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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LUIS ALBERTO QUINTERO MORALES,

Petitioner,

v.

BOBBY THOMPSON, Warden,
South Texas Detention Center;

MIGUEL VERGARA, Acting/Director
of the San Antonio Field Office U.S.
Immigration and Customs Enforcement;

KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and

PAMELA BONDI, Attorney General
of the United States, in their official capacities,

Respondents.

Case No. 5:25-cv-01391

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Luis Alberto Quintero Morales is in the physical custody of Respondents at the South Texas ICE Processing Center in Pearsall, Texas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.
2. Petitioner is charged in immigration proceedings with being present in the United States without having been inspected or admitted. 8 U.S.C. § 1182(a)(6)(A)(i). *Ex A- I-862 Notice to Appear*. Petitioner entered the United States without inspection near Eagle Pass, Texas, around October 22, 2002. *Id.* This was his first and only entry into the United States. Petitioner has resided continuously in the United States for approximately twenty-three years. He has been detained by DHS at the South Texas ICE Processing Center since August 9, 2025 and his release from detention is not foreseeable at this time. Petitioner contends that his detention is unlawful because he has been denied the opportunity to request release on bond, despite his statutory and constitutional right to do so, discussed *infra*.
3. The present petition filed on behalf of the Petitioner is one of a number of recent lawsuits challenging the federal government's authority to detain noncitizens during the pendency of removal proceedings under 8 U.S.C. § 1225(b). *See e.g. Roa v. Albarran*, No. 25-cv-7802, 2025 WL 2732923, at *1 (N.D. Cal. Sep. 25, 2025) (describing the “tsunami” of recent similar cases in the Northern District of California) (quoting Hinestroza v. Kaiser, No. 25-cv-7559, 2025 WL 2606983, at *2 (N.D. Cal. Sep. 9, 2025)); *see also Savane v. Francis*, No. 1:25-cv-6666, 2025 WL 2774452, at *1 (S.D.N.Y. Sep. 28, 2025) (explaining that “[t]his is another case in a recent line of cases concerning

the scope of the government's authority to detain noncitizens during the pendency of removal proceedings").

4. Accordingly, to preserve Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a Writ of Habeas Corpus for the reasons stated *infra*. Absent an order from this Court, Petitioner will continue to suffer an unconstitutional deprivation of his right to liberty, as well as extreme irreparable harm given the personal facts of his situation. Petitioner asks this Court to find that his detention is unconstitutional and order immediate release from detention.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper with this Court because Petitioner is detained at South Texas ICE Processing Center in Pearsall, Texas, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief.

28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

11. Petitioner, Luis Alberto Quintero Morales, is a citizen of Honduras. He is currently detained at South Texas ICE Processing Center in Pearsall, Texas. He is in the custody, and under the direct control, of Respondents and their agents.
12. Respondent Bobby Thompson is the Warden of the South Texas ICE Processing Center and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.
13. Respondent Miguel Vergara is sued in his official capacity as the Acting Field Office Director of the San Antonio Field Office of U.S. Immigration and Customs Enforcement. Respondent Vergara is a legal custodian of Petitioner and has authority to release him.
14. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency

responsible for Petitioner's detention / custody. Respondent Noem is a legal custodian of Petitioner.

15. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

16. Petitioner is a 38-year-old native and citizen of Honduras. He was born on  1982, in Honduras. He entered the United States without inspection near Eagle Pass, Texas, around October 22, 2002. *Ex A - I-862 Notice to Appear*. This was his first and only entry into the United States. Petitioner has resided continuously in the United States for approximately twenty-three years. Petitioner endured a difficult childhood in Honduras. His biological mother died in a car accident when he was approximately five months old, and his father was killed as a victim of gang violence in approximately 1992. He was raised by his aunt, F.M, in the Las Lomas Del Carmen neighborhood of San Pedro Sula, a dangerous community with high crime rates controlled by the MS-13 and Mara 18 gangs. As a teenager working as a merchant selling fruits and vegetables, Petitioner was assaulted and robbed at gunpoint multiple times.
17. Petitioner married S.L.L.A on October 27, 2024. The couple has four children: 1) M.E.R.L., age 19 – Petitioner's stepchild, born in El Salvador; 2) J.G.R.L, age 16 – Petitioner's stepchild, born in El Salvador 3) L.G.G.L, age 11 – Petitioner's stepchild,

U.S. citizen; 4) L.E.Q.L, age 2 – Petitioner’s biological son, U.S. citizen. M.E.R.L and J.G.R.L entered the United States with their mother, S.L.L.A, in approximately 2013.

