

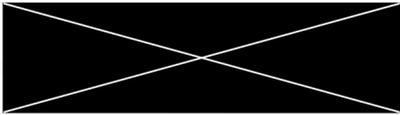
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ABRAHAN LINCOLN MARQUES,
Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;
TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;
JOSH JOHNSON, in his official capacity
as Acting Director of the Dallas Field
Office of ICE, Enforcement and Removal
Operations;
WARDEN OF THE PRAIRIELAND
DETENTION CENTER; and
DAREN K. MARGOLIN, Director of the
Executive Office for Immigration Review,
Respondents.

Civil Action No. 3:25-cv-02914

Immigration No. A 

**PLAINTIFF'S ORIGINAL VERIFIED
PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

I. INTRODUCTION

1. Petitioner ABRAHAN LINCOLN MARQUES (A# ) is a native and citizen of Brazil who has resided in the United States for many years, most recently in the North Texas area. He is currently subject to indefinite detention after his apprehension by ICE in Texas and is currently detained at the Prairieland Detention Center in Alvarado, Texas. *See* Ex. A, Proof of Detention in ICE Custody.

2. Mr. Marques has been placed into removal proceedings before under INA § 240, 8 U.S.C. § 1229a, following his recent arrest by ICE officers near his home in Irving, Texas. *See* Ex. B, Documentation of Removal Proceedings.

3. In recent months, immigration judges have refused to provide noncitizens such as Mr. Marques with a meaningful bond hearing, asserting a lack of jurisdiction based on erroneous Board of Immigration Appeals precedent. The refusal to provide such a hearing violates the presumption of innocence and the Due Process Clause of the Fifth Amendment, because Respondents have deemed detention in § 240 proceedings governed by INA § 236(a), as amended by the Laken Riley Act, to prohibit the release of noncitizens merely for having been arrested of certain offenses, such as theft or assault.

4. Mr. Marques therefore petitions this Court for habeas relief under 28 U.S.C. § 2241, and seeks immediate injunctive relief, including a Temporary Restraining Order (“TRO”) directing Respondents to provide him an individualized custody hearing or release him under reasonable conditions without delay.

II. JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202. This Court also has jurisdiction under 28 U.S.C. § 2241, which grants federal district courts authority to hear habeas petitions filed by persons held in custody in violation of federal law or the Constitution. This action also invokes the Court’s authority under the All Writs Act, 28 U.S.C. § 1651.

6. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar this suit. Petitioner does not challenge a final order of removal, nor seek class-wide relief.

Detention-based habeas claims are not channeled by Section 1252(b)(9). *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839–42 (2018). Section 1252(g) is narrowly construed and does not foreclose review of unlawful custody or *ultra vires* attempts to switch a non-final INA § 240 case into expedited removal. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482–83 (1999) (hereinafter also referred to as “*Reno v. AADC*”). Individual injunctive relief is not barred by Section 1252(f)(1). *See Garland v. Aleman Gonzalez*, 142 S. Ct. 2057, 2065–66 (2022).

7. Venue is proper in this District, and in the Dallas Division, because Petitioner is detained at the Prairieland Detention Center in Alvarado, Texas, within this Court’s jurisdiction, whereas Petitioner’s immigration detention is controlled by the Dallas Field Office of ICE – Enforcement and Removal Operations. *See Ex. A.*

III. PARTIES

8. Petitioner, ABRAHAN LINCOLN MARQUES (“Mr. Marques”), is a citizen and national of Brazil who has lived in the United States for over twenty years. He was transferred to the Prairieland Detention Center, where he remains detained, following his arrest by ICE near his home in Denton, Texas. Petitioner is currently awaiting placement into active removal proceedings under 8 U.S.C. § 1229a (INA § 240), despite the fact that he has remained in ICE custody for over a week.¹ Despite having received an NTA, Petitioner’s immigration court case is still set for a preliminary, “Master” Hearing. *See Ex. F*, EOIR Case Information System.

9. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (“DHS”). She is sued in her official capacity.

¹ The Immigration Court in Houston will likely be the administrative control docket, despite ICE’s transfer of Petitioner to detention in Alvarado, Texas.

10. Respondent TODD LYONS is the Acting Director of Immigration and Customs Enforcement (“ICE”), an executive branch agency within the Department of Homeland Security. He is sued in his official capacity.

11. Respondent JOSH JOHNSON is the Acting Director of the Dallas Field Office of ICE – Enforcement and Removal Operations (“ERO”), and therefore, he oversees the Prairieland Sub-Office of ERO Dallas, which has jurisdiction over Petitioner. He is sued in his official capacity as Petitioner’s local custodian and DHS’s local decisionmaker.

12. Respondent, WARDEN OF THE PRAIRIELAND DETENTION CENTER, is responsible for housing noncitizens from various regions of Texas in ICE custody pending the completion of their removal proceedings. The Prairieland Detention Center is located at 1200 Sunflower Ln., Alvarado, Texas 77301. Respondent is sued in his official capacity as Petitioner’s immediate physical custodian as of the filing of this petition.

13. Respondent, DAREN K. MARGOLIN, is Director of the Executive Office for Immigration Review. As such, he is responsible for directing and coordinating policy for the United States Immigration Court system, including policies relating to immigration bond applications and requests for custody redeterminations in immigration court. He is sued in his official capacity only.

14. Respondents Noem and Lyons, who represent DHS and ICE, are properly included herein as the executives of federal agencies within the meaning of the Administrative Procedure Act (“APA”).

IV. FACTUAL BACKGROUND

A. Petitioner’s Background and Residence in the United States

15. Petitioner Abrahan Lincoln Marques (“Mr. Marques”) is a forty-nine-year-old national of Brazil, born in São Paulo on [REDACTED]. He lawfully entered the United States on or about January 20, 2003, through the Port of Miami, Florida, pursuant to an H-2B nonimmigrant visa issued in São Paulo, Brazil, and authorized to remain until July 19, 2003. *See* Ex. B, Documentation of Removal Proceedings. Mr. Marques thereafter overstayed his authorized admission but has resided continuously in the United States for more than two decades.

16. Since approximately April 2007, Mr. Marques has made his home in the Dallas–Fort Worth metropolitan area, residing with his wife, Sheila Rosa Martins Marques (“Sheila Marques”), at [REDACTED] Dallas, Texas 75287. *See* Ex. C, Application for Immigration Bond. The couple married in 2001 in Brazil and have maintained a stable household in Dallas ever since. Mrs. Marques is also a Brazilian national and the principal applicant in their asylum application currently pending before the Houston Asylum Office of U.S. Citizenship and Immigration Services.

17. Mr. Marques has worked steadily in the area, most recently as a driver for Texas Auto Value in Farmers Branch from January 2023 to October 2023, and he and his wife jointly own two vehicles valued at approximately \$21,000. *See* Ex. C, Application for Immigration Bond. Although Mr. Marques does have pending charges in Denton County, he has no prior criminal convictions, no history of flight from immigration authorities, and longstanding community ties through church and employment.

18. For context, Petitioner and his wife filed an application for asylum and withholding of removal (Form I-589) with USCIS in October 2024, and they are awaiting a decision, despite having attended an asylum interview on November 26, 2024, nearly

eleven months ago. At present, their asylum application remains pending. *See* Ex. D, Petitioner's File-Stamped Asylum Application. However, ICE's recent arrest of Mr. Marques likely means that his case will be needlessly severed from that of his family, resulting in a waste of administrative and judicial economy.

B. Denton County Arrest and Pending Charges

19. On February 25, 2025, Mr. Marques was arrested in Denton County, Texas, on two charges—Criminal Mischief and Aggravated Assault with a Deadly Weapon. *See* Ex. C, Application for Immigration Bond. Both cases remain pending in the state district court. Mr. Marques has not been convicted of either offense, and the record contains no finding of probable cause by any judicial body beyond the ministerial issuance of an arrest warrant. He has consistently maintained his innocence.

20. Following his arrest, Mr. Marques was detained briefly at the Denton County Jail and thereafter released on bond set by the state court. During this period, he continued to reside with his spouse at their Dallas address and cooperated fully with local law enforcement authorities.

21. Despite his long-pending asylum application, and although Mr. Marques's removal proceedings before EOIR previously reflected he had an initial immigration hearing scheduled before Immigration Judge Danielle Garten of the Houston (Greenspoint) Immigration Court on November 5, 2025, the official EOIR Automated Case Information System now no longer reflects that any hearing is scheduled, as of October 28, 2025. *See* Ex. F, EOIR Case Information.

C. Transfer to ICE Custody and Initiation of Removal Proceedings

22. Despite the absence of any conviction or adjudication of guilt, agents of U.S. Immigration and Customs Enforcement (“ICE”) under the Dallas Field Office of Enforcement and Removal Operations (ERO) took Mr. Marques into custody in early October 2025. ICE subsequently transferred him to the Prairieland Detention Center, located at 1209 Sunflower Lane, Alvarado, Texas 76009, within the Fort Worth Division of the Northern District of Texas. *See* Ex. G, Application for Immigration Bond; *see* Ex. B, Documentation of Removal Proceedings (NTA).

23. On October 5, 2025, ICE served Mr. Marques with a Notice to Appear (NTA) commencing removal proceedings under INA § 237(a)(1)(B) for remaining in the United States longer than permitted following lawful admission. *See* Ex. B, Documentation of Removal Proceedings (NTA). The NTA ordered him to appear before an immigration judge at the Prairieland Detention Center on October 22, 2025.

D. Custody Proceedings Before the Immigration Court

24. Because ICE refused to set a bond, counsel for Mr. Marques filed a Motion for Determination of Custody on October 21, 2025, arguing that the Laken Riley Act’s January 2025 amendment to 8 U.S.C. § 1226(c) cannot lawfully be applied to individuals who have merely been *arrested* for, but not *convicted* of, an alleged offense. *See* Ex. C, Application for Immigration Bond. During the immigration bond hearing, the Department reiterated its position—treating Mr. Marques as mandatorily detained based solely on his pending state charges—a position that violates the presumption of innocence and the Fifth Amendment’s Due-Process Clause. *See Demore v. Kim*, 538 U.S. 510 (2003) (recognizing Due Process applies in immigration custody determinations), *but see United*

States v. Salerno, 481 U.S. 739 (1987) (despite presumption of innocence, held detention of criminal defendant in anticipation of trial due to risk of dangerous not punishment).

25. On October 22, 2025, the Department of Homeland Security, through Assistant Chief Counsel Holly Brooks, filed a Notice of Filing of Evidence opposing the motion and asserting that the Laken Riley Act renders Mr. Marques's detention mandatory. *See* Ex. E, DHS Evidence. The Immigration Court issued a Notice of Custody Redetermination Hearing scheduling oral argument before Immigration Judge Oshea Spencer for October 23, 2025, at 9:00 A.M. *See* Ex. G, Notice of Bond Hearing. Though the Immigration Judge held a hearing, it ultimately accepted the arguments of DHS counsel and concluded that Mr. Marques's pending criminal charge for aggravated assault causing serious bodily injury rendered him subject to mandatory detention under the Laken Riley Act. *See* Ex. H, IJ Decision Denying Immigration Bond.

E. Current Custody and Collateral Consequences

26. On or about the night of October 10, 2025, ICE transferred Mr. Marques from the Dallas Field Office to the Prairieland Detention Center in Alvarado, Texas, located in Johnson County. The facility is operated under contract with the Prairieland Sub-Field Office of the Dallas Field Office of ICE – Enforcement and Removal Operations (“ERO”). The ICE Detainee Locator confirms Petitioner's custody in Alvarado, Texas, as of October 16, 2025. *See* Ex. A.

27. Presently, Mr. Marques remains detained at Prairieland under ICE's custody, after receiving determination that he poses a danger to the community or a risk of flight, due largely to Respondents' determination that the Laken Riley Act prohibits his release. His continued detention has imposed severe hardship on his U.S.-based family, interrupted

his employment, and caused the loss of his primary income. However, no criminal court or immigration tribunal has yet adjudicated the factual allegations underlying his arrest.

28. By applying the arrest-based detention provisions of the Laken Riley Act, Respondents have effectively imposed mandatory confinement on a presumptively innocent individual, without the procedural safeguards recognized by the Supreme Court as essential to due process. Accordingly, Mr. Marques seeks relief under 28 U.S.C. § 2241, challenging the legality of his continued civil detention and requesting immediate release or, in the alternative, a constitutionally adequate bond hearing.

29. As applied to this case, the Laken Riley Act is unconstitutional, as it *mandates* the detention of a noncitizen on the basis of an as-yet unproven criminal charge. For this reason, Petitioner respectfully seeks a declaration that the Laken Riley Act, as applied to pending criminal charges, is unconstitutional as it presumes noncitizens guilty. Petitioner also seeks Temporary Restraining Order and Preliminary Injunction ordering his immediate release, or alternatively, requiring Respondents to promptly provide him with an individualized custody determination before an immigration judge.

30. In sum, Mr. Marques is a man with deep roots in the United States, strong claims for humanitarian protection, and no disqualifying criminal record. He has been thrust into seemingly indefinite civil detention solely because of the government's reliance on recent, non-binding BIA decisions that contravene the plain language of the INA and the recent decisions of multiple federal district courts. Mr. Marques's continued detention, absent the possibility of an individualized bond hearing, is unlawful, arbitrary, and profoundly unjust.

V. LEGAL FRAMEWORK

A. Statutory Framework Governing Immigration Detention.

31. Immigration detention is governed primarily by two provisions of the INA: Section 235(b) [8 U.S.C. § 1225(b)] and Section 236(a) [8 U.S.C. § 1226(a)]. Whereas Section 236(a) of the INA authorizes the Attorney General to release noncitizens on bond pending removal proceedings, in contrast, Section 235(b) applies to certain categories of “arriving aliens” and mandates detention pending completion of expedited or threshold screening.

32. Under 8 U.S.C. § 1226(a), the Attorney General is authorized to arrest and detain a noncitizen pending a decision on removal, but may release the individual on bond or conditional parole upon a finding that the person is neither a flight risk nor a danger to the community. This is the general rule governing civil detention during the pendency of immigration proceedings.

33. In contrast, 8 U.S.C. § 1226(c)—the so-called *mandatory detention provision*—requires ICE to detain certain noncitizens who have been convicted of enumerated offenses involving crimes of moral turpitude, controlled substances, aggravated felonies, or firearm violations. This provision has long been recognized as an exception to the general presumption of liberty under § 1226(a), and its constitutionality has been sustained only under narrow circumstances where detention is temporary and based on actual criminal convictions. See *Demore v. Kim*, 538 U.S. 510, 531 (2003) (emphasizing that § 1226(c) applies only to “criminal aliens who have already been convicted of crimes” and that detention “lasts roughly a month and a half in the vast majority of cases”).

34. Congress designed § 236(a) to govern the detention of individuals who, like Petitioner, are in regular removal proceedings under § 240. The statutory text expressly provides for release on bond, subject only to conditions ensuring appearance and protecting the community.

35. The Supreme Court has confirmed the distinction between these statutory schemes. *See Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (explaining differences between § 235(b) mandatory detention and § 236(a) discretionary custody). The Board of Immigration Appeals itself recognized for decades that individuals in § 240 proceedings after entry without inspection were eligible for custody redeterminations. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

B. The Laken Riley Act and Its 2025 Amendments to § 1226(c).

36. On January 30, 2025, Congress amended this statutory scheme by enacting the Laken Riley Act, Pub. L. No. 118-__, which amended § 1226(c) to extend mandatory detention to individuals who have merely been “arrested for or charged with” an offense “involving violence, domestic violence, or assaultive conduct.” The amendment provides that such individuals “shall be detained” pending completion of removal proceedings, even absent a conviction.

37. This amendment represents a sharp and unprecedented expansion of the federal government’s civil detention authority. By converting an *arrest*—a mere accusation—into a statutory trigger for mandatory confinement, the Act obliterates the constitutional line recognized in *Demore* and transforms § 1226(c) from a narrow exception to a sweeping rule of pre-conviction incarceration.

38. DHS has relied on this new arrest-based language to detain Mr. Marques indefinitely, without bond, based solely on pending state charges in Denton County that have not been adjudicated. Such detention is not authorized by the pre-existing statute and, even if textually supported by the 2025 amendment, violates the Due Process Clause of the Fifth Amendment.

39. In recent months, federal courts around the country have assessed habeas claims and concluded that the Government's efforts to utilize the Laken Riley Act amendments to Section 236 of the INA prevent noncitizens accused of certain crimes from obtaining immigration bonds in a manner violative of their constitutional rights. *See* Ex. I. Appendix of Federal Decisions Interpreting the Laken Riley Act.

40. Specifically, these holdings reflect a growing consensus that the Laken Riley Act, as applied by Respondents in immigration bond proceedings, violates the Constitutional rights of noncitizens to the presumption of innocence and to Due Process, underscoring that Mr. Marques is entitled to reconsideration of his bond request under § 1226(a).

VI. CLAIMS FOR RELIEF

Count I – Unlawful Detention in Violation of the INA.

41. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

42. In order to avoid interpreting the immigration detention statutes in a manner violative of his constitutional right to the presumption of innocence, Mr. Marques's detention is not authorized by the Immigration and Nationality Act as properly construed. Section 1226(c), even as amended, must be interpreted in light of longstanding

constitutional norms and the Supreme Court's recognition that detention is permissible only for those "convicted" of specified offenses. *Demore*, 538 U.S. at 513-14.

43. Construing § 1226(c) to mandate detention upon mere arrest would contradict the structure of the INA, which elsewhere distinguishes between "conviction" and "charge." See *INS v. St. Cyr*, 533 U.S. 289, 318-19 (2001) (construing removal statutes to avoid retroactive or unconstitutional application). Nothing in the statute suggests that Congress intended to eliminate individualized bond determinations for unconvicted individuals who are presumptively innocent. Under the canon of constitutional avoidance, § 1226(c) should be read to apply only after a qualifying conviction has occurred.

44. Because Mr. Marques has not been convicted of any offense, his continued detention falls under § 1226(a), not § 1226(c), and Respondents must therefore provide him with a bond hearing before an immigration judge during which Petitioner is not treated as subject to mandatory detention.

Count II – Violation of Substantive and Procedural Due Process.

45. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

46. Petitioner's continued detention without being treated as being subject to mandatory detention violates the Due Process Clause of the Fifth Amendment. Prolonged detention without bond review is arbitrary, punitive, and unconstitutional.

47. The Supreme Court has long recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S.

678, 690 (2001). Immigration detention is civil in nature, but it nonetheless implicates this fundamental liberty interest.

48. Even if § 1226(c) were interpreted to encompass arrest-based detention, its application here violates substantive and procedural due process. The Fifth Amendment forbids arbitrary deprivations of liberty except in narrowly defined circumstances. Detention under the immigration laws is permissible only when justified by the government's legitimate interests in preventing flight or protecting the public from proven danger, and only when less restrictive alternatives would be inadequate. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Salerno*, 481 U.S. at 747.

49. Mr. Marques's detention satisfies none of these criteria. He has no criminal convictions, a fixed residence, and no record of flight or non-appearance. Detaining him solely because of a pending charge—a mere allegation untested in court—bears no rational relation to the government's interest in ensuring appearance or protecting public safety. The Laken Riley Act's categorical mandate thus operates as a form of preventive detention based on speculation and stereotype rather than individualized assessment. Such a regime “offends the fundamental fairness guaranteed by the Due Process Clause.” *Salerno*, 481 U.S. at 747–48.

50. Even assuming the government's interest in public safety could justify temporary detention, due process demands adequate procedural safeguards. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts balance (1) the private interest affected, (2) the risk of erroneous deprivation under existing procedures, and (3) the government's interest.

51. Here, the private interest—freedom from physical confinement—is of the highest order. The risk of erroneous deprivation is acute, because detention is triggered by a bare

arrest record without any judicial finding of guilt or danger. The government's asserted interest in preventing absconding or harm could readily be met through a bond hearing. On balance, due process requires at least an individualized bond determination affording Mr. Marques the opportunity to demonstrate that he is neither a flight risk nor a danger.

52. Unlike noncitizens subject to mandatory detention for serious criminal offenses under Section 236(c) [8 U.S.C. § 1226(c)], Petitioner has no qualifying convictions that justify a categorical denial of release. His only arrest was for an unadjudicated allegation of criminal conduct prior to his transfer to ICE custody. The government has no legitimate basis to insist that Petitioner's detention be mandatory, yet he remains confined with no opportunity for release.

53. Denying Petitioner any access to a meaningful bond hearing deprives him of procedural protections guaranteed by the Due Process Clause. Moreover, prolonged detention without meaningful review violates the substantive limits of due process, as articulated in *Zadvydas* and *Demore v. Kim*, 538 U.S. 510 (2003).

54. By adopting a policy refusing to provide Petitioner with a meaningful, individualized bond hearing that comports with INA § 236(a), and turning a blind eye to Petitioner's pending I-589 application for asylum now pending with USCIS for nearly a year, Respondents have attempted to circumvent the processing of his affirmatively filed Form I-589 asylum application.

55. Petitioner is a long-time resident of the United States, with over twenty years of continuous presence. He has strong family and community ties in North Texas, and he has no criminal conviction history. Yet, solely because of a recent, unadjudicated allegation of criminality, he has been categorically denied the process to which he is

entitled. This amounts to an arbitrary deprivation of liberty in violation of the Fifth Amendment.

56. Accordingly, the Court should grant habeas relief on constitutional grounds and order that Petitioner be afforded an immediate bond hearing, or that he be released from custody pending the final outcome of his Section 240 removal proceedings.

**Count III – Violation of the Separation of Powers and
the Eighth Amendment’s Prohibition on Excessive Bail**

57. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

58. By purporting to mandate indefinite detention without judicial discretion or individualized review, the Laken Riley Act also intrudes upon the judicial function guaranteed by Article III and the Eighth Amendment’s prohibition of excessive bail. The Supreme Court has long recognized that “[t]he right to release before trial is conditioned upon the accused’s giving adequate assurance that he will stand trial and submit to sentence,” *Stack v. Boyle*, 342 U.S. 1, 4 (1951), and that pretrial detention without such inquiry is constitutionally suspect.

59. Congress cannot constitutionally compel the Executive to detain all individuals merely arrested for certain offenses while simultaneously depriving the Judiciary of its historic role to weigh risk and determine conditions of release. Such legislative overreach offends the separation of powers and transforms immigration detention into punishment—contrary to its civil character.

60. Accordingly, the Court should address Respondents’ actions in treating Petitioner as an impingement on the power of judiciary, and accordingly, grant habeas relief to remedy the violation.

VII. REQUEST FOR INJUNCTIVE RELIEF

61. Petitioner respectfully requests that this Court issue a preliminary injunction directing Respondents to provide him with an immediate individualized custody redetermination hearing under INA § 236(a) within seven (7) days, or, in the alternative, to release him under reasonable conditions of supervision. Petitioner intends to seek a Temporary Restraining Order and Preliminary Injunction through a separate motion that is forthcoming, and upon a final hearing, Petitioner asks for permanent injunctive relief as appropriate.

62. The Supreme Court has made clear that such extraordinary relief depends on a four-factor test: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009). As will be explained in a separate filing, Petitioner satisfies each of these factors.

VIII. PRAYER FOR RELIEF

63. For the above and foregoing reasons, Petitioner respectfully requests that this Court take the following actions:

- a. Issue a writ of habeas corpus ordering Respondents to provide Petitioner with an individualized bond hearing under INA § 236(a), 8 U.S.C. § 1226(a) within seven (7) days of the Court's order;
- b. Grant a temporary restraining order and preliminary injunction requiring such a hearing, or Petitioner's immediate release;
- c. Issue a declaration that DHS may not initiate or pursue expedited removal against Mr. Marques while his § 240 removal proceedings remains non-final and while he seeks relief from removal before an Immigration Judge;

- d. Issue a declaration that the plain language of INA § 236(a) permits immigration judges to consider bond requests of noncitizens who are present without admission and are not classified as arriving aliens;
- e. Grant permanent injunctive relief as appropriate;
- f. Award Plaintiff reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 552(a)(4)(E), and any other applicable provision of law;
- and
- g. Grant such other relief as this Court deems just and proper.

DATE: October 27, 2025.

Respectfully submitted,

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

VERIFICATION

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

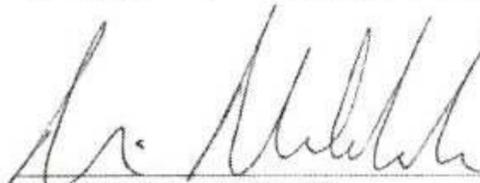
BEFORE ME, the undersigned authority, on this day personally appeared **SHEILA ROSA MARTINS MARQUES (“AFFIANT”)**, known to me to be the person whose name is subscribed to the foregoing document, and who after being by me duly sworn, stated that she is above the age of twenty-one (21) years of age, is of sound mind, and is in all ways competent. Affiant acknowledged that she has read the substance of the foregoing document, and Affiant has personal knowledge of the facts contained herein, that the factual statements contained herein above are true and correct to the best of Affiant’s knowledge and belief, and that Affiant executed the same, in the capacity therein stated.



SHEILA ROSA MARTINS MARQUES,
AFFIANT

SUBSCRIBED AND SWORN BEFORE ME on this 02 day of October, 2025.

[SEAL]



NOTARY PUBLIC
In and for the State of Texas

