

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Victor BUENROSTRO-MENDEZ,)
)
 Petitioner-Plaintiff,)
 v.)
 PAM BONDI,)
 United States Attorney General;)
 KRISTI LYNN NOEM,)
 Secretary of the United States)
 Department of Homeland Security;)
 TODD M. LYONS,)
 Director of United States)
 Immigration and Customs Enforcement;)
 MATHEW W. BAKER,)
 Acting ICE Houston Field Office Director)
 U.S. Immigration and Customs Enforcement)
 JOHN LINSOTT, ICE Director HCDF,)
 Houston Contract Detention Facility,)
 U.S. Immigration and Customs Enforcement,)
 MARTIN FRINK,)
 Warden, Houston Contract Detention Facility)
 CoreCivic,)
 Respondents-Defendants.)

Civ. No. 25-3726

DHS File Number: 

**ORIGINAL ANSWER OF WARDEN MARTIN FRINK TO PETITIONER'S
EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

Pursuant to the Federal Rules of Civil Procedure and the Court's Order for Expedited Answer [Docket # 3], Respondent Martin Frink, Warden of the Houston Contract Detention Facility ("Warden Frink" or "Respondent") timely files this Original Answer to the Emergency Petition for Writ of Habeas Corpus Pursuant to 28 U.S. C. §2241 and Complaint for Declaratory

and Injunctive Relief [Docket # 1] (“Petition”) filed by Victor Buenrostro-Mendez (“Petitioner”). Warden Frink sets forth below his specific admissions and denials to the factual allegations in the Petition based on information known to him at the time of filing this pleading.

By way of further answer, Warden Frink adopts and incorporates as if set forth fully herein all responsive pleadings and/or motions filed in this cause by or on behalf of Pam Bondi, Kristi Lynn Noem, Todd M. Lyons, Mathew W. Baker and/or John Linscott (“Government Defendants”), including all factual allegations, legal arguments and defenses set forth therein.

AUTHORITY UNDER WHICH PETITIONER IS BEING HELD

Based on information made available to Warden Frink by the Government Defendants, the United States government has detention authority over Petitioner pursuant to INA § 235(b)(2)(A). In accordance with his right to do so, Petitioner requested, and was granted, a custody redetermination hearing and the immigration judge issued a denial of custody redetermination, finding that the petitioner is subject to mandatory detention under INA § 235(b)(2). Specifically, Immigration Judge Andrea Cole entered an Order on July 29, 2025 denying Petitioner’s request for a change in custody status. *See* Exhibit A. Judge Cole issued a written decision providing the legal basis for the denial on August 13, 2025. *See* Exhibit B. Upon information and belief, Petitioner’s remedy is to file a Notice of Appeal with the Board of Immigration Appeals within 30 days of the immigration judge’s decision. Upon information and belief, Petitioner timely filed a Notice of Appeal with the Board of Immigration Appeals, which remains pending. *See* Exhibit C. Petitioner therefore has not exhausted all of his available administrative remedies.

JURISDICTION

Warden Frink contends that Petitioner has not exhausted all of his available administrative remedies, as set forth above. He does not otherwise contest the jurisdiction of this Court.

SPECIFIC ADMISSIONS AND DENIALS

1. Warden Frink is without knowledge or information sufficient to admit or deny the allegations of fact or law set forth in the unnumbered paragraphs set forth under the heading INTRODUCTION in the Petition, and they are therefore denied.
2. With regard to numbered Paragraph 1 of the Petition, under the heading “Custody,” Warden Frink admits that Petitioner is being held in the custody of the United States government at the Houston Contract Detention Facility located at 15850 Export Plaza Blvd., in Houston Texas. The remaining allegations of fact or law in Paragraph 1 are denied.
3. With regard to numbered Paragraphs 2-4 of the Petition, under the heading “Jurisdiction,” Warden Frink denies Petitioner has exhausted all of his available administrative remedies. Warden Frink is without knowledge or information sufficient to admit or deny the remaining allegations of fact or law in these paragraphs of the Petition and they are therefore denied.
4. With regard to numbered Paragraph 5 of the Petition, under the heading “Venue,” Warden Frink does not contest that venue in this district is proper. Warden Frink is without knowledge or information sufficient to admit or deny the remaining allegations of fact or law in Paragraph 5 of the Petition, if any, and they are therefore denied.
5. With regard to numbered Paragraphs 6-13 of the Petition, under the heading “Parties,” Warden Frink admits each of the listed parties has been named in this action. Warden Frink is without knowledge or information sufficient to admit or deny the remaining allegations of fact or law in these paragraphs of the Petition and they are therefore denied.
6. With regard to numbered Paragraphs 14-18 of the Petition, under the heading “Statement of Facts and Procedural History” (and including any and all unnumbered paragraphs

under this heading), Warden Frink is without knowledge or information sufficient to admit or deny the allegations of fact or law in these paragraphs of the Petition and they are therefore denied.

7. With regard to numbered Paragraphs 19-27 of the Petition, under the heading “Statement of Law” (and including any and all unnumbered paragraphs under this heading), Warden Frink is without knowledge or information sufficient to admit or deny the allegations of fact or law in these paragraphs of the Petition and they are therefore denied.

8. With regard to numbered Paragraphs 28-37 of the Petition, under the heading “Exhaustion of Administrative Remedies,” Warden Frink admits Petitioner has filed an appeal with the Board of Immigration appeals, which remains pending. Warden Frink denies Petitioner has exhausted all of his available administrative remedies. Warden Frink is without knowledge or information sufficient to admit or deny the remaining allegations of fact or law in these paragraphs of the Petition and they are therefore denied.

9. With regard to numbered Paragraphs 38-67 of the Petition, under the heading “Causes of Action,” these paragraphs set forth legal claims, rather than factual allegations, such that specific admissions and denials are not required. To the extent specific admissions or denials are required in response to these paragraphs of the Petition, Warden Frink denies the allegations of fact and law in these paragraphs, if any, and denies Petitioner is entitled to the relief sought.

10. With regard to the paragraphs of the Petition set forth under the heading “Relief Sought,” including subparagraphs (1) through (8), these paragraphs set forth legal claims and claims for relief, rather than factual allegations, such that specific admissions and denials are not required. To the extent specific admissions or denials are required in response to these paragraphs of the Petition, Warden Frink denies the allegations of fact and law in these paragraphs, if any, and denies Petitioner is entitled to the relief sought.

AFFIRMATIVE DEFENSES AND OTHER DEFENSIVE MATTERS

As set forth above, by way of further answer to the Petition should further answer be required, Warden Frink adopts and incorporates as if set forth fully herein all responsive pleadings and/or motions filed in this cause by or on behalf of one or more of the Government Defendants, including all factual allegations, legal arguments and defenses set forth therein.

Dated September 8, 2025.

Respectfully submitted,

By: /s/ Danya W. Blair
Danya W. Blair – Attorney in Charge
Texas Bar No. 00790315
AKERMAN LLP
7550 I-10, Suite 800-1451
San Antonio, TX 78229
Telephone (210) 582-0221
Facsimile (210) 582-5721
danya.blair@akerman.com

**ATTORNEY FOR RESPONDENT
WARDEN MARTIN FRINK**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record by ECF on September 8, 2025.

/s/ Danya W. Blair