UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARCO ENRIQUE ESPIN ESPIN, Petitioner, v. Mary De ANDA-YBARRA, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, U.S. Attorney General; Todd LYONS, Acting Director of U.S. Immigration and Customs Enforcement; Warden of El Paso Processing Center Respondents.	Case No. 3:26-cv-2160 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Marco Enrique Espin Espin ("Petitioner"), by and through counsel, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release Petitioner from ICE detention or provide Petitioner with a bond hearing.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution ("Suspension Clause"); U.S. Const. amend. V (Due Process Clause of the Fifth Amendment); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. Federal question jurisdiction exists because Petitioner seeks to challenge Petitioner's custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security ("DHS"). *Denmore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within the Western District of Texas, El Paso Division. *See also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973) (venue is proper in the judicial district in which petitioner is currently detained).

6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this District.

PARTIES

7. Petitioner is a citizen of Ecuador and a resident of Texas being detained by ICE in Texas. Petitioner is under the direct control of the Respondents and has no scheduled release date. Petitioner is currently being detained at the El Paso Processing Center after being transferred on or about August 7, 2026 from the El Paso U.S. Immigration and Customs Enforcement Field Office.

8. Respondent Todd Blanche is being sued in his official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Blanche shares

responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Mullin. Attorney General Blanche is a legal custodian of Petitioner.

9. Respondent Markwayne Mullin is being sued in his official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Mullin is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the Western District of Texas, El Paso Division, supervises the El Paso Processing Center, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Mullin is a legal custodian of Petitioner.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent Mary De Anda-Ybarra, Field Office Director of Enforcement and Removal Operations, El Paso Field Office of ICE's Enforcement and Removal Operations division. As such, Ms. Anda-Ybarra is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her official capacity.

12. Unnamed Respondent is the Warden of the El Paso Processing Center, where Petitioner is currently detained. They are the legal custodian of Petitioner and are named in their official capacity.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a resident of Texas and a citizen of Ecuador. Petitioner has lived in the United States since 2003.

14. Petitioner entered the United States in 2003 via the United States-Mexico Border and surrendered himself to Customs and Border Protection (CBP). Petitioner's Alien Number is

[redacted]. Petitioner is seeking asylum, withholding and protection under the Convention Against Torture.

15. Petitioner is married and expecting a child with his wife. Her pregnancy is high risk and the continue detention of her husband is exacerbating the risk.

16. Petitioner has no criminal record.

17. Petitioner was apprehended by ICE on or about August 7, 2026 while he was driving home. There was no basis for this stop.

18. Petitioner was taken into custody and subsequently transferred to ICE.

19. Petitioner was subsequently transferred to the El Paso Processing Center.

20. At the time of this filing, to the best of the undersigned's knowledge, Petitioner is in federal detention in El Paso, Texas. This understanding is based on Petitioner's location listed on the ICE locator website.

21. Petitioner poses no risk to society and has strong connections to their community in Texas. THe government has already deemed him to not be flight risk nor danger when they released him from detention at the time of his entry.

22. Petitioner respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

STANDARD OF LAW

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to by United States Courts 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). A petitioner may seek a writ of habeas corpus when their custody violates the US Constitution or a federal law. 28 U.S.C. § 2241(c)(3). The writ should be granted if petitioner can show that their detention is unlawful by a preponderance of evidence. *Aguilar v. Bondi,* No. 5:25-CV-01453-JKP, 2025 WL 3471417, at *2 (W.D. Tex. Nov. 26, 2025) (citing *Bruce v. Estelle*, 536 F.2d 1051, 1058 (5th Cir. 1976)).

24. The Court must grant a petition for writ of habeas corpus or issue an order to show cause 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.*

25. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Scott v. Stephens*, No. 1:21-CV-620, 2023 WL 5945600, at *3 (E.D. Tex. Aug. 23, 2023), report and recommendation adopted, No. 1:21-CV-620, 2023 WL 5943127 (E.D. Tex. Sept. 11, 2023).

26. Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties' disagreement is based on a legal conclusion. *Fernandez v. Dickey*, No. CV 4:25-6088, 2026 WL 74184, at *1 (S.D. Tex. Jan. 9, 2026).

27. In *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 672 n.14 (S.D. Tex. 2021), the court held that exhaustion is not required where an appeal timeline would exacerbate petitioner's alleged injury of prolonged detention. *See also Lopez-Arevelo .v Ripa*, 801 F. Supp. 3d 688, 680 (W.D. Tex. 2025).

