UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Mario Martinez Campuzano, Petitioner, V. KRISTI NOEM, Secretary of the United States Department of Homeland Security; PAMELA BONDI, United States Attorney General; MIGUEL VERGARA, San Antonio Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security; CHARLOTTE COLLINS, Warden, T. Don Hutto Detention Center, Taylor, Texas; OSCAR MONTEMAYOR; Acting Chief Counsel, U.S. Immigration and Customs Enforcement, Department of Homeland Security; CELESTIN NKENG; Assistant Chief Counsel, U.S. Immigration and Customs Enforcement, Department of Homeland Security; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; Respondents.	§ § § § § § § § § § § § § § § § § § §	Civil Case No. 1:25-CV-01715-DAE

BRIEF AND EVIDENCE IN SUPPORT OF HABEAS CORPUS

Petitioner Mario Martinez Campuzano respectfully submits this brief and evidence in support of his release. Respondents' arguments rest on a flawed interpretation of the Immigration and Nationality Act ("INA") that contradicts nearly three decades of post-IIRIRA practice, Supreme Court precedent, and recent federal court rulings—including a nationwide class certification declaring Respondents' policy unlawful. This Court should reject Respondents' position, grant the Petition, and order Petitioner's immediate release on reasonable bond or conditions of supervision.

I. Argument

A. Petitioner Is Detainable Under § 1226(a), Not § 1225(b), and Is Entitled to a Bond

Respondents' core argument—that Petitioner is mandatorily detained under § 1225(b) as an "applicant for admission"—fails under the plain text and structure of the INA. See *Jennings v. Rodriguez*, 583 U.S. 281, 287–88 (2018) (interpreting detention provisions based on statutory context).

1. **The Plain Text of § 1225(a)(1) Does Not Apply to Long-Term Interior Residents Like Petitioner**

Section 1225(a)(1) deems "[a]n alien present in the United States who has not been admitted" an "applicant for admission." 8 U.S.C. § 1225(a)(1). Respondents read this expansively to cover any EWI, regardless of time in the U.S. or location of apprehension. Resp. at 3. This ignores the provision's context: It applies to aliens actively "seeking admission" at or near ports of entry, not long-term residents like Petitioner, who entered in 1986 and was arrested in Texas after 39 years. ECF No. 1 6.

Respondents' "seeking admission" gloss—that Petitioner is implicitly "seeking" to remain by contesting removal—is circular and unsupported. If adopted, it would render § 1226(a) superfluous for all inadmissible aliens, contrary to canon against surplusage.

Federal courts have repeatedly rejected this interpretation. See, e.g., *Rojas Vargas v. Bondi*, No. 1:25-cv-01699-DAE (W.D. Tex. Nov. 5, 2025); *Gonzalez Guerrero v. Noem*, No. 1:25-CV-1334-RP (W.D. Tex. Oct. 27, 2025); *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025). These decisions confirm that § 1226(a) governs, entitling Petitioner to a bond hearing.

2. Respondents' Interpretation Undermines IIRIRA's Reforms and Creates Inequities

Respondents claim IIRIRA replaced "entry" with "admission" to mandate detention for all EWIs, correcting prior inequities where inspected aliens were detained without bond while evaders were not. This misreads history. IIRIRA aimed to streamline border processes, not impose indefinite detention on interior residents.

Under Respondents' view, long-term EWIs like Petitioner—stable, tax-paying residents with U.S. citizen families—would face harsher treatment than visa overstayers (detainable under § 1226(a) with bond eligibility). This revives the very inequities IIRIRA sought to fix.

3. Section 1226(a) Is Not Superfluous and Applies to Interior Aliens Like Petitioner

Respondents argue § 1226(a) applies only to previously admitted aliens now removable under § 1227(a). This is incorrect. Section 1226(a) expressly allows DHS to detain "an alien" during removal proceedings, with bond release unless dangerous or a flight risk. 8 U.S.C. §

1226(a). It complements § 1225(b), which is limited to border contexts. See *Jennings*, 583 U.S. at 287–88 (noting § 1226(a) for "deportable" aliens in proceedings).

Adopting Respondents' view would nullify § 1226(a) for inadmissible interior aliens, violating surplusage canon. As the BIA itself noted in *Matter of Yajure Hurtado*, statutes enacted at different times must be read harmoniously, not to "eviscerate" one another.

4. The Laken Riley Act Is Irrelevant and Does Not Render Respondents' Interpretation Necessary

Respondents dismiss surplusage concerns regarding the Laken Riley Act as mere "redundancy." But the Act, which mandates detention for certain criminal aliens, does not address EWIs like Petitioner. Its overlap with § 1225(b) highlights Respondents' overreach, not statutory harmony.

B. Petitioner Overcomes Any Jurisdictional Hurdles, and Respondents' Policy Violates Due Process

Respondents suggest jurisdictional bars to challenging the initial removal decision. This mischaracterizes the Petition, which challenges detention authority, not removability—a pure legal question reviewable under § 2241.

