

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ANTONIO DELGADO JAIMES

(b) County of Residence of First Listed Plaintiff Travis (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Georgia S Laurent 13785 research Blvd, Ste 125 SanLaurent Law Group Austin, TX 78750 512-693-9343

DEFENDANTS

Reynaldo Castro, Sylvester Ortega, Pamela J. Bondi, Todd M. Lvons, Kristi Noem County of Residence of First Listed Defendant Frio County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2241
Brief description of cause: Unlawful Detention of Alien Having Granted Relief

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER 5:25-cv-1434

DATE 11/05/2025 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

Antonio Delgado-Jaimes,	§
Petitioner,	§ No. <u>5:25-cv-1434</u>
V.	§
Pamela J. Bondi, Attorney General of the United States	§
Reynaldo Castro, Warden, South Texas Ice Processing Center;	§
Sylvester Ortega, Field Office Director, ICE;	§
Todd M. Lyons, Director, Ice;	§
Kristi Noem, Secretary, Department of Homeland Security.	§

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND
COMPLAINT FOR PRELIMINARY INJUNCTIVE RELIEF**

The Petitioner, Antonio Delgado-Jaimes, respectfully petitions this Honorable Court for a Writ of Habeas Corpus to remedy Petitioner's unlawful detention.

Petitioner, Alien Number  is a citizen of Mexico, born . He has resided in the United States for approximately twelve years. On September 12, 2017, an Immigration Judge granted Petitioner withholding of removal under the Convention Against Torture (CAT) based on a well-founded likelihood that he would be persecuted, tortured, or killed if returned to Mexico. Because of this CAT grant, Petitioner cannot lawfully be removed to Mexico.

Petitioner complied with Immigration and Customs Enforcement (ICE) supervision requirements under an Order of Supervision issued in 2017, and again under a renewed Order of Supervision dated October 17, 2019. Petitioner consistently attended required check-ins, maintained a stable residence, and complied fully with all reporting obligations.

Despite full compliance, Petitioner was detained during a routine check-in in July 2025 at the ICE San Antonio Field Office. He is currently detained at the South Texas ICE Processing Center, 566 Veterans Drive, Pearsall, Texas 78061.

PARTIES

1. Respondent Sylvester Ortega is the Field Office Director for ICE San Antonio and is responsible for Petitioner's continued detention.
2. Respondent Reynaldo Castro is the Warden of the South Texas ICE Processing Center and Petitioner's immediate custodian.
3. Respondents Kristi Noem, Secretary of DHS; Todd M. Lyons, Director of ICE; and the United States Government are responsible for the authority under which Petitioner is detained.

CUSTODY

4. Petitioner is in the physical custody and control of Respondents within this judicial district.

JURISDICTION AND VENUE

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331, because Petitioner is in custody in violation of the Constitution and laws of the United States.
6. Venue lies in the Western District of Texas under 28 U.S.C. § 1391(e), because Petitioner is detained in this district and Respondents exercise authority here.

EXHAUSTION

7. Petitioner has exhausted administrative remedies to the extent available. No administrative mechanism exists to challenge continued detention under these circumstances. Further pursuit would be futile.
8. In late August 2025, Petitioner was informed that his Order of Supervision had been revoked. He was given no interview, no written explanation, and no opportunity to respond. He was told the case would be reviewed September 30, 2025, but no review

occurred. He was informed that Canada, Guatemala, or Honduras might be considered as removal destinations, yet no evidence exists that any country has agreed to accept him.

STATEMENT OF FACTS

9. Petitioner first entered the United States in 2013 and was removed. Approximately six months later, he re-entered the United States and has lived in Texas since.
10. After his re-entry, Petitioner underwent a reasonable fear interview on April 4, 2017, where he described being kidnapped, tortured, and left for dead by a cartel in Mexico.
11. Expert Dr. Jeremy Slack, Ph.D., submitted evidence concluding Petitioner would “more likely than not be tortured and killed” if returned.
12. The Immigration Judge granted CAT protection on September 12, 2017. No appeal was taken. The grant is final.
13. After release under supervision, Petitioner lived with his family, worked legally with an employment authorization card (Category A10), and paid taxes. His parents are lawful permanent residents. He has two U.S. citizen children. His wife gave birth to a third U.S.-citizen child on  2025, while Petitioner was in detention.
14. ICE has provided no custody review, no bond hearing, and no removal plan. Petitioner cannot be removed to Mexico under binding CAT protection, and no third country has agreed to accept him.
15. There is no significant likelihood of removal in the reasonably foreseeable future.

LEGAL FRAMEWORK

16. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a

response “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243 (*emphasis added*).

17. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
18. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens, and it protects noncitizens with final removal orders who face continuing detention. See *Zadvydas*, 533 U.S. at 690; *id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious.”).
19. Under 8 U.S.C. § 1231(a)(1)–(2), detention is authorized during “the removal period,” defined as the 90-day period beginning on the latest of: (i) the date the removal order becomes administratively final; (ii) if judicially reviewed with a stay, the date of the court’s final order; or (iii) if the noncitizen is detained or confined (except under an immigration process), the date of release from such detention or confinement.
20. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” for certain noncitizens, the Supreme Court has imposed constitutional limits on such detention. In *Zadvydas*, the Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s] removal from the United States.” 533 U.S. at

689. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

21. The regulations likewise require process when ICE revokes an order of supervision. See 8 C.F.R. § 241.4(l) (“Revocation of release”) (upon revocation, ICE must notify the noncitizen of the reasons for revocation and afford “an initial informal interview promptly after his or her return to Service custody” to allow a response).