28. Further, the Board of Immigration Appeals' recent decision in *Matter of Yajure Hurtado* held that immigration judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. 29 I. & N. Dec. 216, 225 (B.I.A. 2025) (internal citations omitted). Petitioner acknowledges that *Buenrostro-Mendez v. Bondi*, No. 25-cv-20496 (5th Cir. 2026), holds that the INA's statutory framework does not, by itself, confer an entitlement to a bond hearing for individuals in Petitioner's status. Petitioner does not ask this Court to ignore that binding precedent regarding statutory interpretation. Petitioner asserts this argument here to ensure the record reflects that this issue was properly raised and preserved at the earliest opportunity. Instead, Petitioner seeks relief under the Due Process Clause of the Fifth Amendment, a distinct legal avenue that the *Buenrostro-Mendez* panel did not reach.

29. In contrast to the Fifth Circuit decision, the 2nd Circuit has issued a recent decision, *Cunha v. Freden*, No. 25-3141-pr (2d Cir. Apr. 28, 2026), holding that long-term interior residents, even those who entered without inspection, are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

30. "[T]he Due Process Clause applies to all 'persons' within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In a recent decision, the Fifth Circuit ruled that longtime noncriminal resident aliens physically present in the United States are entitled to Fifth Amendment due process protections. *Sosnava Rodriguez v. Ortega,* No. 26-50183 (5th Cir. 2026).

31. *Sosnava* does not disturb the statutory foundation established in *Buenrostro*. Rather than overruling *Buenrostro*'s statutory construction of 8 U.S.C. § 1225(b)(2)(A),

Sosnava merely imposes an external, constitutional limitation on its back-end application. Because *Buenrostro*'s statutory holding remains intact, the default legal framework within the Fifth Circuit continues to dictate that long-term interior residents are categorically subject to a statutory regime of mandatory, zero-bond detention. *Sosnava* provides an eventual constitutional remedy, but it leaves the fundamentally flawed statutory baseline undisturbed.

32. The *Buenrostro* and *Sosnava* framework tolerates an intolerable delay that is completely foreign to American jurisprudence. In the criminal context, procedural due process demands an immediate, prompt detention hearing, typically within days of arrest, to justify any deprivation of liberty. Yet, under the current Fifth Circuit framework, a noncriminal, long-term interior resident with deep-seated community ties can be summarily detained for up to ninety days before an impartial adjudicator ever reviews whether they pose a flight risk or a danger to public safety. This three-month vacuum of judicial oversight represents a profound departure from fundamental constitutional safeguards.

33. This prolonged ninety-day period of mandatory confinement is not merely a procedural inconvenience; it is structurally coercive. A ninety-day extraction from society inflicts catastrophic, often irreversible disruptions upon a detainee's life, including immediate job loss, housing eviction, and severe familial trauma. By permitting the government to hold a noncitizen in a legal limbo for a quarter of a year, the *Buenrostro*/*Sosnava* paradigm functions as an extrajudicial cudgel. This systemic delay forces vulnerable detainees to capitulate, compelling them to abandon meritorious legal claims and accept voluntary departure or removal simply to escape the punitive conditions of prolonged, unreviewed confinement.

34. Only under certain circumstances are immigrants subject to ongoing detention without a bond hearing. *See*, *e.g.*, 8 U.S.C. § 1226(c) (individuals with certain criminal convictions may be detained without a bond hearing for the pendency of removal proceedings) *and* 8 U.S.C. § 1225(b)(2) (authorizing mandatory detention of immigrants seeking admission from outside the United States, who are "not clearly and beyond a doubt entitled to be admitted.").

35. In order to bring a detained individual under the purview of 8 U.S.C. § 1226(c), an individual's criminal conviction must be one enumerated in the INA under 8 U.S.C. §§ 1182(a)(2), 1182(a)(3)(B), 8 U.S.C. §§ 1227(a)(2)(A)(i-iii), and 8 U.S.C. §§ 1227(a)(2)(B-D).

36. These specified offenses include crimes of moral turpitude, violations of laws regulating controlled substances, terroristic activities, firearm offenses, espionage, treason, and other serious crimes. *Id.* Crimes of moral turpitude do not apply in situations where the maximum sentence for the crime was less than one year, and the person was sentenced to less than six months of imprisonment. 8 U.S.C. § 1182(a)(2)(A)(ii)(III).

