

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Juan Carlos Garcia Aleman,
Petitioner,
V.

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§ No. 25-1145

Pamela J. Bondi, Attorney General of the United States
Bobby Thompson, Warden, South Texas Ice Processing Center;
Miguel Vergara, Field Office Director, Ice San Antonio;
Todd M. Lyons, Acting Director, Ice;
Kristi Noem, Secretary, Department of Homeland Security.


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PETITION FOR WRIT OF HABEAS CORPUS

AND IMMEDIATE RELEASE FROM UNLAWFUL DETENTION

Petitioner Juan Carlos Garcia Aleman, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and states:

PARTIES

1. Petitioner **Juan Carlos Garcia Aleman**, Alien Number , is a citizen of Mexico who has resided in the United States for decades and was granted withholding of removal by an immigration judge 12 years ago, based on a well-founded fear of persecution in Mexico. Petitioner has been compliant with ICE's conditions of supervision for over a decade, including annual check-ins. On or about May 6, 2025, during a routine ICE check-in, he was suddenly detained by ICE. The petitioner is being held at the South Texas Detention Facility at 566 Veterans Drive, Pearsall, TX 78061.

2. Respondent **Miguel Vergara** is the Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), San Antonio Field Office. Respondent Vergara is a custodial official acting within the boundaries of the judicial district of the United States District Court for the Western District of Texas, San Antonio Division. Pursuant to Respondent Vergara's orders, Petitioner remains detained. Respondent **Bobby Thompson** is the Warden of the South Texas ICE Processing Center in Pearsall, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States District Court for the Western District of Texas, San Antonio Division. Respondents also include **Kristi Noem**, Secretary of DHS; **Todd M. Lyons**, Acting

Director of ICE; and **Pamela J. Bondi**, Attorney General of the United States—all of whom have legal authority over Petitioner's continued detention.

CUSTODY

3. Mr. Garcia Aleman is in the physical custody of Respondents Bobby Thompson, Warden for the South Texas ICE Processing Center, Miguel Vergara, Field Office Director, Ice San Antonio, and Todd M. Lyons, Acting Director for ICE. At the time of the filing of this petition, Petitioner is detained at the STDC in Pearsall, Texas. The STDC contracts with the DHS to detain aliens such as Petitioner. Mr. Garcia Aleman is under the direct control of Respondents and their agents.

JURISDICTION & VENUE

4. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

5. Venue is proper in the Western District of Texas because Petitioner is currently detained within this District and most Respondents also reside within this jurisdiction. 28 U.S.C. § 1391(e).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Mr. Garcia Aleman has exhausted his administrative remedies to the extent required by law. He has fully cooperated with Respondents and has not delayed or obstructed his detention. Counsel for Mr. Garcia Aleman has submitted multiple requests for his release, all of which have gone unanswered. During a phone conversation with an identified ICE officer, counsel was informed that a directive had been issued from higher authorities instructing that Mr. Garcia Aleman not be released. No additional information was provided.

7. Mr. Garcia Aleman's only remedy is by way of this judicial action.

STATEMENT OF FACTS

8. Petitioner has a final order of removal issued approximately 15 years ago.
9. On January 28, 2013 the Petitioner was granted withholding of removal under the Convention Against Torture, based on persecution suffered in Mexico. Because of this grant, he cannot lawfully be removed to Mexico. For over a decade, Petitioner has complied with all ICE check-ins and lived a peaceful life in the United States with his U.S. citizen wife and children. ICE detained him at his most recent check-in and is now attempting to remove him to a third country, though no country has agreed to accept him.
10. Mr. Garcia Aleman has deep roots in this community. He has a U.S. citizen wife and two U.S. citizen children. Prior to his arrest, Garcia Aleman was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.
11. Mr. Garcia-Aleman was working full-time at Amazon as a Mechatronics and Robotics Technician, where he specialized in the use of artificial intelligence (AI) to maintain, program, and troubleshoot advanced robotic systems and automated conveyors. He is passionate about his work and takes pride in the role he plays in ensuring the smooth operation of cutting-edge technology. Amazon recognized his performance and potential and had already begun the process to sponsor his Master's degree, fully covering the cost of his graduate studies. He was also under consideration for promotion in a position that would have significantly advanced his career. Additionally, Amazon is aware of Mr. Garcia-Aleman's detention and has decided to not terminate his contract.
12. Respondents' decision to detain Mr. Garcia-Aleman is no longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Garcia-Aleman's request for release. There is no significant likelihood of removal in the reasonably foreseeable future.

CLAIMS FOR RELIEF COUNT ONE CONSTITUTIONAL CLAIM

13. Petitioner alleges and incorporates by reference paragraphs 1 through 12 above.

14. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

15. Petitioner alleges and incorporates by reference paragraphs 1 through 14 above.

16. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

17. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

LEGAL ARGUMENT

18. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the post-order detention of noncitizens becomes presumptively unreasonable after six months unless the government can demonstrate a significant likelihood of removal in the reasonably foreseeable future¹. The Court was clear, however, that the six-month period is not a strict jurisdictional bar to judicial review—it is a guideline for reasonableness². As such, courts retain discretion to consider habeas petitions filed before the six-month period elapses if the facts show that removal is not reasonably foreseeable.

19. This principle has been reaffirmed by several courts. In *Bah v. Cangemi*, 489 F. Supp. 2d 905, 920 (D. Minn. 2007), the court held that "while six months marks the beginning of the presumptively unreasonable period, it does not mark the beginning of federal court jurisdiction." Similarly, in *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002), the Eleventh Circuit emphasized that the six-month period under *Zadvydas* is merely a guideline, not a jurisdictional requirement.

20. Here, Petitioner Juan Carlos Garcia Aleman has been detained since May 6, 2025—over two months to date—without any indication that removal will occur in the reasonably

¹ See also *Rodriguez v. Robbins* (9th Circuit 2015) (Page 31).

² *Zadvydas v. Davis*, 533 US 678 (2001) (Page 3).

foreseeable future. ICE has not identified a receiving country, has made no tangible progress in securing travel documents, and has not articulated any plan for lawful removal. Petitioner cannot be returned to Mexico due to a final order withholding removal under the Convention Against Torture, and no third country has agreed to accept him.

21. This situation closely aligns with the facts in *Zadvydas* and similar cases, such as *Sopo v. Att'y Gen.*, 825 F.3d 1199 (11th Cir. 2016), and *Singh v. Att'y Gen.*, 945 F.3d 1310 (11th Cir. 2019), where detention without a viable removal plan was held to be unconstitutional.

22. Moreover, the circumstances surrounding Petitioner's detention—namely, his sudden arrest after more than a decade of full compliance with ICE supervision and his ongoing separation from his U.S. citizen wife and children—strongly suggest that the detention is punitive, not administrative. Detention under § 241 of the INA must be tethered to the purpose of effectuating removal. Where, as here, that purpose is illusory or nonexistent, continued detention violates substantive due process³.

23. In light of the government's failure to provide any legitimate path toward removal, and considering Petitioner's extensive equities and compliance history, judicial intervention is warranted now. Courts are empowered to act where removal is not reasonably foreseeable, even if six months have not yet passed since the initial detention.

RELIEF REQUESTED

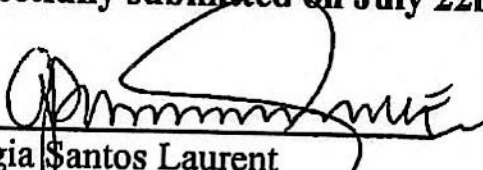
WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. Garcia-Aleman on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees;

³ See also: *Clark v. Martinez* (1/12/05, 543 U.S. 371) (Page 17) and *Johnson, et al. v. Guzman Chavez, et al.* [6/29/21, 594 U.S.] (Page 8).

5. Enjoin Respondents from continuing his detention absent a legally viable removal plan; and,
6. Grant any other relief which this Court deems just and proper.

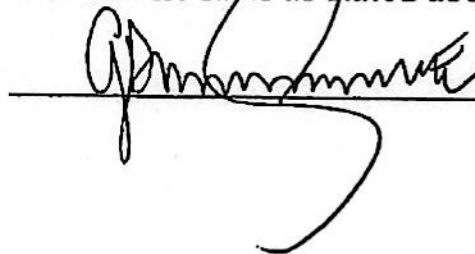
Respectfully submitted on July 22nd, 2025.



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VERIFICATION OF COUNSEL

I, Georgia Santos Laurent, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.



Georgia Santos Laurent