UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Arnulfo JIMENEZ CUELLO, Petitioner, v. Bret BRADFORD, Field Office Director, Immigration and Customs Enforcement; Pamela BONDI, Attorney General Department of Justice; Kristi NOEM, Secretary, Department of Homeland Security; Defendants.	No. _____ Alien No. A[redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

COMES NOW, ARNULFO JIMENEZ CUELLO, Petitioner, by and through Counsel, ROBERT K. HOFFMAN, in the above-styled and numbered Cause, and petitions this Honorable Court for a Writ of Habeas Corpus and injunctive relief to remedy his indefinite detention, in violation of the laws and regulations of the United States. In support of this Petition and Complaint for Injunctive Relief, the Petitioner would show unto the Court the following:

Petitioner, ARNULFO JIMENEZ CUELLO, is in the physical custody of the Department of Homeland Security – Immigration and Customs Enforcement by order of the Field Office Director, BRET BRADFORD, detained at the Joe Corley Processing Center, a facility contracted by Immigration and Customs Enforcement to hold immigration detainees, located at 500 Hilbig Rd., Conroe, Texas 77301. **See Exhibit 1.** The Petitioner has been detained at this facility since approximately August 05, 2025.

PARTIES

Petitioner, ARNULFO JIMENEZ CUELLO, is a forty-three (43) year old native and citizen of Mexico. The Petitioner's legal name is accurately denoted as ARNULFO JIMENEZ CUELLO in all Department of Justice documents and correspondence.

Defendant, BRET BRADFORD, is the Field Office Director for Detention and Removal with Immigration and Customs Enforcement. He is responsible for the administration of immigration laws on behalf of the Secretary of the Department of Homeland Security and the Attorney General and, as such, has immediate control and custody of the Petitioner. He is sued in his official capacity only.

Defendant, PAMELA BONDI, is the Attorney General of the United States. She is authorized by law to administer and enforce the immigration laws pursuant to 8 U.S.C. § 1103(g). She is sued in her official capacity only.

Defendant, KRISTI NOEM, is the Secretary of the Department of Homeland Security. She is responsible for the administration, implementation and enforcement of the immigration laws, and is a legal custodian of the Petitioner. 8 U.S.C. § 1103(a). She is sued in her official capacity only.

JURISDICTION AND VENUE

This action arises under Article 1, Section 9, Clause 2 of the United States Constitution, 28 U.S.C. § 2241(c) (the codification of the Great Writ), 28 U.S.C. § 1651 (All-Writs Act), 28 U.S.C. § 1331 (federal question jurisdiction), the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., and 5 U.S.C. § 701 et seq. (the Administrative Procedures Act).

This Court has jurisdiction to consider this Petition pursuant to 8 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), and 28 U.S.C. § 1331, as the Petitioner is presently in physical custody under the color of the authority of the United States, and such custody is in violation of the Constitution, laws and treaties of the United States. *See INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas v. Davis, et. al.*, 533 U.S. 678 (2001); *Heikkila v. Barber*, 345 U.S. 229 (1953); *Felker v. Turpin*, 518 U.S. 651 (1996). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Administrative Procedures Act, 28 U.S.C. § 2201, et seq., the Declaratory Judgment Act, and 28 U.S.C. § 1651, the All-Writs Act.

Venue is proper in the United States District Court for the Southern District of Texas, pursuant to 28 U.S.C. § 1391(e), as this is the judicial district in which Defendant, BRET BRADFORD, Field Office Director for Immigration and Customs Enforcement, is located, and this is the district in

which a substantial part of the events or omissions giving rise to the claim occurred, including the facility in which the Petitioner is currently detained.

CASE AND PROCEDURAL HISTORY

Petitioner, ARNULFO JIMENEZ CUELLO, entered the United States without inspection in 1999, at the age of sixteen (16) years old. On or about July 30, 2025, the Petitioner was arrested in Bryan, Texas, for "Theft of Property < $100.00." On August 05, 2025, the Petitioner was transferred into custody of Immigration and Customs Enforcement from the Brazos County Sheriff's Office. A Motion to Dismiss was filed by the State of Texas, pursuant to Prosecutorial Discretion, and a judgment dismissing the case was issued on August 21, 2025. He was subsequently transferred to the custody of Immigration and Customs Enforcement, an agency within the Department of Homeland Security.

On September 23, 2025, the Immigration Judge ruled that the Petitioner is subject to mandatory detention and that she had no jurisdiction to determine eligibility for bond under *Matter of Yajuer-Hurtado*, 29 I&N Dec. 216 (BIA 2025). **See Exhibit 2.** The Petitioner reserved appeal, while the Department of Homeland Security waived appeal.

The Petitioner is being held contrary to law in violation of his constitutionally protected liberty interest.

EXHAUSTION OF REMEDIES

Exhaustion does not bar this Court's review because it is not a statutory requirement in these circumstances. *See Lopez Benitez v. Francis*, 25 Civ. 5937, 2025 2025 WL 2371588 at *13 (S.D.N.Y. Aug. 13, 2025). When a "'legal question is fit for resolution and delay means hardship,' a court may choose to decide the issues itself." *Pizarro Reyes*, 2025 WL 2609425 at *3 (quoting *Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000)).

Assuming arguendo that the case does not pose a legal question fit for resolution, then, a person seeking habeas relief must first exhaust available administrative remedies. *Hinojosa v. Horn*, 896 F.3d 305, 314 (5th Cir. 2018). "The exhaustion of administrative remedies doctrine requires not that only administrative remedies selected by the complainant be first exhausted, but instead that all those prescribed administrative remedies which might provide appropriate relief be pursued prior to seeking relief in the federal courts." *Id.* at 314 (quoting *Hessbrook v. Lennon*, 777 F.2d 999, 1003 (5th Cir. 1985), *abrogated on other grounds by McCarthy v. Madigan*, 503 U.S. 140, 112 S. Ct. 1081, 117 L. Ed. 2d 291 (1992), *superseded by statute on other grounds, Woodford v. Ngo*, 548 U.S. 81, 126 S. Ct. 2378, 165 L. Ed. 2d 368 (2006); *see also Lee v. Gonzales*, 410 F.3d 778, 786 (5th Cir. 2005) ("[A] petitioner must exhaust available avenues of relief and turn to habeas only when no other means of judicial review exists.").

Conversely, "[e]xceptions to the exhaustion requirement are appropriate where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust

such remedies would itself be a patently futile course of action." *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994) (per curiam) (quoting *Hessbrook*, 777 F.2d at 1003; *Hinojosa*, 896 F.3d at 315 (finding that procedures provided a basis for the Plaintiffs to rectify the wrongful determination that they are not citizens, so they could not show that pursuing such remedies would be futile); *Fuller*, F.3d at 62 (finding that the Plaintiff could not show his appeal would be futile as Plaintiff did not file an appeal even though it was untimely)).

There is no administrative remedy to compel the Immigration Judge to consider the Petitioner's eligibility for an immigration bond, as she has asserted that she has no jurisdiction to adjudicate the matter. The Immigration Judge relied on the binding precedential decision issued in *Matter of Yajuer-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and any attempt by the Petitioner to appeal to the authority that issued that precedential decision, i.e., the Board of Immigration Appeals, would be patently futile.

The Petitioner has, therefore, exhausted his administrative remedies to the extent required by law, and this Petition is his only remedy. He has sought release through the administrative procedures established by the regulations. The Petitioner challenges the constitutionality of the Defendant's actions and the Immigration Judge's interpretation of the relevant statutes. The Petitioner is being detained indefinitely, at the whim of the agency.

Assuming arguendo that the Petitioner has failed to exhaust his administrative remedies, the Petitioner should be exempt from complying with the exhaustion of administrative remedies doctrine as his continued detention, in spite of his vested liberty interest, will result in irreparable harm, i.e., loss of liberty, such administrative remedies would be futile, as well as

the existence of constitutional questions that cannot be resolved through the administrative process.

JURISDICTION OF THE IMMIGRATION JUDGE AND MANDATORY DETENTION

The issue here largely involves a question of statutory interpretation, which is historically within the province of the courts. *Id.* The Agency finds that 8 U.S.C. § 1225 applies to the Respondent's detention rather than 8 U.S.C. § 1226. Nearly every district court to have considered this issue has concludes that "the statutory text, the statute's history, Congressional intent, and the application of 8 U.S.C. § 1226 for the past three decades," support a finding that 8 U.S.C. § 1226 applies to these circumstances. *Pizarro Reyes*, 2025 WL 2609425, at *4; *see also Lopez-Arevalo*, 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. Sept. 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). The Court need not repeat the "well-reasoned analyses" contained in this opinion and instead simply notes its agreement. *Chogllo Chafla v. Scott*, No. 2:25-cv-437, 2025 WL 2688541, at *5 (D. Me. Sep. 21, 2025).

Notwithstanding the Petitioner's pending immigration Proceedings, the claim in question is ripe for review. The pendency of Removal Proceedings has not prevented numerous other courts from finding jurisdiction, nor has it prevented them from granting a Temporary Restraining Order in similar situations.[1]

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[1] Several district courts that have addressed this question have concluded that the government's position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice. *See, e.g., Aceros, v. Kaiser, et al.*, 25-CV-06924-EMC (EMC), 2025 U.S. Dist. LEXIS 179594, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Maldonado Vazquez v. Feeley*, 2:25-CV-01542-RFB-EJY, 2025 U.S. Dist. LEXIS 182412, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Romero v. Hyde*, CV 25-11631-BEM, 2025 U.S. Dist. LEXIS 160622, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 U.S. Dist. LEXIS 141724, 2025 WL 2084238 (D. Mass. July 24, 2025) (denying the government's motion for reconsideration); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 U.S. Dist. LEXIS 128085, 2025 WL 1869299 (D. Mass. July 7, 2025); *dos Santos v. Lyons*, No. 1:25-CV-12052-JEK, 2025 U.S. Dist. LEXIS 157488, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 U.S. Dist. LEXIS 156336, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, 25 CIV. 5937 (DEH), 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Leal-Hernandez v. Noem*, 1:25-CV-02428-JRR, 2025 U.S. Dist. LEXIS 165015, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Aguilar Maldonado v. Olson*, ___ F. Supp. 3d ___, 2025 U.S. Dist. LEXIS 158321, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Velasquez Salazar v. Dedos*, No. 25-cv-835, 2025 U.S. Dist. LEXIS 183335, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Beltran Barrera v. Tindall*, 3:25-CV-541-RGJ, 2025 U.S. Dist. LEXIS 184356, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Lopez-Campos v. Raycraft*, 2:25-CV-12486, 2025 U.S. Dist. LEXIS 169423, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Reyes v. Raycraft*, No. 25-CV-12546, 2025 U.S. Dist. LEXIS 175767, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden*, 25-CV-326-LM-AJ, 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Chogllo Chafla v. Scott*, 2:25-CV-00437-SDN, 2025 U.S. Dist. LEXIS 184909, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV-01789-ODW (DFMX), 2025 U.S. Dist. LEXIS 158808, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (granting individualized bond hearings on an ex parte motion for temporary restraining order after finding likelihood of success); *Mosqueda v. Noem*, 5:25-CV-02304 CAS (BFM), 2025 U.S. Dist. LEXIS 174828, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025) (same); *Kostak v. Trump*, CV 3:25-1093, 2025 U.S. Dist. LEXIS 167280, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) (same); *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 U.S. Dist. LEXIS 157245, 2025 WL 2374223

The Immigration and Nationality Act provision on which the Federal Regulations rely to determine whether the Petitioner is subject to mandatory detention reads:

> [I]n 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 entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

INA § 235(b)(2)(A) (emphasis added); 8 U.S.C. § 1225(b)(2)(A).