37. Petitioner has never been convicted of a crime that would bring Petitioner under the purview of 8 U.S.C. § 1226(c).

38. Otherwise, the "default rule" is that 8 U.S.C. § 1226(a) and its implementing regulations apply to immigrants "already present in the United States" and subject to pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). Under this default rule, immigrants are constitutionally entitled to a bond hearing. *Membreno, v. Thompson,* No. SA-25-CA-01845-XR, 2026 WL 93980, at *3 (W.D. Tex. Jan. 7, 2026).

39. Here, Petitioner fits the 'default rule': Petitioner has been in the United States for more than two years and does not have criminal convictions that fall under the purview of 8 U.S.C. § 1226(c). Thus, Petitioner is entitled to **release**.

40. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

41. A noncitizen seeking only to challenge the legality of their detention, not the substance of their removal proceedings in immigration court, may properly ask a federal court to find jurisdiction over such a request pursuant to 28 U.S.C. § 2241. *See, e.g., Trejo v. Warden of ERO El Paso E. Montana,* No. EP-25-CV-401-KC, 2025 WL 2992187, at *3 (W.D. Tex. Oct. 24, 2025).

42. Since Section 1225 does not apply to noncitizens who are in Petitioner's situation—who have been detained while residing within the United States for more than two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner's detention. *See Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 685 (W.D. Tex. 2025); *Pineda v. Noem*, No. SA-25-CA-01518-XR, 2025 WL 3471418, at *5 (W.D. Tex. Dec. 2, 2025); *Abdelalim-Elmetaher v. Thompson*, No. SA-25-CA-01608-XR, 2025 WL 3654267, at *4 (W.D. Tex. Dec. 16, 2025); *Madrazo Rodriguez v. Noem,* No. SA-25-CA-01657-XR, 2025 WL 3654332, at *5 (W.D. Tex. Dec. 16, 2025); *Perez-Prieto v. Lyons*, No. SA-25-CA-01808-XR, 2026 WL 94644, at *4 (W.D. Tex. Jan. 6, 2026).

43. When a habeas petitioner's detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention").

44. Where detention is unlawfully based on 8 U.S.C. 1225, which does not apply to Petitioner, release is an appropriate remedy.

SOSNAVA RODRIGUEZ STAY DOES NOT BAR HABEAS RELIEF

The Fifth Circuit's Stay Order Must Be Interpreted Through the Relief Requested in the Underlying Petition

45. Because the Fifth Circuit's published stay order is silent regarding the specific legal directives or scope of its applicability, lower courts must examine the underlying motion granted to ascertain its binding scope.

46. The Appellants' motion in *Sosnava Rodriguez* explicitly sought a stay to address district court orders holding § 1225(b)(2)(A) *facially* unconstitutional. Specifically, the motion stated:*"In these cases... the district courts held § 1225(b)(2)(A) facially unconstitutional under the Due Process Clause... That relief is necessary to rectify the lower courts' facial invalidation of § 1225(b)(2)(A)..."*

47. Granting that motion yielded three specific directives: (1) Staying district court judgments granting release to the specific appellees in the consolidated appeal; (2) Precluding lower courts from granting relief based on facial unconstitutionality principles; and (3) Staying lower court judgments that rely on facial invalidation pending appeal.

48. The stay operates exclusively to prevent lower courts from striking down § 1225(b)(2)(A) in its entirety across all applications. It does not extend to individualized, context-specific constitutional claims.

Facial Invalidation Is Distinct from As-Applied Due Process Challenges

49. The Fifth Circuit has consistently maintained a clear distinction between facial and as-applied constitutional challenges. Facial challenges requires demonstrating that the statute is unconstitutional in *all* of its applications, considering only the text of the statute itself. An as-applied challenge asks whether a law, even if constitutional in some applications. is unconstitutional as applied to the petitioner's specific circumstances.

50. The *Sosnava Rodriguez* stay precludes only facial invalidation. It leaves fully intact long-standing constitutional principles regarding noncitizens' due process rights under as-applied precedent. District courts are not required to invalidate § 1225(b)(2)(A) on its face to grant relief; rather, they evaluate whether the government's application of mandatory detention to a specific petitioner—without an individualized bond hearing—violates procedural due process.

The Court Must Adhere to Binding Precedent Adjudicating As-Applied Challenges

51. The Fifth Circuit has yet to issue a merits decision regarding *as-applied* challenges under § 1225(b)(2)(A). Inferring directives of constitutional magnitude beyond what the Fifth Circuit explicitly ordered would force courts to halt hundreds of legitimate habeas petitions based on mere speculation of how the en banc court might eventually rule.

52. The court must preserve stare decisis. Halting proceedings creates immense judicial inefficiency and backlog. Adhering to settled as-applied precedent promotes the "evenhanded, predictable, and consistent development of legal principles" (*Payne v. Tennessee*, 501 U.S. 808, 827 (1991)).

53. The court must also continue to make individualized determinations. Continued application of as-applied analysis does not guarantee success for every petitioner. Courts will continue to deny habeas petitions where a noncitizen's specific detention comports with

constitutional standards. However, it ensures each individual receives the tailored due process evaluation constitutionally required.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Petitioner is being deprived of an adequate and meaningful process to challenge her ongoing confinement.

54. Petitioner realleges and incorporates by reference the allegations contained above.

55. Petitioner has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

56. Petitioner has a cognizable protectable liberty interest in her freedom from detention. *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 686 (W.D. Tex. 2025) (holding noncitizens in mandatory detention without a bond hearing constitutes a due process violation); *Diaz v. Kaiser*, No. 25-cv-5071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025) (collecting cases); *accord M.S.L.*, 2025 WL 2430267, at *8 ("Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.") (quoting *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019)); *Rosado v. Figueroa*, No. 25-cv-2157, 2025 WL 2337099, at *12 (D. Ariz. Aug. 11, 2025) (same).

57. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable

value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

58. Here, all three factors favor the petitioner.

59. First, Petitioner has a significant private interest at stake. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("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."). Petitioner currently experiences the gambit of deprivations that come with physical detention.

60. Second, Petitioner will continue to be deprived of this interest if the current procedure (detaining Petitioner without a hearing) is followed. Petitioner has a strong likelihood of meeting the criteria for being released on bond. 8 CFR §§236.1(c)(8), 1236.1(c)(8) (2020); *In re Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999). Even if Petitioner is not subsequently released, Petitioner still has a legal and constitutional interest in the hearing itself, in being heard.

61. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner, or holding a hearing to release Petitioner on bond, would in fact *save* the government the resources and expense of continuing to imprison Petitioner.

62. The placement of Petitioner in detention pending the resolution of her proceedings violates her constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner's Ongoing Detention, without the Opportunity for a Bond Hearing, Violates her Statutory Right to a Hearing as Guaranteed by 8 U.S.C. § 1226

63. Petitioner realleges and incorporates by reference each and every allegation contained above.

64. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

65. Petitioner is not subject to 8 U.S.C. §§ 1225(b)(1), 1226(c), or § 1231.

66. Respondents' application of § 1225(b)(2) to Petitioner unlawfully mandates her continued detention and violates the INA.

COUNT THREE

Violation of the Administrative Procedure Act

67. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

68. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

69. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law." 5 U.S.C. § 706(2)(D).

70. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

71. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

72. Respondents through its recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board's decision represents a change in the agencies' policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

73. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REQUEST FOR ORDER TO SHOW CAUSE

74. Within three days, unless good cause for a delay is shown, "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

75. Petitioner, by and through counsel, respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief;

a. Assume jurisdiction over this matter;
b. Declare that Petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment, the INA, and implementing regulations;
c. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner, under the same conditions as existed prior to her detention;
d. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner immediately unless they provide a bond hearing under 8 U.S.C. § 1226(a) within five days, at which hearing Respondents will bear the burden of justifying Petitioner's continued detention by clear and convincing evidence of dangerousness or flight risk;
e. Issue an Emergency Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States or transporting Petitioner out of this jurisdiction during the pendency of this petition;
f. Issue an Order to Show Cause ordering Respondents to explain why this Petition should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 USC § 2243;
g. Issue an Order prohibiting Respondents from re-detaining Petitioner without a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence;
h. Grant any other and further relief that this Court deems just and proper.

DATED this 18th day of August, 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud
Texas State Bar No. 24107699

KYMBERLY A. RENAUD
LINCOLN-GOLDFINCH LAW
1005 E. 40th St,
Austin, TX, 78751
Phone: 512-599-8500

ATTORNEY FOR PETITIONER

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

I am submitting this verification on behalf of Petitioner because her current detention makes him unable to submit one on her own behalf. On information and belief, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 18th day of August, 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant, the undersigned certifies and states that the true and correct copies of this Petition for Writ of Habeas Corpus will be served upon all counsels of record via the online CM/ECF system.

DATED this 18th day of August, 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud