

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
San Antonio Division

Wilder Luciano Contreras Teo, )

Jesus Munoz Colorado, )

Victor Salvador Contreras, )

Omar Ramirez Fuentes, )

Jose Nahun Cruz Garcia, )

Jose Faustino Posadas Cabrera, )

Mario Gervacio Ramos, )

*Petitioners,* )

v. )

Civil Action No. 5:25-cv-1309-FB

Kristi Noem, *Secretary of Homeland Security, U.S.* )  
*Department of Homeland Security* )

Todd Lyons, *Acting Director, U.S. Immigration* )  
*and Customs Enforcement,* )

Miguel Vergara, *Director, San Antonio ICE Field* )  
*Office, U.S. Immigration and Customs* )  
*Enforcement,* )

Mary De Anda-Ybarra, *Director, El Paso ICE* )  
*Field Office, U.S. Immigration and* )  
*Customs Enforcement,* )

Pamela Bondi, *Attorney General, U.S. Department* )  
*of Justice,* )

Bobby Thompson, *Warden, South Texas Detention* )  
*Facility,* )

Warden, *ERO El Paso Camp East Montana,* )

Warden, *Karnes County Immigration Processing* )

*Center,* )  
 )  
*Respondents.* )  
\_\_\_\_\_ )

**FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

Lead Petitioner, Wilder Contreras Teo filed a Petition for Writ of Habeas Corpus on October 17, 2025 (ECF No. 1). Since that date, several additional petitioners have been transferred into this district, detained under the same unlawful policy as the Lead Petitioner. Accordingly, through counsel, Petitioners submit this First Amended Petition for Writ of Habeas Corpus, seeking the same relief, primarily an order directing Respondents to afford each of them with a bond hearing under 8 U.S.C. § 1226(a). This First Amended Petition is submitted prior to response by Respondents and within 21 days of the original Petition, and therefore Petitioners seek to amend as a matter of course. Fed. R. Civ. Pro. 15(a)(1)(A), L.R. CV-15(b) (“A party that is entitled to amend its pleadings as a matter of course pursuant to Federal Rule of Civil Procedure 15 may do so without the necessity of filing a motion for leave to amend”).

Petitioners are each non-citizens of the United States. They each individually entered the United States without inspection between ports of entry on the U.S.-Mexico border and were arrested by U.S. Immigration and Customs Enforcement (“ICE”) between 27 and 16 years after their entry. Petitioners have each individually been detained by U.S. Immigration and Customs Enforcement (“ICE”), under facts and circumstances that place them squarely within ICE’s general detention authority 8 U.S.C. § 1226(a). Under that statute, Petitioners are eligible to seek discretionary release on bond from an Immigration Judge (“IJ”). However, due to a new policy announced by ICE in July 2025, and now a recent Board of Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioners are actually detained

under 8 U.S.C. § 1225(b). However, while § 1225 requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border “seeking admission.” Petitioners therefore bring this action for a declaratory judgment from this Court that they are properly detained (if at all) only pursuant to 8 U.S.C. § 1226(a); and seeking an order that Respondents schedule each of them for a discretionary bond hearing pursuant to § 1226(a) before an Immigration Judge within 15 days.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court’s inherent equitable powers, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

3. This Court also has federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA review of a final agency action may proceed, absent a special statutory review proceeding, by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

4. Venue lies in this District because Petitioners are currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

### THE PARTIES

5. Petitioner Wilder Contreras Teo is a citizen and native of Guatemala and is currently detained by Respondents at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court.

6. Petitioner Jesus Munoz Colorado is a citizen and native of Mexico and is currently detained by Respondents at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court.

7. Petitioner Victor Salvador Contreras is a citizen and native of Mexico and is currently detained by Respondents at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court.

8. Petitioner Omar Ramirez Fuentes is a citizen and native of Mexico and is currently detained by Respondents at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court.

9. Petitioner Jose Nahun Cruz Garcia is a citizen and native of Honduras and is currently detained by Respondents at the ERO Camp East Montana in El Paso, TX within the territorial jurisdiction of this Court.

10. Petitioner Jose Faustino Posadas Cabrera is a citizen and native of Honduras and is currently detained by Respondents at the ERO Camp East Montana in El Paso, TX within the territorial jurisdiction of this Court.

11. Petitioner Mario Gervacio Ramos is a citizen and native of Mexico and is currently detained by Respondents at the Karnes County Immigration Processing Center, TX within the territorial jurisdiction of this Court.

12. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland

Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

13. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

14. Respondent Miguel Vergara is the Director of the San Antonio ICE ERO Field Office. He is the head of the ICE office is unlawfully detaining Petitioner Contreras Teo, Petitioner Munoz Colorado, Petitioner Salvador Contreras, Petitioner Ramirez Fuentes and Petitioner Gervacio Ramos. He is the immediate legal custodian of these Petitioners.

15. Respondent Mary De Anda-Ybarra is the Director of the El Paso ICE ERO Field Office. She is the head of the ICE office is unlawfully detaining Petitioner Cruz Garcia and Petitioner Posadas Cabrera. She is the immediate legal custodian of these Petitioners.

16. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for bond and relief from removal do so as her designees.

