IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

YOANA RAMIREZ RAMIREZ,

Petitioner,

v.

TODD LYONS, et al.,

Respondent.

Civil Action No. 1:25-CV-00238-H

RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge her recent detention by Immigration and Customs Enforcement (ICE). She alleges that she cannot be subject to mandatory immigration detention but rather must be given an individualized bond hearing in connection with her pending removal proceeding. However, Petitioner was granted a bond hearing and was granted bond by an Immigration Judge. The bond has not been paid. Despite her claims to the contrary, Petitioner is not charged as an alien that entered without admission or inspection pursuant to section 1225. It is unclear from the petition what relief Petitioner is seeking as she has been given a bond hearing. As explained herein, though, Petitioner is not entitled to any relief on her petition.

I. Background

The petitioner is a native and citizen of Mexico. App. p.5. Her last arrival into the United States occurred on December 17, 2017, at or near the Santa Teresa, New Mexico.

Id. She was admitted to the United States as a B-2 nonimmigrant Visitor for Pleasure with authorization to remain in the United States for a temporary period not to exceed May 2, 2018. *Id.* Petitioner did not depart the United States after her admission on December 17, 2017. *Id.*

Petitioner was encountered by Oklahoma Highway Patrol during a traffic stop on August 27, 2025. During the traffic stop, Petitioner presented an Oklahoma Identification card and several Form I-797's showing a pending immigration benefit. ERO was contacted to conduct record checks to determine the validity of these forms. App. p. 3. The record checks revealed that Petitioner was present in the United States in violation of the Immigration and Nationality Act. *Id.* She then was transported to the ERO Tulsa Office for processing. *Id.*

A Notice to Appear was issued to Petitioner on August 27, 2015, charging her under section 237(a)(1)(B) of the INA, as a nonimmigrant who has remained in the United States for a time longer than permitted. App. p. 5. This NTA was filed with the Immigration Court on August 28, 2025.

On September 12, 2025, Petitioner requested a Custody Redetermination before an Immigration Judge. On September 24, 2025, the Immigration Judge granted Petitioner a $5,000 bond and ordered alternatives to detention at DHS discretion. App. p. 10. As of November 24, 2025, Petitioner has not paid the $5,000 bond and is currently detained at the Bluebonnet Detention Facility. App. p. 3. Removal proceedings are pending, and Petitioner's next hearing is scheduled for December 16, 2025. App. p. 13.

II. Argument and Authorities

A. Relevant law.

The Department of Homeland Security (DHS) has been delegated authority to arrest and detain an alien "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a), (c); 8 C.F.R. §§ 236.1, 287.5. The Supreme Court has held that an alien may be detained and does not have a constitutional right to release on bond during the limited period in which removal proceedings are pending. *Demore v. Kim*, 538 U.S. 510, 531 (2003); *Carlson v. Landon*, 342 U.S. 524 (1952); *Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). The right to release on bond during removal proceedings, therefore, is a right granted and controlled by statute. *See generally Carlson*, 342 U.S. at 542–44. Specifically, section 1226 provides when and under what circumstances an alien may be released while removal proceedings are pending. Some aliens are subject to "mandatory detention" pursuant to section 1226(c). 8 U.S.C. § 1226(c)(1) (listing categories of aliens). Mandatory detainees have no right to release on bond. If an alien is not subject to mandatory detention, however, he may be released on a bond of at least $1,500 or detained as a matter of discretion ("discretionary detention"). 8 U.S.C. § 1226(a)(1)–(2). This discretionary decision depends on whether the alien can "demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8); *Matter of D.J.*, 23 I&N Dec. 572, 576 (A.G. 2003). DHS's discretionary decision to detain or release an alien on bond represents the "initial custody determination."

See 8 C.F.R. § 236.1(d)(1). DHS may revoke release on bond and detain the alien at any time. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9).

If an alien detained as a matter of discretion under section 1226(a) is not satisfied with DHS's initial custody determination, he may seek review (an "initial bond redetermination") by an immigration judge. 8 C.F.R. §§ 236.1(d), 1003.19(e). The immigration judge has broad discretion to decide whether the alien "is a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk." *Guerra*, 24 I&N Dec. at 40–41; *Matter of Fatahi*, 26 I&N Dec. 791, 793–94 (BIA 2016). The alien has the burden to prove the appropriateness of release on bond. *Id.* If bond is denied, the alien may file an appeal with the BIA. The alien also may petition the immigration judge for a "subsequent bond redetermination" upon a showing of changed circumstances. 8 C.F.R. § 1003.19(e).

B. Petitioner is not entitled to relief.

Petitioner alleges that she is entitled to release because her detention violates the plain language of the INA. Petitioner alleges that section 1225(b)(2)(A) does not apply to her—she is correct, it does not and she is not being detained pursuant to section 1225(b)(2)(A). App. p. 5. Petitioner is charged with remaining in the United States longer than permitted after being admitted. *Id.* It is unclear why the petition seeks relief from section 1225 of the INA. Regardless, Petitioner is not entitled to relief because she has already received all of the due process required, and the length of her detention is not unreasonable anyway.