The phrases "an alien who is an applicant for admission" and "an alien seeking admission" are not synonymous, as the first term can describe a noncitizen who is an applicant for admission for weeks, months, or years, whether present in the United States or not. The latter term describes a current activity, namely asking for entry into the United States while standing at the border. This foregoing interpretation of the words "an alien seeking admission" is consistent with the role of 8 U.S.C. § 1225(b) in governing the process that "begins at the Nation's borders and ports of entry." *See Jennings v. Rodriguez*, 583 U.S. 281, 287, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018). According to the court in *Jennings*, 8 U.S.C. § 1225(b) serves as a "catchall" for aliens seeking admission who are "not clearly and beyond a doubt" entitled to admission, but not for one of the reasons set forth in 8 U.S.C. § 1225(b)(1), i.e., fraud, misrepresentation, or lack of valid documentation. *Id.; see* 8 U.S.C.

(D. Neb. Aug. 14, 2025) (granting relief from a stay of bond order pending BIA appeal); *Mayo Anicasio v. Kramer*, 2025 U.S. Dist. LEXIS 157236, 2025 WL 2374224 (D. Neb. Aug. 14, 2025) (same); *but see Pena v. Hyde*, 2025 U.S. Dist. LEXIS 144234, 2025 WL 2108913 (D. Mass. July 28, 2025) (denying the habeas petition of a noncitizen because he was mandatorily detained under section 1225, but where individual is not similarly situated to Bond Denial Class members because his case was focused on the effect of an approved I-130 petition made on his behalf).

§ 1225(b)(1). Aliens to whom 8 U.S.C. § 1225(b)(2) applies, and who are detained, may be temporarily released on parole for "urgent humanitarian reason or significant public benefit," but must return to custody when the Secretary of Homeland Security concludes that the purposes of the parole have been served. *See* 8 U.S.C. § 1182(d)(5)(A).

In *Jennings*, the Supreme Court recognized that a different provision of the Immigration and Nationality Act, namely 8 U.S.C. § 1226, applies to alien who are *already present* in the United States, but might be removable because their were either inadmissible at the time of entry or have been convicted of one or more statutorily enumerated criminal offenses. *See* 583 U.S. at 288 (emphasis added). Section 1226(a) reads as follows:

> On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c), and pending such decision, the Attorney General-
> (1) may continue to detain the arrested alien; and
> (2) may arrest the alien on -
> (A)bond of at least $1,500 with security approved by, and containing conditions prescribed by the Attorney General; or
> (B) conditional parole…

8 U.S.C. § 1226(a). In the instant case, 8 U.S.C. § 1226(a) applies to the Petitioner because he was already present in the United States when he sought admission at the age of sixteen (16) years old.

The Agency's overly broad interpretation of the statutory / regulatory scheme entails holding that every non-citizen who entered the United States without inspection is subject to mandatory detention with no opportunity to be released on bond. Such interpretation is contrary to precedent issued by the Board of Immigration Appeals, such as *Matter of Akhmedov*, 229 I&N

Dec. 166 (BIA 2025), as well as Congressional intent and decades of interpretation. *See generally* Public Law 119-1; The Laken-Riley Act. The Petitioner should be allowed to apply for an immigration bond and have an Immigration Judge determine his eligibility for an immigration bond so as to avail himself of his constitutional right to liberty during Deportation Proceedings. *Doherty v. Barr*, 503 U.S. 901 (1992) (finding that even aliens unlawfully present in the United States have a "substantive due process right to liberty during deportation proceedings.").

In *Matter of Akhmedov*, the position of the Board of Immigration Appeals is that those who entered unlawfully are necessarily detained under 8 U.S.C. § 1226, which gives an Immigration Judge discretion to grant bond to a detainee. The Department of Justice, however, paints with a broad brush, holding that anyone who enters without inspection is subject to 8 U.S.C. § 1225, a much more stringent provision under which Immigration Judges lack jurisdiction to grant bond.