17. Respondent Bobby Thompson is the warden of the South Texas Detention Center in Pearsall, TX. He is the immediate custodian who is currently holding Petitioner Contreras Teo, Petitioner Munoz Colorado, Petitioner Salvador Contreras and Petitioner Ramirez Fuentes in physical custody. He is sued in his official capacity.

18. Respondent Warden of the ERO El Paso Camp East Montana is the immediate custodian who is currently holding Petitioner Cruz Garcia and Petitioner Posadas Cabrera in physical custody in El Paso, TX. They are sued in their official capacity.

19. Respondent Warden of the Karnes County Immigration Processing Center is the immediate custodian who is currently holding Petitioner Gervacio Ramos in physical custody in Karnes City, TX. They are sued in their official capacity.

20. All government Respondents are sued in their official capacities.

## LEGAL BACKGROUND

### A. Immigration Detention Legal Framework

21. When a noncitizen is alleged to have violated immigration laws, they are generally placed into traditional removal proceedings, during which an immigration judge will determine whether they are removable and then whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

22. Detention is authorized for “certain aliens already in the country pending the outcome of removal proceedings under § 1226(a) and 1126(c).” *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention under § 1226(a) has been described as the “default” provision for immigration detention for those subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), “[e]xcept as provided in subsection (c) of this section,’ the Attorney General ‘may release’ an alien detained under § 1226(a) ‘on ...bond’ or ‘conditional parole.’” *Id.*

23. Alternatively, mandatory detention is authorized for “certain aliens *seeking admission* into the country under §§ 1225(b)(1) and 1225(b)(2),” [emphasis added]. *Jennings*, 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be “applicants for

admission” may be subject to mandatory detention under two separate subsections. Applicants for admission include someone:

“present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for the purposes of this chapter to be an applicant for admission.”

§ 1225(a)(1).

24. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal and mandatory detention if they are determined to be an “arriving alien,” and if they have not been physically present in the United States continuously for a two-year period immediately prior.

Regulations define an “arriving alien” as:

“an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.”

8 C.F.R. § 1.2.

25. Otherwise, 8 U.S.C. § 1225(b)(2) provides for the detention of “applicant for admission” specifically when “the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title,” i.e. for traditional removal proceedings [emphasis added].

26. An “arriving alien” or an applicant for admission “seeking admission” may only be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant

for admission seeking admission. *Id.* There is no such thing as a “parole bond” – a release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

27. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE’s initial custody determination before the IJ (a “custody review hearing”), who has the authority to modify ICE’s custody determination and set bond in a case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

28. Custody review hearings are separate from hearings in the underlying removal proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, she must still appear in immigration court for the IJ to determine her removability and hear any claim for relief from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ’s inquiry is limited to whether the detainee is a danger to the community or a flight risk, and bond may only be granted when an IJ has determined that the detainee meets his burden of proof that he is neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

29. For decades, it has been Respondents’ practice to afford § 1226(a) discretionary bond hearings and custody review hearings to those individuals who have been encountered neither at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at \*10 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) (“Respondents’ proposed application of § 1226 is also belied by the Department of Homeland Security’s ‘longstanding practice’ of treating noncitizens taken into custody while living in the United States, including those detained and found

inadmissible upon inspection and then released into the United States with the government's acquiescence, who have committed no crime after release, as detained under § 1226(a).” citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

**B. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)**

30. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). See ICE memorandum “Interim Guidance Regarding Detention Authority for Applications for Admission.”<sup>1</sup> This memo concerns the detention of “applicants for admission” as defined by § 1225(a)(1). “Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)].” *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* (“For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated.”)

31. In addition to the announcement re-interpreting § 1225(b)(2), the memo further clarifies that “[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

32. Moreover, ICE maintains that “DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA §

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<sup>1</sup> Available at: <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last visited October 6, 2025).

212(d)(5) based on this change in legal position.” *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of “correct” paperwork is nonetheless permissible. *Id.* (“Accordingly, ERO and HIS are not required to ‘correct’ the release paperwork by issuing INA § 212(d)(5) parole paperwork.”)

33. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

**C. Recent BIA decision *Matter of Yajure Hurtado***

34. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees all appeals of IJ decisions including custody redeterminations, upheld ICE’s re-interpretation of § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

35. The BIA held that the respondent was an “applicant for admission” within the scope of § 1225(b), and therefore subject to mandatory detention.

36. The BIA characterized the issue before it as “one of statutory construction: Does the INA require that *all* applicants for admission, even those like the respondent who have entered without admission or inspection and have been residing in the United States for years without lawful status, be subject to mandatory detention for the duration of their immigration proceedings, and thus the Immigration Judge lacks authority over a bond request filed by an alien in this category?” [emphasis added]. *Id.* at 220.

37. The BIA reasoned that individuals “who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer.” *Id.* at 228.

38. The BIA acknowledged the decades of precedent preceding its decision that authorized release of individuals present without having been inspected and admitted or paroled under § 1226(a). *Id.* at 225, FN6 (“We acknowledge that for years Immigration Judges have

conducted bond hearings for aliens who entered the United States without inspection. However, we do not recall either DHS or its predecessor, the Immigration and Naturalization Service, previously raising the current issue that is before us. In fact, the supplemental information for the 1997 Interim Rule titled ‘Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,’ 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997), reflects that the Immigration and Naturalization Service took the position at that time that ‘[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.’”)

39. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8 U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

40. The BIA decision is binding on all immigration judges nationwide.

41. Respondents’ new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*, 2025 WL 2337099, at \*11 (“It has been estimated that this novel interpretation would require the detention of millions of immigrants currently residing in the United States.”)

## FACTS

### *Petitioner Contreras Teo*

42. Petitioner Contreras Teo is a citizen of Guatemala. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in 2004. He was not encountered by immigration officials nor issued a Notice to Appear upon entry.

43. Petitioner Contreras Teo then made his way to Washington D.C. area, where he established a life. He resides in Lorton, Virginia with his wife and four U.S. citizen stepchildren.

44. In September 2025, Petitioner encountered immigration officials for the first time (20 years after his entry) during a traffic stop, when he was arrested by ICE agents and detained.

45. Petitioner is currently detained at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):

The screenshot shows the ICE Detainee Locator website. At the top is the U.S. Immigration and Customs Enforcement logo and navigation menu. The main content area displays the following information:

- < BACK TO RESULTS**
- Facility Page**
- Detention Information For:**
  - WILDER LUCIANO CONTRERAS TEO**
  - Country of Birth: Guatemala
  - A-Number: [REDACTED]
- Current Detention Facility:**
  - SOUTH TEXAS DETENTION FACILITY
  - 509 VETERANS DRIVE
  - NA
  - PEARSALL, TX 78061
  - Visitor Information: (830) 334-2939
- MORE INFORMATION**

On the right side, there is a **Related Information** sidebar with the following links:

- Helpful Info**
  - Status of a Case
  - About the Detainee Locator
  - Brochure
  - ICE EO Field Office
  - ICE Detention Facilities
  - Privacy Notice
- External Links**
  - Bureau of Prisons Inmate Locator

46. Petitioner Contreras Teo has pending removal proceedings (his Master Calendar Hearing is scheduled for November 13, 2025), and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):

AUTOMATIC CASE INFORMATION	
Name: CONTRERAS TEO, WILDER LUCIANO   A-Number: [REDACTED]   Docket Date: 9/4/2025	
<b>Next Hearing Information</b> Your upcoming MASTER hearing is on November 13, 2025 at 8:30 AM. JUDGE Terrell, Kevin COURT ADDRESS 566 VETERAN DRIVE., SUITE 101 PEARSALL, TX 78061	<b>Court Decision and Motion Information</b>  This case is pending.
<b>BIA Case Information</b> No appeal was received for this case.	<b>Court Contact Information</b> If you require further information regarding your case, or wish to file additional documents, please contact the immigration court. COURT ADDRESS 566 VETERAN DRIVE., SUITE 101 PEARSALL, TX 78061 PHONE NUMBER (214) 568-5700

47. Petitioner Contreras Teo's detention has created increased hardship for his family, who counted on his contributions to the household to make ends meet. Petitioner Contreras Teo's family have suffered since his since his detention: his 15-year-old stepson now attending therapy sessions to cope with the increased stress, anxiety, and overwhelming feelings in the wake of family separation, and his 19- and 22-year-old stepdaughters are struggling with their college studies. Petitioner Contreras Teo's wife has taken every opportunity to work overtime and used up household savings to cover expenses for herself and their children. The family's emotional and financial foundation is profoundly destabilized in Petitioner's absence.

48. All Respondents consider that Petitioner Contreras Teo is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

*Petitioner Munoz Colorado*

49. Petitioner Munoz Colorado is a citizen of Mexico. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in 2003. He was not encountered by immigration officials nor issued a Notice to Appear upon entry.

50. Petitioner Munoz Colorado then made his way to Washington D.C. area, where he established a life. He resides in Washington D.C. with his wife and two stepchildren. Petitioner Munoz Colorado is listed as a derivative applicant on his wife’s pending application for U-visa.

51. On August 26, 2025 at 6:00am, Petitioner Munoz Colorado was leaving his house in Washington D.C. to go to work with his wife when they quickly encountered immigration officials who stopped and detained them. His wife was released the same day with an ankle monitor, but Petitioner Munoz Colorado was not.

52. Petitioner Munoz Colorado is currently detained at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):



53. Petitioner Munoz Colorado has pending removal proceedings (his Individual Hearing is scheduled for November 18, 2025), and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):

The screenshot shows a web browser window with the URL <https://acis.eoir.justice.gov/en/casainformation>. The page title is "Automated Case Information" for "Name: MUNOZ-COLORADO, JESUS | A-Number: [REDACTED] | Docket Date: 8/29/2025".