Moreover, Respondents' policy deprives Petitioner of liberty without due process. Indefinite detention without a bond hearing for non-criminal, long-term residents violates the Fifth Amendment. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

C. The Nationwide Class Certification in Maldonado Bautista Compels Relief

Critically, Petitioner is a member of the Bond Eligible Class certified in *Maldonado Bautista*. The class includes all noncitizens without lawful status who entered without inspection,

were not apprehended upon arrival, and are not subject to other mandatory detention at initial custody determination. *Maldonado Bautista*. The court extended declaratory relief from its November 20, 2025, partial summary judgment ruling Respondents' § 1225(b) policy unlawful.

As a class member, Petitioner is entitled to this relief. However, the Immigration Judge is violating the federal court order. On November 21, 2025, the IJ denied bond, claiming he lacked the authority to hear the bond request under *Matter of Yajure Hurtado*. See Exhibit E. On December 5, 2025, the IJ again denied bond despite *Maldonado Bautista* because the federal order was only a partial summary judgment not a final judgment. See Exhibit F. The Petitioner filed a motion to reconsider that same day, explaining that the federal order applied to Petitioner. On December 5, 2025, the IJ denied the motion to reconsider. In the order, he agreed that the terms of the federal order were clear, but that it was not a final judgment and thus not binding to all parties. See Exhibit G.

In light of these arguments, we are of the view that noncitizens are not obtaining due process and fair proceedings in immigration court. DHS and DOJ are working together and making removal and bond proceedings in EOIR in favor of the government. The only remedy is to release the Petitioner, as explained below.

D. In Light of Petitioner's Circumstances, the Court Should Order Immediate Release

Even assuming arguendo that a bond hearing is required, Petitioner's detention—now nearly six months—warrants immediate release. See *Zadvydas*, 533 U.S. at 701 (detention presumptively unreasonable after six months, but courts may order release earlier for due process violations). Petitioner poses no danger to the community and is not a flight risk, as evidenced by the attached supporting documents.

Petitioner has no criminal record. He has resided in the United States since 1986, maintained stable employment, and paid federal income taxes. He has three children, two of whom are U.S. citizens, the other one has an employment authorization card and is in the immigration process. His pending 42B cancellation of removal application is strong, based on exceptional and extremely unusual hardship to his U.S. citizen children if removed.

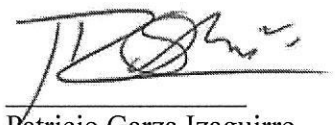
These ties demonstrate Petitioner's incentive to appear for proceedings and lack of risk. Immediate release on his own recognizance or reasonable bond with conditions (e.g., electronic monitoring) is appropriate, especially given Respondents' unlawful detention policy.

Furthermore, immediate release is warranted in this case because noncitizens are not receiving due process and fair proceedings in immigration court. As the attached evidence elucidates, DHS and EOIR are working together under the current administration. Posts from DHS and DOJ reveal that instead of calling immigration judges by such title, they are calling them "Deportation Judges," which undermines fair proceedings and due process in immigration Court. Moreover, even when a final federal judgment certifying a class from the district court in California has been rendered, EOIR has been refusing to hold bond hearings for EWI, finding lack of jurisdiction because *Matter of Yajure Hurtado* has not been vacated. But they are well aware that the policy of mandatory detention for EWIs was declared unlawful in a nationwide final judgment. Lastly, attorneys admitted in this Western District have provided written letters stating that there is no due process or fair proceedings in EOIR.

III. Conclusion

For these reasons, the Court should reject Respondents' arguments, grant the Petition, and order Petitioner's immediate release on reasonable bond and conditions of supervision pending his removal proceedings. Alternatively, order a prompt bond hearing before an IJ.

Respectfully submitted, January 6, 2026.



Patricio Garza Izaguirre
Attorney for the Petitioner
Garza & Narvaez, PLLC
7600 Chevy Chase Dr - STE 118
Austin, TX 78752
TX SBN 24087568

INDEX OF DOCUMENTS

Exhibit	
A	DHS Posts on X
B	DOJ Posts on X
C	Comments from Members of the Texas Bar regarding EOIR in Central Texas
D	Letters from Attorneys Licensed to Practice in the WDTX
E	Order from IJ Denying bond dated November 21, 2025
F	Order from IJ Denying bond (second time) dated December 5, 2025
G	Order from IJ Denying Motion to Reconsider dated December 5, 2025
H	Evidence in favor of Release

CERTIFICATE OF SERVICE

I, Patricio Garza Izaguirre, certify that on this date a true and correct copy of this **BRIEF AND EVIDENCE IN SUPPORT OF HABEAS CORPUS**, and all the attached documents described in the index above, were served to the following by the CM/ECF system:

1. KRISTI NOEM, Secretary of the United States Department of Homeland Security;
2. PAMELA BONDI, United States Attorney General;
3. MIGUEL VERGARA, San Antonio Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security;
4. CHARLOTTE COLLINS, Warden, T. Don Hutto Detention Center, Taylor, Texas;
5. UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
6. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
7. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

On January 6, 2026

Patricio Garza Izaguirre
Attorney for the Petitioner
Garza & Narvaez, PLLC
7600 Chevy Chase Dr - STE 118
Austin, TX 78752
TX SBN 24087568