18. Petitioner was initially detained by U.S. Customs and Border Protection on July 21, 2024.

The Department of Homeland Security (“DHS”) filed form I-862, Notice to Appear (“NTA”), against Respondent on July 22, 2024. Petitioner was subsequently released from custody after being held with his family for about two days.

19. On April 3, 2025, ICE agents came to the family's home and detained S.L.L.A. She was thereafter deported to El Salvador. Upon her arrival in El Salvador, she executed a power of attorney granting Petitioner legal authority to make decisions on behalf of the two youngest children. Since the deportation of his wife, the Petitioner has been the primary caregiver for all four children until his own detention by ICE in August 2025.

20. Petitioner was re-detained by Immigration and Customs Enforcement (“ICE”) on August 9, 2025 after an arrest by the LCRA (Lower Colorado River Authority). At that time, Petitioner was ostensibly stopped under suspicion of Driving While Intoxicated. The charge against him has not been resolved, but Petitioner maintains that he was innocent of any crime and intends to defend himself against the charge. He has been unable to defend himself due to his current detention by DHS.

21. Petitioner was denied release by DHS and sought a custody redetermination hearing before an Immigration Judge. On August 28, 2025, Petitioner moved for custody redetermination with EOIR and was granted the opportunity to make his argument for release during a hearing scheduled for September 17, 2025. However, on September 17, 2025, Petitioner’s scheduled bond hearing was cancelled and an EOIR order was issued stating the following:

A request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 1236, and the Court having considered the representations of the Department of Homeland Security (DHS) and the respondent, IT IS HEREBY ORDERED that the request for a change in the custody status of the respondent be DENIED for the following reason(s):*****
Matter of Yajure-Hurtado applies; 29 I&N Dec. 216 (BIA 2025)*****

Order: The respondent's request for redetermination of custody status is hereby DENIED for lack of jurisdiction.

Ex. B - Immigration Judge's Order on Custody Redetermination dated 09/17/2025

22. After initially being scheduled for the hearing, on September 17, 2025 he was denied the opportunity for a bond redetermination hearing when the Immigration Court found that it lacked jurisdiction over his detention conditions based on decision from the Board of Immigration Appeals issued on September 5, 2025, which ruled that all persons who entered without inspection are deemed applicants for admission to the United States and are ineligible for bond redetermination hearings based on the immigration statute. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

23. Petitioner has since been detained by ICE pursuant to the order asserting that the EOIR has no jurisdiction to release him. A substantive relief hearing was held on October 14, 2024, and though Petitioner did have an opportunity to prove that he warrants relief from deportation at that time, the Court was unable to complete his scheduled trial on that day, and through a court-ordered continuance of his case his detention was summarily extended indefinitely. As of the time of the filing of this Petition, Petitioner has been detained by DHS for almost three months. There is currently no new hearing scheduled for the continuation of his merits hearing before the IJ, and at this point, it is fair to say that Petitioner's release from detention is not foreseeable without the intervention of this Court.

24. Petitioner and his family have been suffering irreparable harm from his continued detention. Aside from the mere fact that he has been detained unlawfully since August 9, 2025, his detention is also causing severe harm to his family members, as he is the sole caretaker of his children since his wife was deported to El Salvador in April of 2025. To make matters worse, Petitioner's son L.E.Q.L., who is currently 2 years old, suffers from chronic respiratory issues and a potential speech development issue, and has had to be in the custody of his grandmother since his father's detention. Despite his fragile condition, he has not had the care of either of his parents since his father was detained on August 9, 2025. His father's presence is critical to L.E.Q.L's well-being at this time. Nevertheless, as mentioned *supra*, this issue has been recently exacerbated by the Immigration Court's continuance of his merits hearing, which has placed Petitioner in an indefinite state of detention.

LEGAL FRAMEWORK

25. The Immigration and Nationality Act (INA) lays out three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2). Last, the Act also provides for detention of noncitizens who have been previously ordered

removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2). The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025), which added section 1226(c)(1)(A) to the prior statutory framework. Following the enactment of IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* 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). Thus, in the decades that followed, most people who entered the U.S. without inspection—unless they were subject to some other detention authority—received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed to be “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104–469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

27. Respondents’ new policy of summarily detaining all noncitizens who entered the U.S. at any time without being admitted or paroled turns this well-established legal understanding and procedure on its head and violates the statutory scheme of the Immigration and Nationality Act. Indeed, this legal theory that noncitizens who entered

the United States without admission or parole are ineligible for bond hearings has already been rejected by multiple federal District Courts, who have consistently found that such individuals are entitled to bond redetermination hearings before immigration judges, and who have rejected the application of § 1225(b)(2) to such cases. Nevertheless, in July of 2025, ICE released a memorandum instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who entered the United States without inspection or admission. Subsequently, on September 5, 2025 the Board of Immigration Appeals issued its precedent decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), in which the Board held that all non-citizens who have not been inspected and admitted are “applicant(s) for admission” and are thus subject to the mandatory detention provision found in 8 U.S.C. § 1225(b)(1). In the decision, the Board applies highly questionable legal analysis and reasoning to arrive at its holding. This interpretation defies the INA and Petitioner’s right to Due Process pursuant to the Fifth Amendment of the U.S. Constitution.

28. First, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
29. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
30. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are

afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

31. By contrast, § 1225(b) provides that “in the case of an alien who is an applicant for admission, if 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.” 8 U.S.C. § 1225(b)(2)(A). “Thus, for § 1225(b)(2)(A) to apply, several conditions must be met—in particular, an “examining immigration officer” must determine that the individual is: (1) an “applicant for admission”; (2) “seeking admission”; and (3) “not clearly and beyond a doubt entitled to be admitted.” See Martinez v. Hyde, 2025 WL 2084238, at *6 (D. Mass. July 24, 2025). In other words, this requires (a) having a particular status, namely that of being an “applicant for admission”; (b) an affirmative, present tense act, namely that of “seeking admission”; and (c) a contemporaneous determination in response to said act by an examining immigration official, namely a determination that one is not “entitled to be admitted.”
32. The provision’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the implementing regulations at 8 C.F.R. § 1.2 address noncitizens who are presently “coming or attempting to come into the United States.” The statutory and regulatory text’s use of the present and present progressive tenses excludes noncitizens apprehended in the interior, because they are no longer in the process of arriving in or seeking admission to the United States. See, e.g., *Martinez*, 2025 WL 2084238 at *6 (citing the

use of present and present progressive tense to support the conclusion that § 1225(b)(2) does not apply to individuals apprehended in the interior). Although the BIA’s reasoning in *Yajure-Hurtado* draws from the Supreme Court’s decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018) the Supreme Court in *Jennings* recognized the above distinction, stating that § 1225 “applies primarily to aliens seeking entry into the United States.” *Jennings*, at 297. The Supreme Court then notes that § 1226 “applies to aliens already present in the United States.” *Id.* at 303.

33. Second, traditional canons of statutory construction defy Respondents’ position. Under “one of the most *basic* interpretive canons ... [a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]” Corley v. United States, 556 U.S. 303, 314 (2009) (emphasis added). “This principle ... applies to interpreting any two provisions in the U.S. Code, even when Congress enacted the provisions at different times.” Bilski v. Kappos, 561 U.S. 593, 607–08 (2010). Here, if the Respondents’ position were correct, and § 1225’s mandatory detention provisions apply to *all* inadmissible non-citizens then it would render superfluous provisions of 1226 that apply to certain categories of inadmissible noncitizens. See § 1226(c)(1)(A), (D), (E). See Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *18 (W.D. Wash. Sept. 30, 2025) (“Put another way, section 1226(c)(1)(E)’s mandated detention for inadmissible noncitizens who are implicated in an enumerated crime, including those “present in the United States without being admitted or paroled,” would be meaningless since “all noncitizens who have not been admitted” would already be governed by 1225’s mandatory detention authority.”) (emphasis added). See also Corley v. United States, 556 U.S. 303, 314, n.5

(explaining that seemingly conflicting statutes read in isolation can be reconciled if read in their broader context, which includes observing the anti-superfluousness canon).

34. Third, the recent Laken Riley Act amendments lend further support for this unassailable reading of § 1226. “When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.” Stone v. I.N.S., 514 U.S. 386, 397 (1995). In January 2025, Congress passed the Laken Riley Act, Pub. L. 119-1, 139 Stat. 3 (2025), which carved out an *additional* category of noncitizens from 1226(a)’s discretionary detention scheme. This category includes those noncitizens who are deemed inadmissible, including for being “present in the United States without being admitted or paroled,” and who have been arrested, charged with, or convicted of certain crimes. § 1226(c)(1)(E). If § 1226(a) did not apply to noncitizens who are inadmissible for entering without having been admitted, then the added language applying § 1226(c)(1)(E) to those particular inadmissible noncitizens would render Congress’ most recent amendments to the INA as surplusage. “These ‘specific exceptions’ for inadmissible noncitizens who are arrested, charged with, or convicted of the enumerated crimes logically leaves those inadmissible noncitizens not criminally implicated under Section 1226(a)’s default rule for discretionary detention.” Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *19 (W.D. Wash. Sept. 30, 2025). Reading § 1225(b) to cover everyone present without admission would nullify the newly added § 1226(c)(1)(E) and the long-standing authority of § 1226(a). Congress’s decision to target only certain inadmissible non-citizens with specific criminal conduct for mandatory detention under § 1226(c)(1)(E) proves that the general rule under § 1226(a) applies to other inadmissible

non-citizens. In sum, the statute can only be interpreted one way: 1225(b)(2)(A) applies to apprehensions at the border, while 1226(a) applies to apprehensions in the interior.

35. Fourth, Respondents' position is also in conflict with the legislative history of Section 1226(a). Upon passing IIRIRA, Congress declared that the new § 1226(a) "restates the current provisions in [the predecessor statute] regarding the authority of the Attorney General to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States." *See* H.R. Rep. No. 104-469, pt. 1, at 229; *see also* H.R. Rep. No. 104-828, at 210 (same). Similarly, in a 1997 interim rule issued "to implement the provisions of [IIRIRA]," the underlying EOIR federal register notice explains that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled...will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). "Because noncitizens arrested while unlawfully residing in the United States were entitled to discretionary detention under section 1226(a)'s predecessor statute, and Congress declared its scope unchanged by IIRIRA, this background supports the position" that Petitioner "is subject to discretionary detention." Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *23 (W.D. Wash. Sept. 30, 2025)

36. Overwhelmingly, "almost every district court to consider this issue has concluded, 'the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades" support finding that § 1226 applies to these circumstances." Buenrostro-Mendez v. Bondi, No. CV H-25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025) (citing Pizarro Reyes, 2025 WL 2609425, at *4). *See also* Lopez-Arevelo, 2025 WL 2691828, at *7 ("In recent weeks, courts across the country have held that this

new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect.”); Rodriguez v. Bostock, No. 3:25-cv-5240, 2025 WL 2782499, at *1 & n.3 (W.D. Wash. Sep. 30, 2025) (collecting cases and noting that “[e]very district court to address” the statutory question “has concluded that the government’s position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice”); Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025) (joining the “chorus” of courts concluding that § 1226 applies); Padron Covarrubias v. Vergara, No. 5:25-CV-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025).

CAUSES OF ACTION

COUNT ONE

Violation of 8 U.S.C. § 1226(a) *Unlawful Denial of Bond Hearing*

37. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
38. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
39. The application of § 1225(b)(2) to bar Petitioners from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

COUNT TWO
Violation of the Administrative Procedure Act
Unlawful Denial of Bond

40. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
41. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who originally entered the United States without inspection or parole. Such noncitizens are presumptively detained under § 1226(a), unless they are specifically subject to another detention provision, such as § 1225, § 1226(c) or § 1231.
42. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT THREE
Violation of Fifth Amendment Right to Due Process

43. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
44. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment— from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
45. Petitioner has a fundamental interest in liberty and being free from official restraint.
46. The government’s detention of Petitioners without a bond redetermination hearing to determine whether they are a flight risk or danger to others violates his right to Due

Process pursuant to the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter and maintain jurisdiction to the extent necessary to ensure Respondents' compliance with any order this Court may issue;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that the refusal to allow Petitioners a bond redetermination hearing before an immigration judge violates the INA, APA, and the Due Process clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus requiring that Respondents immediately release the Petitioner, or, in the alternative, provide a custody redetermination hearing before an impartial Immigration Judge within 14 days;
- (5) Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);
- (6) Order further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Mark Kinzler

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Attorney for Petitioner

Dated: October 29, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Luis Alberto Quintero Morales, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 29th day of October, 2025.

/s/ Mark Kinzler
Mark Kinzler, Esq.
Oregon State Bar No. 05298-8
Attorney for Petitioner