<b>Next Hearing Information</b> Your upcoming INDIVIDUAL hearing is on November 18, 2025 at 1:00 PM. <b>JUDGE</b> Segovia, Veronica Marie. <b>COURT ADDRESS</b> 566 VETERAN DRIVE, SUITE 101 PEARSALL, TX 78061	<b>Court Decision and Motion Information</b>  This case is pending.
<b>BIA Case Information</b> No appeal was received for this case.	<b>Court Contact Information</b> If you require further information regarding your case, or wish to file additional documents, please contact the Immigration court. <b>COURT ADDRESS</b> 566 VETERAN DRIVE, SUITE 101 PEARSALL, TX 78061 <b>PHONE NUMBER</b> (214) 368-5700

54. Petitioner Munoz Colorado's wife and two stepchildren have been constantly worried about him and their family's wellbeing since his detention. His younger stepson and five-year-old niece witnessed his and his wife's arrest through their window, which has left them traumatized. The children are often scared to go outside and have trouble sleeping, with the 16-year-old even missing a week of school due to the emotional distress. Petitioner Munoz Colorado often took the kids to and from school, and was the family's primary breadwinner. His detention has created a significant financial hardship for his family. His wife recently secured a new job as a housekeeper working night shifts, where she is trying to work overtime in order to pay off debts the family has accumulated since Petitioner Munoz Colorado's arrest took place.

55. Petitioner Munoz Colorado, through counsel, filed a motion for a bond hearing. The Immigration Judge denied his bond on September 10, 2025, citing *Matter of Yajure Hurtado*. See Ex. 1 (Immigration Judge Bond Order for Petitioner ).

56. All Respondents consider that Petitioner Munoz Colorado is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner Munoz Colorado to appeal the IJ's bond decision to the Board. Exhaustion of administrative remedies would therefore be futile.

*Petitioner Salvador Contreras*

57. Petitioner Salvador Contreras is a citizen of Mexico. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in December of 2005.

58. Petitioner Salvador Contreras then made his way to Washington D.C., where he established a life.

59. On October 8, 2025, while Petitioner Salvador Contreras was on his way in Washington, D.C., he was stopped by bounty hunters who stopped him and detained him without authority until ICE agents arrived, and then was taken into immigration custody.

60. Petitioner Salvador Contreras is currently detained at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):



[← BACK TO RESULTS](#)

### Facility Page

**Detention Information For:**  
**VICTOR SALVADOR-CONTRERAS**  
 Country of Birth: Mexico  
 A-Number:

**Current Detention Facility:**  
 SOUTH TEXAS DETENTION FACILITY  
 565 VETERANS DRIVE  
 NA  
 PEARSALL, TX 78061  
 Visitor Information: (830) 334-2939

[MORE INFORMATION >](#)

### Related Information

**Helpful Info**

- Status of a Case
- About the Detention Locator
- Procedure
- ICE IFO Field Offices
- ICE Detention Facilities
- Privacy Notice

**External Links**

- Bureau of Prisons Inmate Locator

61. Petitioner Salvador Contreras has pending removal proceedings (a Master Hearing scheduled for November 3, 2025), and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):

[Home](#) > [SALVADOR-CONTRERAS, VICTOR](#)

## Automated Case Information

Name: SALVADOR-CONTRERAS, VICTOR | A-Number: | Docket Date: 10/10/2025

<p><b>Next Hearing Information</b></p> <p>Your upcoming <b>MASTER</b> hearing is on <b>November 3, 2025</b> at <b>1:30 PM</b>.</p> <p style="text-align: center;"><b>JUDGE</b> Barnes, John C.</p> <p style="text-align: center;"><b>COURT ADDRESS</b> 7619 LITTLE RIVER TPK., 4TH FL ANNANDALE, VA 22003</p>	<p><b>Court Decision and Motion Information</b></p> <p style="text-align: center;"> <i>This case is pending.</i></p>
<p><b>BIA Case Information</b></p> <p style="text-align: center;">No appeal was received for this case.</p>	<p><b>Court Contact Information</b></p> <p>If you require further information regarding your case, or wish to file additional documents, please contact the Immigration court.</p> <p style="text-align: center;"><b>COURT ADDRESS</b> 7619 LITTLE RIVER TPK., 4TH FL ANNANDALE, VA 22003</p> <p style="text-align: center;"><b>PHONE NUMBER</b> (703) 343-4000</p>

62. Petitioner Salvador Contreras has one U.S. citizen child, who is now only being taken care of by his mom, Petitioner's partner. As Petitioner Salvador Contreras is the family's primary breadwinner, his partner must now look for additional work so she can cover house and child expenses. One of the children is currently undergoing therapy, and his absence has significantly worsened the child's emotional and psychological well-being, adding further strain to the entire family.

63. All Respondents consider that Petitioner Salvador Contreras is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner Salvador Contreras to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

