time in 2025); Hassen v. Noem, No. 26-CV-48-DB, 2026 WL 446506, at *1-2(W.D. Tex. Feb. 9, 2026). Even after the Fifth Circuit Court of Appeals Buenrostros-Mendez decision, Courts in this district continue to Order the immediate release of detainees who were re-detained by the government in violation of the Due Process Clause. See Luis Ramiro Ruiz Amario v. Noem, No. 26-CV-00654 (W.D. Tex. March 20, 2026) and Lourdes Martinez-Suarez and Rosalia Escalante-Martinez v. Noem, No. 26-CV-641 (W.D. Tex. March 17, 2026). More recently, the Court has granted immediately release in Lopez-Hernandez et al v. GEO, Karnes County Immigration Processing Center et al, No.5-26-CV-03312-FB (June 16, 2016). This case merits the same immediate release as Petitioner was re-detained in flagrant violation and disregard for the United States Constitutional protections. The Government actors should release Petitioner immediately as her detention and placement into the Dilley Immigration Processing Center in Dilley, Texas was unlawful.

PRAYER FOR RELIEF

For the foregoing reasons, the Petitioner requests that the Respondents be cited to appear and that, upon due consideration, the Court enter an order:

a. Ordering the Respondents, pursuant to 28 U.S.C. §2243, to demonstrate within five days why Petitioner's Writ of Habeas Corpus should not be granted.

b. Granting a Writ of Habeas Corpus finding that the Petitioners' detention is unlawful and unconstitutional

c. Ordering Petitioners' immediate release from custody;

d. Ordering that Respondents not transfer the Petitioner to any facility outside of the boundaries of the Western District of Texas while this Writ is pending.

e. Ordering that Respondents release Petitioner to no more restrictive condition than what Petitioner had in place at the time that she was re-detained by Respondents.

f. Ordering that Respondent's return all of each Petitioner's personal effects, her Texas Driver's license, her work authorization card, and all personal documents belonging to Petitioners be returned by Respondents at the time of release; and Ordering that Respondent's do not re-detain Petitioner unless there are "changed circumstances" that would warrant re-detention;

g. Granting Petitioner such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

07/06/2026
Date

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VERIFICATION UNDER 28 U.S.C. §2242

Acting on behalf of the Petitioners, Rosney Roselyn Zamora-Matos, I verify that the foregoing factual allegations are true and correct to the best of my knowledge and belief as required by 28 U.S.C. §2242.

/s/ Leticia Gonzalez
Leticia Gonzalez

CERIFICATE OF SERVICE

I certify that on today's date, July 6, 2026, I filed the above Verified Petition for Writ of Habeas Corpus by using the Courts CM/ECF system, which will automatically send a notice of electronic filing to Defendant's counsel.

/s/ Leticia Gonzalez
Leticia Gonzalez

Exhibit A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN ANTONIO IMMIGRATION COURT

AMENDED

LEAD FILE: [redacted]
IN REMOVAL PROCEEDINGS
DATE: Jun 17, 2025

TO:
MATOS-TORREALBA, JOSE GUILLERMO
[redacted]

RE: [redacted] MATOS-TORREALBA, JOSE GUILLERMO
ZAMORA-MATOS, ROSNEY ROSELYN

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Aug 13, 2026
Time: 09:00 A.M. CT
Court Address: 800 DOLOROSA STREET, SUITE 300
#4, SAN ANTONIO, TX 78207

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at https://respondentaccess.eoir.justice.gov/en/ or by completing the enclosed paper form and mailing it to the immigration

Exhibit "A"

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: ROSNEY ROSELYN ZAMORA-MATOS currently residing at

[redacted] [redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☐ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of VENEZUELA and a citizen of VENEZUELA;

3. You entered the United States at or near EL PASO, TX, on or about October 1, 2022;

4. You were not then admitted or paroled after inspection by an Immigration Officer.

5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the
See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at

106 S. ST. MARYS ST. SUITE 600, SAN ANTONIO, TX, 78205. SAN ANTONIO SATELLITE OFFICE
(Complete Address of Immigration Court, including Room Number, if any)

on January 15, 2025 *(Date)* at 9:00 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

P8140 LANDSAW II - SDDO
(Signature and Title of Issuing Officer)

Date March 9, 2023

SAN ANTONIO, TX
(City and State)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.: [redacted]

Name: ZAMORA-MATOS, ROSNEY ROSELYN

Date: February 28, 2023

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (writing) (person) to Duty officer at See I-831 on 03/27/2023 08:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the officer listed above.

☒ You must not violate any local, State or Federal laws or ordinances.

☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.

☐ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

LANDSAW II, P8140- SDDO
(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

E6908 Pardo
Deportation Officer
DHS-ICE
(Signature of ICE Official Serving Order)

Rosney Zamora
(Signature of Alien)

02/28/2023
Date

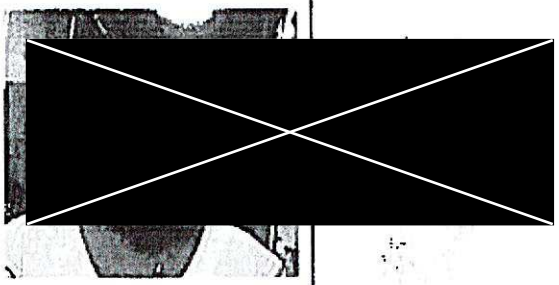
I hereby cancel this order of release because:

☐ The alien failed to comply with the conditions of release. ☐ The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order) Date

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(CONTINUATION PAGE)

Alien Name	Picture	Right Index Print
ZAMORA-MATOS, ROSNBY ROSELYN		
File Number [redacted] / Date: January 16, 2023		
Alien's Signature: Rosnby Zamora		
Alien's Telephone Number (if any) [redacted]		
Alien's Address [redacted]		

PERSONAL REPORT RECORD

Date	Officer	Comment/Changes
3/27/23	HURUN	REPORT SEPT 25, 2023 @ 0800 AM

Signature	Title
PARDO, E 6908	DEPORTATION OFFICER