The Agency's finding that all non-citizens who enter without inspection are subject to mandatory detention and, thus, ineligible for bond would run contrary to Congressional intent, as it would make the Laken-Riley Act unnecessary and superfluous. Congress would have had no need to carve out an exception that excludes non-citizens who entered without inspection *and* have been charged with offenses, such as assault, from requesting bond if *everyone* who entered unlawfully was ineligible for bond, thus demonstrating Congressional intent that those who entered the United States without inspection are eligible for bond under 8 U.S.C. § 1226.

STATUTORY AND CONSTITUTIONAL FRAMEWORK

The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be…deprived of life, liberty, or property, without due process of law. U.S. Const. Amend. V. "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). *See also St. John v. McElroy*, 917 F. Supp. 243, 250 (S.D.N.Y. 1996) ("[T]he private interest affected is St. John's liberty interest, which is one of the highest constitutional import"); *Doherty v. Barr*, 503 U.S. 901 (1992) (finding that even aliens unlawfully present in the U.S. have a "substantive due process right to liberty during deportation hearings.").

Substantive due process requires that detention authorized for non-punitive purposes not be "excessive in relation to the regulatory goal Congress sought to achieve." *United States v. Salerno*, 481 U.S. 739, 747 (1987). Government detention violates the Due Process Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or, in certain special and non-punitive circumstances, "where a special justification…outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

Even if the Petitioner's continued detention did not violate his constitutional right to substantive due process, his continued detention violates his constitutional right to procedural due process. The Petitioner has been indefinitely deprived of his liberty by the decision of the Immigration Judge without being heard at a meaningful time and in a meaningful manner. *Matthews v. Eldridge*, 424 U.S. 319, 334 (1976).

This Honorable Court must consider three factors when analyzing a claim of involve a violation of procedural due process: (1) the nature of the private interest affected by the government action, (2) the risk of an erroneous deprivation of the interest as a result of the procedures used and the probable value of additional or substitute safeguards, and (3) the government's interest in using its own procedures and the fiscal and administrative burdens by additional or substitute safeguards. *Matthews, supra* at 335.

In the instant case, the private interest is the right to be considered for immigration bond under the provisions of 8 U.S.C. § 1226. Freedom from government custody or detention "lies at the heart of the liberty" that due process protects. *Zadvyas, supra* at 690. The Defendants have failed to demonstrate that the Petitioner presents an identified and articulable threat to the community, nor have they demonstrated that the Petitioner is a flight risk so as to justify his continued detention.

The risk of an erroneous deprivation of the Petitioner's liberty is substantive and grave considering that he has been in custody of Immigration and Customs Enforcement for over two months already, as well as the fact that the Agency has erroneously held that it has no jurisdiction to adjudicate the Petitioner's application for immigration bond. The value of additional and substitute safeguards is nil, as the Petitioner remains detained indefinitely.

The government's interest in using its own procedures, as well as the fiscal and administrative burdens by additional or substitute safeguards, is not particularly relevant. The government's fiscal and administrative burdens while the Petitioner remains detained are actually higher than they would otherwise be if the Petitioner were released.

REQUEST FOR INJUNCTIVE RELIEF

For those reasons outlined, *supra*, which are incorporated and re-urged herein as though fully set forth verbatim, the Petitioner respectfully requests injunctive relief in the form of the entry of an order enjoining the Defendants from further and continued detention of the Petitioner, absent a new basis for such detention arising subsequent to this action and independent of his manner of entry into the United States.

This injunction is necessary as the Defendants have shown themselves unwilling to hold any administrative hearing to adjudicate the Petitioner's application for an immigration bond under their own administrative framework.

REQUEST FOR DECLARATORY RELIEF

For those reasons outlined, *supra*, which are incorporated and re-urged herein as though fully set forth verbatim, the Petitioner respectfully requests declaratory relief in the form of the entry of a decree which specifies the rights and liability of the parties to the instant litigation. The Petitioner also requests that this Honorable Court retain continuing jurisdiction over this civil action and that, after reasonable notice of hearing and hearing had, it enter any further declaratory, mandatory, or other injunctive order that is necessary to enforce any declaratory judgment. 28 U.S.C. § 22.02.

REQUEST FOR ATTORNEY FEES AND COSTS

The Petitioner is entitled to recover reasonable attorney's fees and costs of court, both of which he respectfully requests under the Equal Access to Justice Act. 28 U.S.C. § 2412. The position of the Defendants herein is not substantially justified, and no circumstances exist which would render an award of fees and costs unjust. 28 U.S.C. § 2412(d)(1)(A).

PRAYER

WHEREFORE, PREMISES CONSIDERED, in view of the arguments and authority noted herein, the Petitioner respectfully prays that the Defendants be cited to appear and answer herein, and that, upon due consideration, this Honorable Court:

(a) grant the Petitioner's Petition for Writ of Habeas Corpus and issue a declaratory judgment stating that the Defendants' continuing detention of the Petitioner is arbitrary and capricious, clearly contrary to law, and in excess of statutory jurisdiction, and that the Petitioner be released on recognizance or, in the alternative, permitted to apply for an immigration bond pursuant to 8 U.S.C. § 1226(a);

(b) issue an order enjoining Defendants from further, continuing detention of the Petitioner absent new cause arising subsequent to this action and not dependent upon the Petitioner's status at entry to the United States;

(c) retain jurisdiction over this civil action to the extent necessary to ensure the entry of any new declaratory, injunctive, or mandatory order that may be necessary or proper to enforce any declaratory judgment;

(d) award the Petitioner reasonable attorney's fees and costs; and

(e) grant such other relief at law and in equity as justice may require.

Respectfully submitted,

/s/ Robert K. Hoffman
Rushton, Hoffman & Associates, P.L.L.C.
Counsel for Plaintiff
Texas Bar No. 24073807
5909 West Loop South, Suite 150
Bellaire, Texas 77401
(713) 838-8500
(713) 838-9826 Fax

LIST OF ATTACHMENTS

Exhibit	Description
1	ICE Online Detainee Locator Printout
2	Order of the Immigration Judge Denying Bond
3	Petitioner's Mexican Identification Card

EXHIBIT 1

Search Results: 1

ARNULFO JIMENEZ CUELLO

Country of Birth : Mexico

A-Number [redacted]

Status : In ICE Custody

State: TX

Current Detention Facility: JOE CORLEY PROCESSING CTR

** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

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Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

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Bureau of Prisons Inmate Locator

EXHIBIT 2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CONROE IMMIGRATION COURT

Respondent Name:
JIMENEZ CUELLO, ARNULFO

To:
Vargas, Omar Otero
8191 Southwest Fwy
Suite 109
Houston, TX 77074

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
09/23/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
the Court finds that it lacks jurisdiction to redetermine the respondent's custody status in this matter, as the respondent's detention is governed by INA § 235(b)(2). See Matter of Yajure Hurtado, 29 I&N Dec. 216 (2025).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: COLE, ANDREA 09/23/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved
Appeal Due: 10/23/2025

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Respondent Name : JIMENEZ CUELLO, ARNULFO | A-Number : [redacted]
Riders:
Date: 09/23/2025 By: GUERRERO, GISELA, Court Staff

CERTIFICATE OF SERVICE

I, Robert K. Hoffman, hereby certify that a true and correct copy of the foregoing "Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief," including all attachments, will be served on Defendants via U.S. Postal Service Certified Mail, addressed as follows:

Bret Bradford
Field Office Director
United States Immigration and Customs Enforcement
Houston District Office
126 Northpoint
Houston, Texas 77060

Pamela Bondi
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United States Department of Justice
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Kristi Noem
Secretary
United States Department of Homeland Security
Washington, DC 20528

Nicholas J. Ganjei
U.S. Attorney
1000 Louisiana, Ste. 2300
Houston, Texas 77002

On the 31st day of October 2025.

Respectfully submitted,

/s/ Robert K. Hoffman
Rushton, Hoffman & Associates, P.L.L.C.
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