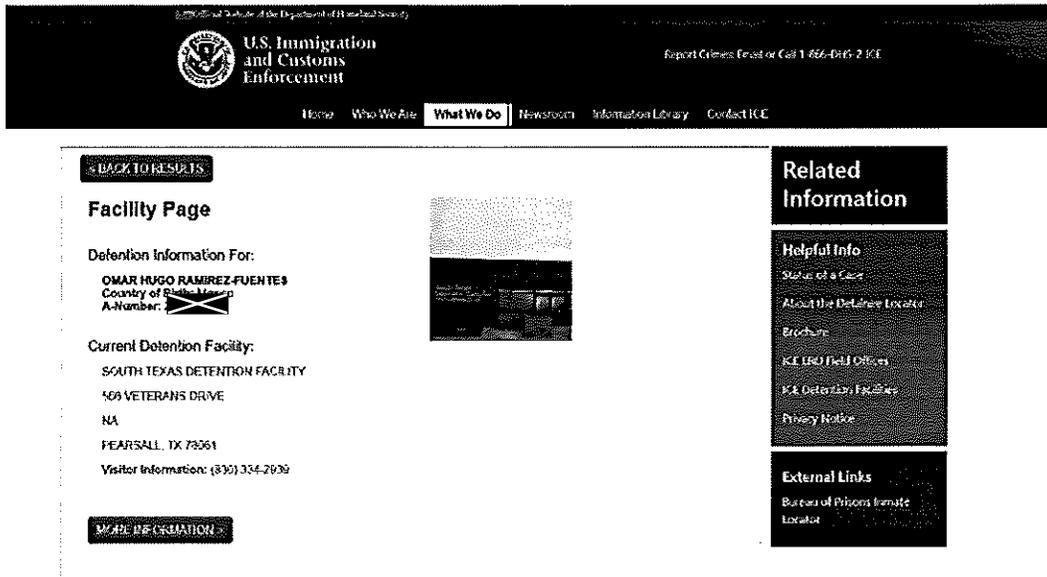
*Petitioner Ramirez Fuentes*

64. Petitioner Ramirez Fuentes is a citizen of Mexico. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, around August 1998.

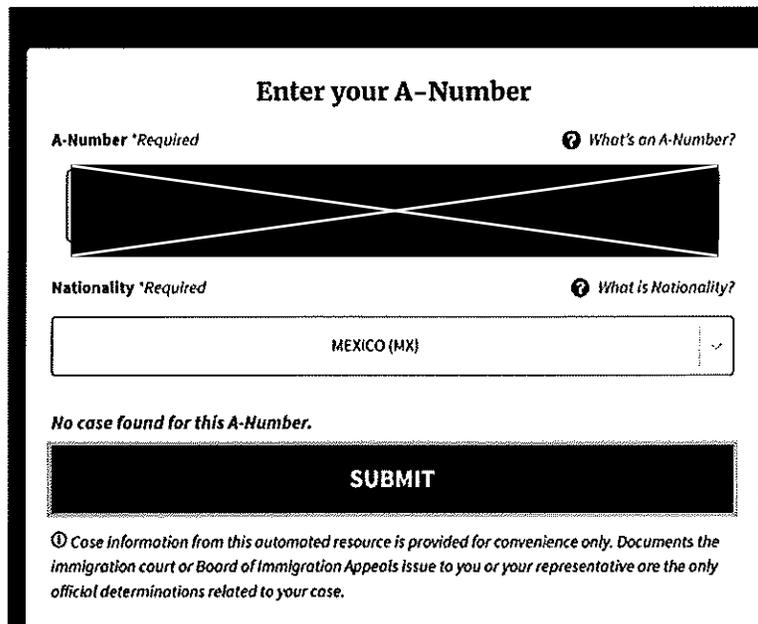
65. Petitioner Ramirez Fuentes then made his way to the Maryland area, where he established a life.

66. Petitioner Ramirez Fuentes was pulled over and detained on October 15, 2025, near Bethesda, Maryland, while on his way to work. He was taken into immigration custody thereafter.

67. Petitioner Ramirez Fuentes is currently detained at the South Texas Detention Center in Pearsall, TX within the territorial jurisdiction of this Court. See ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 22, 2025)):



68. Petitioner Ramirez Fuentes has no pending removal proceedings, and is not subject to a final order of removal. See EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):



69. Petitioner Ramirez Fuentes has two U.S. citizen children and one U.S. citizen step-children, who are now only being taken care of by their mom, Petitioner's partner. As Petitioner

Ramirez Fuentes is the family's primary breadwinner, his partner must now look for additional work cleaning houses and ask family and friends for financial support, which has been particularly difficult because she has always been dedicated to caring for their home and children. One of the children is currently undergoing therapy, and his absence has significantly worsened the child's emotional and psychological well-being, adding further strain to the entire family.

70. All Respondents consider that Petitioner Ramirez Fuentes is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner Ramirez Fuentes to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

*Petitioner Cruz Garcia*

71. Petitioner Cruz Garcia is a citizen of Honduras. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in approximately 2005. He was not encountered by immigration officials nor issued a Notice to Appear upon entry.

72. Petitioner Cruz Garcia then made his way to the Maryland area, where he established a life. He currently resides in Oxon Hill, Maryland with his life-long partner and their two U.S. citizen children, aged 7 and 17.

73. On September 30, 2025, Petitioner Cruz Garcia encountered immigration officials for the first time while he was leaving Lowe's in Washington D.C. A police officer began following him and turned the lights on to pull him over with no apparent reason. Petitioner Cruz Garcia never spoke with the police officer or even saw them exit their vehicle. Immediately after pulling over, Petitioner Cruz Garcia was surrounded by ICE agents on either side of his vehicle and taken into immigration detention.

74. Petitioner Cruz Garcia is currently detained at the ERO El Paso Camp East Montana in El Paso, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):

The screenshot shows the ICE Detainee Locator website. At the top, there is a navigation bar with the U.S. Immigration and Customs Enforcement logo and the text "U.S. Immigration and Customs Enforcement". Below the logo, there is a navigation menu with links for "Home", "Who We Are", "What We Do", "Newsroom", "Information Library", and "Contact ICE". The main content area is divided into two columns. The left column is titled "Facility Page" and contains the following information: "Detention Information For: JOSE NAHUM CRUZ GARCIA, Country of Birth: Honduras, A-Number: [REDACTED]". Below this, it lists the "Current Detention Facility": "ERO EL PASO CAMP EAST MONTANA, 6920 Digital Road, NA, El Paso, TX 79936, Visitor Information: (915) 208-0980". At the bottom of the left column is a "MORE INFORMATION >" button. The right column is titled "Related Information" and contains a "Helpful Info" section with links for "Status of a Case", "About the Detainee Locator", "Brochure", "ICE ERO Field Offices", "ICE Detention Facilities", and "Privacy Notice". Below this is an "External Links" section with a link for "Bureau of Prisons Inmate Locator".

75. Petitioner Cruz Garcia has pending removal proceedings (a Master Calendar Hearing scheduled for November 4, 2025), and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):

The screenshot shows a web browser window with the URL <https://ecis.ecir.justice.gov/en/case-information>. The page title is "Automated Case Information". Below the title, it displays "Name: CRUZ GARCIA, JOSE NAHUM" and "Docket Date: 10/1/2025". The page is divided into four sections:

- Next Hearing Information:** "Your upcoming MASTER hearing is on November 4, 2025 at 9:00 AM. JUDGE: Choi, Raphael. COURT ADDRESS: 7619 LITTLE RIVER TPK., 4TH FL ANNANDALE, VA 22003".
- Court Decision and Motion Information:** "This case is pending." with a clock icon.
- BIA Case Information:** "No appeal was received for this case." with a checkmark icon.
- Court Contact Information:** "If you require further information regarding your case, or wish to file additional documents, please contact the Immigration court. COURT ADDRESS: 7619 LITTLE RIVER TPK., 4TH FL ANNANDALE, VA 22003. PHONE NUMBER: (703) 343-4000".

76. Petitioner Cruz Garcia’s detention has created increased hardship for his family, who depend on his contributions to the home to make ends meet. Petitioner Cruz Garcia used to take his two U.S. citizen children to school every day, and now their mother is their sole caretaker. His 17-year-old son has been in shock since his arrest and is now trying to help his mom manage the household in his dad’s absence. The family have not yet told his 7-year-old son that his father has been detained, because they are concerned with his ability to cope with that news. His partner feels devastated that she cannot fill the same role Mr. Cruz Garcia did in their home, especially for their children. Petitioner Cruz Garcia’s partner works at a restaurant and her income is insufficient to cover their regular expenses; she is depending on extended family members for additional support now.

77. All Respondents consider that Petitioner Cruz Garcia is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for

Petitioner Cruz Garcia to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

*Petitioner Posadas Cabrera*

78. Petitioner Posadas Cabrera is a citizen of Honduras. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in approximately 2009. He was not encountered by immigration officials nor issued a Notice to Appear upon entry.

79. Petitioner Posadas Cabrera then made his way to the Washington D.C. area, where he established a life. Before his detention, he lived with a friend and family members.

80. Petitioner Posadas Cabrera was arrested by ICE agents in late September.

81. Petitioner Posadas Cabrera is currently detained at the ERO El Paso Camp East Montana in El Paso, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):

The screenshot shows a web browser window with the URL <https://locator.ice.gov/odis/#/results>. The page header includes the U.S. Department of Homeland Security logo and the text "U.S. Immigration and Customs Enforcement". Below the header is a navigation menu with links for "Home", "Who We Are", "What We Do", "Newsroom", "Information Library", and "Contact ICE".

The main content area displays "Search Results: 1" for "JOSE FAUSTINO POSADAS-CABRERA". The details listed are:
 

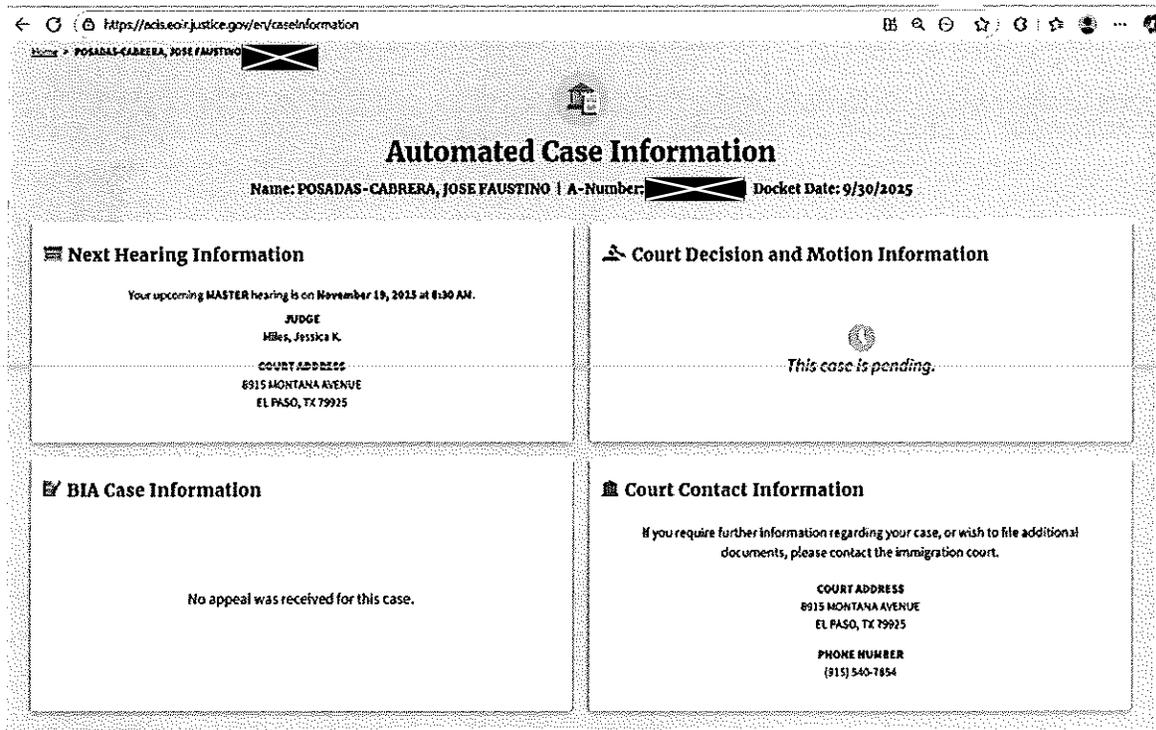
- Country of Birth: Honduras
- A-Number: [REDACTED]
- Status: in ICE Custody
- State: TX
- Current Detention Facility: ERO EL PASO CAMP EAST MONTANA

 A note below the details reads: "Click on the Detention Facility name to obtain facility contact information". A "BACK TO SEARCH" button is located below the details.

On the right side of the page, there are two sections: "Related Information" and "External Links". The "Related Information" section includes links for "Helpful Info", "Status of a Case", "About the Detainee Locator", "Brochure", "ICE ERO Field Offices", "ICE Detention Facilities", and "Privacy Notice". The "External Links" section includes a link for "Bureau of Prisons Inmate Locator".

At the bottom of the page, there is a row of social media icons and a "Print Page" icon.

82. Petitioner Posadas Cabrera has pending removal proceedings (a Master Calendar Hearing scheduled for November 19, 2025), and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):



83. Petitioner Posadas Cabrera's family members are growing increasingly worried about his physical and psychological wellbeing in detention. Petitioner Posadas Cabrera suffers from PTSD and serious cognitive deficiencies, and he has been struggling with things like eating and drinking while in detention. He recently reported that he was taken to the infirmary after fainting and was given IV rehydration fluids.

84. All Respondents consider that Petitioner Posadas Cabrera is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for

Petitioner Posadas Cabrera to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

*Petitioner Gervacio Ramos*

85. Petitioner Gervacio Ramos is a citizen of Mexico. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in approximately mid-2005.

86. Petitioner Gervacio Ramos then made his way to the Maryland area, where he established a life. He currently resides in Oxon Hill, Maryland with his life-long partner and their three U.S. citizen children, aged 12, 14 and 19.

87. On October 14, 2025, Petitioner Gervacio Ramos encountered immigration officials for the first time while he was at a gas station in Chantilly, VA. He was initially stopped by a plainclothes police officer with no apparent reason for the stop. Shortly thereafter, ICE agents arrived at the scene, and took him into immigration custody.

88. Upon information and belief, Petitioner Gervacio Ramos is currently detained at the Karnes County Immigration Processing Center, TX within the territorial jurisdiction of this Court. However, his custody status does not appear in the ICE Online Detainee Locator System. *See* ICE Online Detainee Locator System (available at <https://locator.ice.gov/> (last visited on October 23, 2025)):

U.S. Immigration and Customs Enforcement

Report Crimes: Email or Call 1-876-DHS-2-ICE

Home Who We Are **What We Do** Newsroom Information Library Contact ICE

### Search Results: 0

Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18.

If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee.

If you conducted an A-Number search you may want to try conducting a name-based search instead.

If you are unable to find the detainee using the Online Detainee Locator System, please contact your local field office.

For more information on the Missing Migrant Program please visit [link](#)

**BACK TO SEARCH >**

### Related Information

**Helpful Info**

- Status of a Case
- About the Detainee Locator Brochure
- ICE ERO Field Offices
- ICE Detention Facilities
- Privacy Notice

89. Petitioner Gervacio Ramos has pending removal proceedings, and is not subject to a final order of removal. There are no pending hearings. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on October 23, 2025)):

**Automated Case Information**

Name: GERVACIO RAMOS, MARIO | A-Number: [REDACTED] | Docket Date: 10/17/2025

<p><b>Next Hearing Information</b></p> <p>There are no future hearings for this case.</p>	<p><b>Court Decision and Motion Information</b></p> <p>This case is pending.</p>
<p><b>BIA Case Information</b></p> <p>No appeal was received for this case.</p>	<p><b>Court Contact Information</b></p> <p>If you require further information regarding your case, or wish to file additional documents, please contact the Immigration court.</p> <p><b>COURT ADDRESS</b> 565 VETERAN DRIVE, SUITE 101 PEARSON, TX 79611</p> <p><b>PHONE NUMBER</b> 016 368-5700</p>

