

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

JEAN CARLOS VERA VERGARA,
Petitioner–Plaintiff,

v.

KRISTI NOEM,
Secretary of Homeland Security, et al.,
Respondents–Defendants.

Civil Action No. 3:25-cv-02075-B

**PETITIONER’S SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS AND APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

TO THE HONORABLE JUDGE BROWN:

COMES NOW, Petitioner–Plaintiff Jean Carlos Vera Vergara (“Mr. Vera”), by and through his undersigned Counsel, and respectfully submits the instant Supplemental Brief in compliance with the Court’s Order (ECF No. 14), dated September 18, 2025.

I. INTRODUCTION

Petitioner-Plaintiff Jean Carlos Vera Vergara (“Mr. Vera”) respectfully submits this Supplemental Brief in compliance with the Court’s Order of September 18, 2025 (ECF No. 14). The Court directed Petitioner to provide supplemental briefing addressing his requested injunctive relief under Federal Rule of Civil Procedure 65(b). This filing addresses why this Court has jurisdiction to entertain Mr. Vera’s habeas petition under 28 U.S.C. § 2241 and why the Government’s reliance on the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado* is misplaced in light of controlling Supreme Court precedent, including *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). The

brief further draws upon persuasive district court decisions issued in recent months, which underscore that detention in circumstances like Mr. Vera's is properly governed by 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and that habeas jurisdiction is available to correct the Government's misapplication of the statute.

II. BACKGROUND

Mr. Vera has been placed in immigration custody and subjected to expedited removal procedures despite his long-standing presence in the United States. The Government's position is that Mr. Vera is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). This classification deprives him of an individualized bond hearing, notwithstanding the fact that he was apprehended well within the United States, not at a port of entry or immediately upon unlawful entry. Mr. Vera challenges this statutory classification and the deprivation of due process it entails, seeking injunctive relief to preserve his liberty interests pending adjudication of his habeas petition.

III. ARGUMENT

A. This Court Has Jurisdiction Under 28 U.S.C. § 2241 to Hear Mr. Vera's Claims.

Federal habeas jurisdiction under § 2241 extends to all persons held in custody in violation of the Constitution, laws, or treaties of the United States. Mr. Vera's petition does not collaterally attack any final order of removal. Rather, it challenges the statutory basis and constitutionality of his ongoing detention without a bond hearing. This distinction is crucial.

As the Supreme Court confirmed in *Jennings v. Rodriguez*, 583 U.S. 281, 291–96 (2018), district courts possess jurisdiction under § 2241 to evaluate whether detention statutes are being lawfully applied. Likewise, recent district court decisions confirm the

propriety of habeas jurisdiction in circumstances identical to Mr. Vera's. In *Kostak v. Trump*, 2025 U.S. Dist. LEXIS 167280 (W.D. La. Aug. 27, 2025), the court exercised habeas jurisdiction to determine whether the petitioner's detention was governed by § 1225 or § 1226 and granted a temporary restraining order to prevent continued unlawful detention.

Similarly, in *Salazar v. Dedos*, 2025 U.S. Dist. LEXIS 183335 (D.N.M. Sept. 17, 2025), the court rejected arguments that the petition was unripe or moot and held that habeas relief was the appropriate avenue to redress detention misclassified under § 1225(b)(2)(A). These holdings reflect a growing consensus that district courts retain jurisdiction to intervene where detention rests on a statutory misapplication and results in ongoing constitutional harm.