1. An individualized bond hearing provides all the due process to which an alien detainee is entitled.

Freedom from imprisonment is a fundamental right. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). To deprive an individual of that freedom, the government must provide some due process of law. U.S. Const. amend. V. "[D]ue process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (citation omitted). Inadmissible aliens are entitled to a limited amount of due process. *Maldonado*, 150 F. Supp. 3d at 799 (citing *Demore*, 538 U.S. at 528).

The Supreme Court has held that the right to freedom from imprisonment does not entitle an alien to the right to release or a bond hearing during the limited period that removal proceedings are pending. *Demore*, 538 U.S. at 531; *Mahmoud v. Ashcroft*, 91 F. App'x 359, 360 (5th Cir. 2004); *United States v. Gomez-Lira*, 75 F. App'x 979 (5th Cir. 2003). Nonetheless, some courts have found that, at some point, the *length* of *pre-order mandatory detention under section 1226(c)* can become "unreasonable" such that it implicates the freedom from imprisonment and thus requires some provision of due process. *Ramirez v. Watkins*, No. Civ. B:10-126, 2010 WL 6269226 (S.D. Tex. Nov. 3, 2010) (citing cases); *Saeku*, 2017 WL 4075058, at *3–4. The Fifth Circuit has not issued an opinion on this precise issue, and the district courts within this circuit have differed as to whether an alien's pre-order detention can ever compel due process protections. *See Maldonado*, 150 F. Supp. 3d at 802–04.

Regardless, even courts that find the potential to infringe on the freedom from unreasonably lengthy pre-order detention have held that the only due process required to

remedy this infringement is an individualized agency bond hearing. *See Maldonado*, 150 F. Supp. 3d at 811–12 (citing cases).[1] Depending on the evidence presented at the bond hearing, the immigration judge can order that the alien be released on bond *or can continue to detain the alien*. Courts that have granted habeas relief thus generally do so in the form of a remand to the immigration court for an individualized bond hearing. *Id.* Automatic release from detention is not an appropriate remedy, as ongoing pre-order detention pending proceedings is constitutionally permissible. *Demore*, 538 U.S. at 531.

2. Unlike mandatory detainees, discretionary detainees always have access to individualized bond hearings.

Given that due process for unreasonably lengthy pre-order detention requires only an individualized bond hearing, a discretionarily detained alien's due process rights are satisfied even under short periods of detention. This is so because aliens detained under section 1226(a) are immediately afforded the opportunity for a DHS bond determination, a bond hearing and initial bond redetermination with the immigration court, administrative review of bond decisions by the BIA, and the ability to request subsequent redeterminations of bond by the immigration court. 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1, 1003.19. A discretionarily detained alien needs no order from a habeas court to receive the due process

---

[1] *Zadvydas* and *Clark*, which apply in the distinct "post-order" context where an alien has a final order of removal but is awaiting travel arrangements to effectuate the removal, held that after a presumptively reasonable six months of post-order detention, some level of due process is required to determine whether the alien remains detained or is released on bond and/or conditions. *Zadvydas*, 533 U.S. at 701; *Clark v. Martinez*, 543 U.S. 371, 378, 386 (2005); *see generally Shokeh v. Thompson*, 369 F.3d 865 (5th Cir. 2004) (vacated as moot).

protections afforded by the bond process. Unlike for mandatory detainees, those protections are already available to discretionary detainees by statute and regulation. *Id.*

Petitioner received an initial release on bond on September 24, 2025. To date, she has not paid her bond. Once paid, she will be released from custody. She has received all of the due process to which he is entitled. *See Maldonado*, 150 F. Supp. 3d at 812.

3. Petitioner's length of detention is not unreasonable anyway.

Petitioner has not shown that the length of her immigration custody has become "unreasonable" such that release without paying her bond would be warranted. There is no bright-line rule that pre-order detention may not exceed a six-month period before mandating release. *See Jennings v. Rodriguez*, 138 S.Ct. 830, 844 (2018); *Ramirez*, 2010 WL 6269226, at *13. Even "post-order" detention may last beyond six-months. *Clark*, 543 U.S. at 387 (O'Connor, J., concurring). In fact, *Demore* did not sanction any specific period at which point pre-order detention could become unconstitutional. The majority of courts interpreting *Demore* determine the reasonableness of the length of detention on a case-by-case basis. *See Ramirez*, 2010 WL 6269226, at *13.

Petitioner's detention is reasonable. She actually received bond. App. p. 10. She is only detained because she has not paid the bond. App. p. 3. She has been detained for only three months but could have been released a month ago when her bond was set. App. p. 10. There is no indication that Petitioner's custody will last longer than the duration of her removal proceedings or until she pays her bond. *See Maramba v. Mukasey*, No. 3:08-CV-0351-K, 2008 WL 1971378, at *5 (N.D. Tex. Apr. 28, 2008).

III. Conclusion

The petition for writ of habeas corpus should be denied.

Respectfully submitted.

RYAN RAYBOULD
UNITED STATES ATTORNEY

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney
Texas Bar No. 24032102
1205 Texas Avenue, Suite 700
Lubbock, Texas 79401
Telephone: (806) 472-7351
Facsimile: (806) 472-7394
Email: ann.haag@usdoj.gov

Attorneys for Respondent

CERTIFICATE OF SERVICE

On November 25, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney