

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Cesar Janicso Mejia-Acosta	§	Cause No. <u>1:25-cv-00138</u>
Petitioner,	§	PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241
v.	§	
PAM BONDI, US Attorney General; KRISTI NOEM , Secretary, Dept.	§	Hon. Karen Betancourt, United States Magistrate Judge, Southern District of Texas
of Homeland Security; TODD LYONS , Acting Director, US Immigration and Customs Enforcement; LETICIA DIAZ , San Antonio Field Office Director for Detention and Removal, US Immigration Customs and Enforcement; FRANCISCO VENEGAS , Warden, El Valle Detention Center,	§	
Respondents.	§	

AMENDED PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus. Petitioner, Cesar Janicso Mejia-Acosta, is seeking declaratory and injunctive relief to remedy his unlawful detention by Respondents. Mr. Mejia was re-arrested and is being detained despite having posted bond in the amount ordered by immigration judge Stuart Alcorn on December 12, 2019. Mr. Mejia has not violated any term of his release and has an active, ongoing removal case before the Board of Immigration Appeals. Mr. Mejia is therefore not subject to a final order of removal. Mr. Mejia cannot seek further administrative review of Respondents' unlawful detention because the administrative court has already ordered released on bond.

Respondents' re-arrest and refusal to release Mr. Mejia after he has posted his bond violates his substantive and procedural due process rights under the U.S. Constitution.

Petitioner Cesar Mejia-Acosta sues Respondents and alleges the following:

PRELIMINARY STATEMENT AND JURISDICTION

1. Mr. Mejia is being held in the exclusive custody of the United States Immigration and Customs Enforcement (ICE) in violation of the Constitution and laws of the United States and remains under threat of such unlawful detention.
2. While the Immigration and Nationality Act (INA) at 8 USC § 1226(a) authorizes the government's discretion to detain a non-citizen, it does not authorize Immigration and Customs Enforcement to nullify an immigration judge's bond decision by administrative acts outside the statutory and regulatory framework.
3. Mr. Mejia also asserts that the arbitrary and extra-judicial re-arrest and detention by ICE violates his Fifth Amendment right against deprivation of liberty without notice or an opportunity to be heard. While the government may deprive a non-citizen of liberty when the confinement serves a legitimate purpose, once Mr. Mejia was found not to present either flight risk or danger to the community and granted bond, paid said bond, and was released and fully complied with the terms of release, the government's lawful objectives relating to Mr. Mejia's continued confinement were satisfied.
4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 (federal question jurisdiction) and 2241(a). This action is a civil matter arising under the Constitution and the laws of the United States, challenging Mr. Mejia's custody under color of the authority of the United States. 28 U.S.C. 2241(c)(1). Mr. Mejia seeks corrective action by officers and employees of the United States in their official capacity.

5. Mr. Mejia challenges his post-bond detention as it violates the Constitution and laws of the United States. 28 U.S.C. §2241(c)(3). This Court has jurisdiction to grant this writ of habeas corpus. 28 U.S.C. §2241(a).

6. Mr. Mejia further seeks to challenge his unlawful detention under 28 U.S.C. § 1651 (writs); 28 U.S.C. §1361 (mandamus); 28 U.S.C. §§2201 and 2202 (declaratory judgment and further relief); 28 U.S.C. §1367(a) (supplemental jurisdiction); and 5 U.S.C. §§ 701, 702, 704, and 706 (rights of review over agency actions and unlawful agency regulations).

7. Mr. Mejia is not required to exhaust his administrative remedies. ICE's arbitrary and capricious cancellation of his bond and his re-arrest and detention leave him no further administrative avenues to pursue. As to Mr. Mejia's constitutional claims, the immigration courts have no jurisdiction. *See Matter of Fede*, 20 I&N Dec. 35, 36 (BIA 1989). Furthermore, the Board of Immigration Appeals has recently found that Immigration Judges have not jurisdiction to consider the release of non-citizens in Mr. Mejia's position. *See Matter of Yajure-Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025) (noncitizens present without admission are applicants for admission and must be detained pending removal proceedings). Likewise, immigration courts are powerless to hear Mr. Mejia's Administrative Procedures Act claims.

8. Mr. Mejia does not challenge the merits of the immigration court's findings in his administrative case. His challenge is related solely to the collateral issue of the legality of his arrest and detention after posting bond, without cause and without notice or opportunity for hearing. *See Matthews v. Eldridge*, 424 U.S. 319, 330 (1976).

VENUE

9. Venue lies in the United States District Court for the Southern District of Texas, the judicial district in which Respondent Francisco Venegas resides and where Mr. Mejia is detained. 28 U.S.C. §1391(e).

PARTIES

10. Mr. Mejia is a citizen and national of Honduras who is currently in removal proceedings. He was first detained by the US Department of Homeland Security (DHS) on or about November 21, 2019 but released on bond on or about December 19, 2019. Mr. Mejia was arrested by Immigration and Customs Enforcement on April 15, 2025 without notice and without a judicial warrant. He is currently detained at the El Valle Detention Center in Raymondville, Texas.

11. Respondent Pam Bondi is Attorney General of the United States and exercises authority over immigration matters.

12. Respondent Kristi Noem is Secretary of DHS and has delegated her authority to administer the laws of the United States to ICE, a component of DHS.

13. Respondent Todd Lyons is Acting Director of ICE.

14. Respondent Leticia Diaz is the San Antonio Field Office Director for Detention and Removal within ICE and has had the legal custody of Mr. Mejia since approximately April 15, 2025.

15. Respondent Francisco Venegas is Warden of the El Valle Detention Center, Raymondville, Texas and has physical custody of Mr. Mejia.

STATEMENT OF FACTS

16. Mr. Mejia last entered the United States through Laredo, Texas in 1998, when he was 8 years old. He has remained in the United States since that time.

17. Mr. Mejia was initially arrested by Immigration and Customs Enforcement (ICE), a component of DHS, in November 2019. He was served with a Notice to Appear (NTA)

before the Immigration Judge.

18. ICE set no bond pursuant to 8 CFR §§236.1(c) and 1236.1(c). Mr. Mejia, through counsel, requested review of his bond by an immigration judge under 8 CFR §§ 1003.19, 236.1(d), and 1236.1(d). A custody redetermination hearing was held on December 12, 2019 before immigration judge Stuart Alcorn in Pearsall, Texas.

19. After a thorough hearing in which all matters relating to Mr. Mejia's flight risk and danger to the community were discussed, Mr. Mejia was granted a \$10,000 bond by the immigration judge, and while the ICE attorney reserved appeal, no appeal was ever filed.

20. Mr. Mejia's family paid the bond and he had been released since December 2019. Mr. Mejia attended all court hearings and complied with all terms of his release.

21. On April 15, 2025, at approximately 7 a.m., Mr. Mejia's residence in Austin was surrounded by armed ICE agents as well as officers from Austin Police Department and Travis County Sheriff's Office. He was shown a document purported to be an administrative warrant that was not signed by any judicial officer. He asked to speak to his lawyer and was told that he could not. Mr. Mejia was taken into custody by 8 a.m., processed, and taken to the South Texas Detention Center in Pearsall, Texas, where he remains. To date, no ICE officer or attorney has contacted his counsel to explain the re-arrest nor has any ICE attorney filed any documentation evidencing any violation of his release.

22. Mr. Mejia was already determined by an immigration judge to present neither a flight risk nor a danger to the community. ICE never appealed this determination, and Mr. Mejia has complied with all terms of his release since 2019. Mr. Mejia has filed for relief in his immigration case and his matter is currently before the Board of Immigration

Appeals.

23. Mr. Mejia has lived in the United States for over 20 years and is married to a U.S. citizen and has three U.S. citizen children. He has significant family, employment, and property ties to the United States and fears for his life if returned to Honduras.

24. Mr. Mejia is not subject to a final order of removal but has nonetheless been repeatedly threatened with immediate removal to El Salvador, a third country.

25. Mr. Mejia has no administrative remedies to exhaust. The Immigration Judge has already found that he had jurisdiction to entertain a bond, and DHS did not appeal. DHS did not seek any redetermination of Mr. Mejia's custody status by Judge Harlow prior to his arrest, nor has any DHS/ICE officer communicated to Mr. Mejia or his counsel the reasons for unilaterally revoking his bond. There have been no material change in Mr. Mejia's circumstances since his release on bond.

26. There is no justification for Respondents to detain Mr. Mejia, and therefore the actions of Respondents are unsupported under the law, are capricious, and are unreasonable.

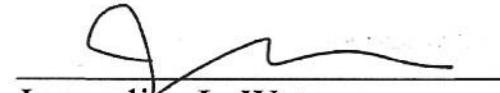
RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Issue process to the respondents with an order to show cause why the writ should not be granted;

- (2) Order the respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;
- (3) Enjoin ICE from transferring Mr. Mejia outside of the Southern District of Texas while this matter is pending;
- (4) Enjoin ICE from removing Mr. Mejia without a final order of removal;
- (5) Enjoin ICE from removing Mr. Mejia to a third country without a full and fair hearing;
- (6) Grant the writ of habeas corpus;
- (7) Order that ICE immediately release Mr. Mejia upon reasonable conditions of supervision;
- (8) Award the Petitioner attorneys fees under the Equal Access to Justice Act, as amended, 28 U.S.C. §2412;
- (9) Grant any other relief that this Court deems just and proper.

Respectfully submitted on 10th day of September 2025,



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VERIFICATION OF COUNSEL

I, Jacqueline L. Watson, hereby certify that I am familiar with the case of the named petitioner and that the facts stated above are true and correct to the best of my knowledge and belief.



CERTIFICATE OF SERVICE

I, Jacqueline Watson, hereby certify that this Amended Petition for Habeas was filed via the court enabled electronic filing system which has served a copy to all parties on September 10, 2025.

/S/ Jacqueline L. Watson