

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Lateef Abiodun Shobande,

*Petitioner,*

-v-

Todd M. Lyons, Acting Director of US ICE;  
Miguel Vergara, San Antonio Field Office  
Director, US Immigration and Customs  
Enforcement; Daren K. Margolin, Director of  
the Executive Office for Immigration Review;  
Warden, T. Don. Hutto Detention Center,

*Respondents.*

Case No: 1:25-cv-1744

**Petition for Writ of Habeas Corpus  
Under 28 U.S.C. § 2241**

**INTRODUCTION**

Petitioner Lateef Abiodun Shobande has been a lawful permanent resident since March 28, 2017. He is being held subject to mandatory detention and was denied bond on a purely jurisdictional basis. As a lawful permanent resident, Petitioner is entitled to reside in the United States and may only be detained under limited circumstances. Petitioner's continued detention is not justified because he continues to be a permanent resident until Respondents conclude his immigration court rescission proceedings.

Petitioner has applied for and was denied an immigration bond. The law clearly permits him to be released on bond, yet he was denied bond solely on jurisdictional grounds by an immigration judge. The judge held that he lacked clear authority to release Petitioner because he is in recession proceedings and stated that he could only be granted bond with a court order.

Petitioner now asks this Court to order that he be released or in the alternative be given a fair and impartial bond hearing pursuant to 8 U.S.C. § 1226(a)(2).

**JURISDICTION**

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. 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).
3. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 28 U.S.C. § 1651 because Petitioner asks this Court to compel Respondents, officers of the United States, to perform their duties owed under 8 U.S.C. § 1226(a).
4. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
5. Petitioner seeks costs and fees pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412(2) et seq.
6. 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**

7. Venue is proper in this District because Petitioner is detained at the T. Don Hutto Detention Center located at 1001 Welch Street, Taylor, TX 76574, which is within the jurisdiction of this District.
8. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

**PARTIES**

9. Petitioner is a lawful permanent resident who is being detained at the T. Don Hutto Detention Center located at 1001 Welch Street, Taylor, TX 76574. Petitioner is under the direct control and in the custody of Respondents and their agents.
10. Respondent Todd M. Lyons is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Todd M. Lyons is sued in his official capacity.
11. Respondent Miguel Vergara is the San Antonio Field Office Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Miguel Vergara is sued in his official capacity.
12. Respondent Daren K. Margolin is the Acting Director of the Executive Office for Immigration Review (EOIR). He has the legal authority to order an immigration judge to provide Petitioner a fair and impartial bond hearing. He is sued in his official capacity.
13. The Warden of the T. Don Hutto Detention Center is sued as the direct custodian of Petitioner. The Warden's name is not publicly listed on any materials that were available at the time of filing. He or she is sued in his or her official capacity.

**STATEMENT OF FACTS**

14. Petitioner came to the United States lawfully and adjusted status to become a permanent resident on March 28, 2017. He has resided here since that time with his US Citizen wife and his children.
15. Petitioner is in rescission proceedings because Respondents alleged that his divorce decree from a prior marriage was not valid. As a result, they allege that he was not free to marry his US Citizen wife and therefore ineligible for lawful permanent residency. They are attempting to rescind his lawful permanent residency. The rescission process will only conclude once an immigration judge has conducted a final hearing and issued a decision.
16. As a lawful permanent resident, Petitioner is entitled to reside in the United States and may only be detained under special circumstances. Respondents have not provided a legal basis for his detention.
17. Petitioner was initially transferred to immigration detention because he was charged with a crime. That case was dismissed on September 12, 2025, yet he continues to be detained.
18. Petitioner was denied bond by an immigration judge on October 28, 2025. The immigration judge stated that he did not have jurisdiction to issue bond because a Notice to Appear had not been filed in Petitioner's case. A Notice to Appear is not a procedural step in rescission proceedings and only applies to removal proceedings. Disregarding this procedural difference, the immigration judge held that he would not be able to grant bond without a court order, but was otherwise inclined to grant bond. This decision violated Petitioner's due process rights.
19. Petitioner continues to be unlawfully detained by Respondents.

**CLAIM FOR RELIEF**

**Violation of Fifth Amendment Right to Due Process**

20. The above paragraphs are realleged and incorporated herein.
21. The Department of Homeland Security is detaining Petitioner without lawful basis because he is a lawful permanent resident. Petitioner is entitled to be released and reside in the United States unless an immigration judge has officially terminated his lawful permanent residency in rescission proceedings.
22. Respondents have determined that Petitioner is ineligible for bond because the immigration court lacks jurisdiction to grant bond to individuals in rescission proceedings. This determination is contrary to law. Petitioner was detained under 8 U.S.C. § 1226(a) and is therefore eligible for bond pursuant to 8 U.S.C. § 1226(a)(2). Respondents are thereby unlawfully holding Petitioner in a form of mandatory detention which is not authorized by statute.
23. The Fifth Amendment states that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law.” This right extends to lawful permanent residents.
24. The continued detention of Petitioner and denial of bond constitute violations of Petitioner’s Fifth Amendment due process right to be free from detention.

**PRAYER FOR RELIEF**

Petitioner respectfully asks that the Court:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- C. Issue a Temporary Restraining Order that Respondents not transfer Petitioner from the Western District of Texas;
- D. Order that Respondents not remove Petitioner from the United States until this matter has concluded;
- E. Order that Respondents immediately release Petitioner from detention; or, alternatively order that Respondents grant Petitioner's request for a bond hearing pursuant to 8 U.S.C. § 1226(a), within seven days of this Court's order, in which Respondents must demonstrate by clear and convincing evidence that Petitioner's continued detention is justified;
- F. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- G. Grant any further relief this Court deems just and proper.

**VERIFICATION**

On Petitioner's behalf, I, Joseph Krebs Muller, 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.

Respectfully submitted,

/s/ Joseph Krebs Muller

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