22. ICE has not complied with its regulation here. Petitioner has never been supplied a reason for any alleged violation, has not been afforded an opportunity to respond, and has received no notification of ICE’s reasons. In fact, approximately two months after his detention, around the end of August 2025, Mr. Delgado-Jaimes was informed that his Order of Supervision (OSUP) had been revoked.

23. He was not provided an interview, advised of the reason for the revocation, or given any explanation. He received only a written notice stating that the OSUP had been revoked and that his case would be reviewed on September 30, though no such review ever occurred. An officer also informed him that Canada, Guatemala, and Honduras were potential countries to which he could be removed, but he was never advised that any of these countries would agree to accept him on a permanent basis. ICE has maintained Petitioner in custody despite years of supervision without showing progress toward imminent removal or reasonably foreseeable removal to a third country.

24. As to the reasonableness of continued detention, *Zadvydas* recognized that detention becomes presumptively unreasonable after six months following the start of the removal period unless deportation is reasonably foreseeable; otherwise, continued detention violates the noncitizen’s due process right to liberty. 533 U.S. at 701. Where the

noncitizen “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*

25. Zadvydas’s due process analysis rests on the requirement of “adequate procedural protections” to ensure the government’s asserted purposes outweigh the “individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court recognizes only two permissible purposes for civil detention: preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. Detention may not be justified on other grounds.

26. The flight-prevention rationale is “by definition . . . weak or nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. When removal is not reasonably foreseeable and prevention of flight is therefore “no longer practically attainable, detention no longer ‘bears [a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As to protection of the community, “preventive detention based on dangerousness” is permissible “only when limited to specially dangerous individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

27. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If removal is reasonably foreseeable, “the habeas court should consider the risk of the [noncitizen’s] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period.” *Id.* at 700.

28. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. See *Zadvydas*, 533 U.S. at 701 (noting Congress’s prior doubts about the constitutionality of detention beyond six months and requiring the opportunity for release where deportation is not reasonably foreseeable); see also *Clark v. Martinez*, 543 U.S. 371, 386 (2005).
29. The six-month benchmark is not a jurisdictional bar to judicial review. Courts may consider habeas petitions filed before six months when facts demonstrate that removal is not reasonably foreseeable. See *Bah v. Cangemi*, 489 F. Supp. 2d 905, 920 (D. Minn. 2007) (“while six months marks the beginning of the presumptively unreasonable period, it does not mark the beginning of federal court jurisdiction”); *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (six months is a guideline, not a jurisdictional requirement).
19. Here, Petitioner has been detained since July 2025—over four months to date—without any indication that removal will occur in the reasonably foreseeable future. ICE has not identified a receiving country, has made no tangible progress in securing travel documents, and has articulated no viable plan for lawful removal. Petitioner cannot be returned to Mexico due to a final CAT order, and no third country has agreed to accept him.
20. These circumstances align with *Zadvydas* and analogous cases holding that detention without a viable removal plan is unconstitutional. See, e.g., *Sopo v. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Singh v. Att’y Gen.*, 945 F.3d 1310 (11th Cir. 2019).

21. Moreover, Petitioner’s sudden re-detention after more than eight years of full compliance with ICE supervision and his ongoing separation from his U.S.-citizen children demonstrate that this confinement is punitive rather than administrative. Detention under 8 U.S.C. § 1231 must be tethered to the purpose of effectuating removal; where that purpose is illusory or nonexistent, continued detention violates substantive due process.
22. Respondents’ actions also contravene the spirit and purpose of the CAT order, which legally bars removal to Mexico. Continued detention under these circumstances constitutes arbitrary confinement forbidden by domestic and international law. In light of the government’s failure to provide any legitimate path toward removal, and considering Petitioner’s equities and long history of compliance, judicial intervention is warranted now—even if six months have not yet elapsed—because removal is not reasonably foreseeable.

CLAIMS FOR RELIEF
COUNT ONE - CONSTITUTIONAL CLAIM

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioner’s detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.
25. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.
26. Petitioner has been under the custody of Respondents, under an order of supervision, for over eight years, and now has been detained by Respondents for many months. Over eight years of this prolonged detention has taken place *after* his removal period began.

27. Petitioner's removal order became administratively final on April 8, 2013. The removal period began on that day and thus elapsed on April 8, 2013.

28. Petitioner's prolonged detention is not likely to end in the reasonably foreseeable future. ICE has browbeat him, threatened him with removal to random countries if he does not sign renouncing his fear of Mexico, and has failed to follow its own regulation requiring notification and reasons for its revocation of supervision, and affording him an opportunity to respond to the alleged violation. 8 C.F.R. § 241.4. In fact, ICE has never had an agreement with any other third country to accept Petitioner, for more than eight years. Where, as here, removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.

29. For these reasons, Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
STATUTORY CLAIM - Violation of 8 U.S.C. § 1231(a)

30. Petitioner alleges and incorporates by reference paragraphs 1 through 29 above.

31. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention "beyond the removal period" only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); see also *Zadvydas*, 533 U.S. at 699 ("[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute."). Because Petitioner's removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).

COUNT THREE

32. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter.
- b. Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a).
- c. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- d. Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security.
- e. Enjoin ICE from transferring Mr. Delgado-Jaimes outside of the Western District of Texas while this matter is pending.
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law.
- g. Grant any further relief this Court deems just and proper.

Respectfully submitted on November 5, 2025.



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WRIT OF HABEAS CORPUS OF ANTONIO DELGADO-JAIMES**

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