90. Petitioner Gervacio Ramos's arrest has caused significant emotional and financial hardship to his family. He is the father of three United States citizen daughters, ages 19, 14, and 12, all of whom have been deeply affected by his sudden detention. Petitioner Gervacio Ramos was the sole breadwinner for his household, working in construction to support his family. Since his arrest, the family has struggled financially, as no one else in the household is currently

employed. Prior to his arrest, Petitioner Gervacio Ramos would drive his nineteen-year-old daughter the two-hour trip between home and her college studies in Athens, Georgia. His younger daughters have been crying frequently and are struggling emotionally with their father's absence.

91. All Respondents consider that Petitioner Gervacio Ramos is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner Gervacio Ramos to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

**FIRST CLAIM FOR RELIEF:  
Declaratory Judgment**

92. Petitioners re-allege and incorporate by reference paragraphs 1-91.

93. Petitioners request a declaration from this Court that they are not applicants for admission "seeking admission" or "an arriving alien" subject to mandatory detention under 8 U.S.C. §§ 1225(b)(1) or (b)(2), and that their current detention by Respondents is proper, if at all, only under 8 U.S.C. § 1226(a).

**SECOND CLAIM FOR RELIEF:  
No-Bond Detention in Violation of 8 U.S.C. § 1226(a)**

94. Petitioners re-allege and incorporate by reference paragraphs 1-91.

95. Since Petitioners are not applicants for admission "seeking admission" or "arriving aliens" subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and have no disqualifying criminal arrests or convictions subject to 8 U.S.C. § 1226(c), they are entitled to a bond redetermination hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

96. Respondents' actions, as set forth herein, violate Petitioners' statutory right to a bond redetermination hearing in front of an immigration judge.

**THIRD CLAIM FOR RELIEF:  
Detention in Violation of Due Process**

97. Petitioners re-allege and incorporate by reference paragraphs 1-91.

98. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community.

99. After entering the United States unlawfully, Petitioners went on to develop ties to the community over the course of several years. Petitioners are therefore each a “person” within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and have a liberty interest in freedom from physical restraint.

100. Respondents’ actions in detaining Petitioners without a bond hearing before a neutral and detached magistrate deprives Petitioners of their rights without due process of law.

#### **REQUEST FOR RELIEF**

Petitioners pray for judgment against Respondents and respectfully request that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioners’ detention in fact and in law, forthwith;
- b) Enjoin Petitioners’ transfer outside of this judicial district pending this litigation;
- c) Declare that each Petitioner is not an applicant for admission “seeking admission” or “an arriving alien” subject to 8 U.S.C. § 1225(b);
- d) Declare that Respondents’ actions, as set forth herein, violate Petitioners’ due process rights;
- e) Declare that Respondents may properly detain Petitioners, if at all, only pursuant to 8 U.S.C. § 1226(a);

- f) Order that Respondents conduct bond hearings for Petitioners pursuant to 8 U.S.C. § 1226(a) within 15 days;
- g) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon payment of the bond as ordered by the Immigration Judge;
- h) Award Petitioners their costs of suit; and
- i) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Date: October 24, 2025

/s/ Stephanie E. Gibbs  
Stephanie Elizabeth Gibbs, Esq.  
New Jersey State Bar No. 047482013  
Murray Osorio PLLC  
4103 Chain Bridge Road, Suite 300  
Fairfax, Virginia 22030  
Telephone: 703-352-2399  
Facsimile: 703-763-2304  
sgibbs@murrayosorio.com

*Pro Hac Vice Counsel for Petitioners*

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
San Antonio Division

_____	)	
WILDER LUCIANO CONTRERAS TEO, <i>et al.</i> ,	)	
	)	
<i>Petitioners,</i>	)	
	)	
v.	)	Civil Action No. <u>5:25-cv-1309-FB</u>
	)	
KRISTI NOEM, <i>et al.</i>	)	
	)	
<i>Respondents.</i>	)	
_____	)	

**LIST OF EXHIBITS**

Ex. 1) EOIR Immigration Judge Bond Order denying bond, dated September 10, 2025,  
for Petitioner Munoz Colorado (A ).

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this date, I will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk  
U.S. Attorney's Office for the Western  
District of Texas  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216

Bobby Thompson, Warden,  
South Texas Detention Facility  
566 Veterans Drive  
Pearsall, TX 78061

Office of the General Counsel  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0485  
Washington, DC 20528-0485

Warden,  
ERO El Paso Camp East Montana  
6920 Digital Road  
El Paso, TX 79936

Pamela Bondi  
Attorney General of the United States  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Warden,  
Karnes County Immigration Processing  
Center  
409 FM 1144  
Karnes City, TX 78118

Miguel Vergara, Director,  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs  
Enforcement  
500 12th Street SW, Mail Stop 5902  
Washington, DC 20536-5902

Respectfully submitted,

Date: October 24, 2025

/s/ Stephanie E. Gibbs  
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