B. Matter of Yajure Hurtado Is Not Entitled to Deference After Loper Bright.

The Government's reliance on *Matter of Yajure Hurtado*, a decision of the Board of Immigration Appeals, is misplaced. *Yajure Hurtado* concluded that detention under § 1225(b)(2)(A) may apply even to noncitizens apprehended within the United States. But this interpretation lacks persuasive force after the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

In *Loper Bright*, the Court abolished *Chevron* deference, holding that courts must exercise their independent judgment in interpreting statutes. *Id.* at 395. Thus, this Court is not bound to defer to the BIA's strained interpretation of § 1225(b)(2)(A). Instead, the Court itself should apply the law, looking to the statutory text, legislative history, and longstanding precedent, which all confirm that § 1225 applies only to arriving aliens, while § 1226 governs detention of individuals already present in the country. As *Kostak*

and *Salazar* make clear, misclassifying long-term residents under § 1225 contravenes the plain statutory scheme.

C. Recent District Court Decisions Confirm That Mr. Vera's Detention Falls Under § 1226(a).

Multiple district courts in 2025 have directly addressed the Government's efforts to expand § 1225(b)(2)(A) beyond its intended scope. In *Santos v. Noem*, 2025 U.S. Dist. LEXIS 183412 (W.D. La. Sept. 15, 2025), the court emphasized that habeas relief is proper to correct statutory misclassification and to preserve the petitioner's due process rights. In *Kostak*, the court ordered bond eligibility under § 1226(a), rejecting the Government's assertion that § 1225(b) applied. Likewise, in *Salazar*, the district court ordered an individualized bond hearing under § 1226(a) within seven days, holding that prolonged detention without such a hearing violates the Fifth Amendment's Due Process Clause.

Similarly, *Lopez v. Hardin*, 2025 U.S. Dist. LEXIS 188368 (N.D. Tex. 2025), and *Lopez-Arevelo v. Ripa*, 2025 U.S. Dist. LEXIS 188232 (S.D. Tex. 2025), further confirm that courts are rejecting agency efforts to apply § 1225(b)(2)(A) to individuals who are properly subject to § 1226(a). The cumulative weight of these decisions underscores that Mr. Vera is entitled to bond consideration under § 1226(a).

D. Due Process Requires Immediate Relief.

The Fifth Amendment's Due Process Clause prohibits deprivation of liberty without adequate process. As the Supreme Court observed in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause

protects.” Here, Mr. Vera has been denied any opportunity to contest his custody through an individualized bond hearing, contrary to the process guaranteed under § 1226(a). Courts in *Kostak* and *Salazar* recognized that such misclassification of detention constitutes an ongoing due process violation.

To remedy this violation, Mr. Vera respectfully requests that this Court order his release or, at minimum, mandate a prompt and meaningful bond hearing under § 1226(a), with the Government bearing the burden of proving by clear and convincing evidence that detention is necessary to prevent flight or danger to the community.

IV. CONCLUSION

For the foregoing reasons, Mr. Vera respectfully requests that the Court grant his Emergency Application for a Temporary Restraining Order and Preliminary Injunction, enjoining his removal and ordering either his immediate release or a prompt individualized bond hearing under § 1226(a). In doing so, the Court will ensure that Mr. Vera’s statutory and constitutional rights are preserved, consistent with the principles reaffirmed in *Loper Bright* and the weight of persuasive district court authority.

DATE: September 29, 2025.

Respectfully submitted,

THE LAW OFFICE OF JOHN M. BRAY, PLLC
911 N. Bishop Ave.
Dallas, Texas 75208
Tel: (855) 566-2729
Fax: (214) 960-4164
Email: john@jmbllawfirm.com

By: /s/ John M. Bray
John M. Bray
Texas Bar No. 24081360
ATTORNEY FOR PETITIONER-PLAINTIFF

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this day, I served a true and correct copy of the above and foregoing *Supplemental Brief*, as well as any and all attachments thereto, on Counsel for Respondents-Defendants by serving the same via email to Ms. Ann Cruce-Haag, Deputy Chief Counsel for the U.S. Immigration and Customs Enforcement via Ann.Haag@ice.dhs.gov and/or by filing the same using the Court's CM/ECF system.

/s/ John M. Bray
John M. Bray
Attorney for Petitioner-Plaintiff

DATE: September 29, 2025.