

I. INTRODUCTION

1. Petitioner is a minor who entered the United States in 2023 at approximately age 15 and has no criminal history. He was ordered removed on February 19, 2025. His prior counsel failed to adequately develop his case, failed to file an appeal, and the order became administratively final in approximately March 2025.
2. On October 1, 2025, Petitioner was arrested pursuant to the removal order and taken into ICE custody. He was then transported through ICE processing and placed in institutional custody.
3. Federal immigration detention of a child may not be indefinite, unreviewed, or prolonged where removal is not reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).
4. After ICE detention was initiated, Petitioner was transferred to the Office of Refugee Resettlement (ORR), which is a federal agency within the U.S. Department of Health and Human Services (HHS). ORR now exercises physical custody over Petitioner, while ICE exercises legal custody and removal authority. See Respondents' own declaration.
5. Federal habeas jurisdiction applies so long as federal authorities restrain liberty. Custody can be shared between agencies without defeating judicial review. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
6. The Flores Settlement Agreement governs the federal detention, treatment, and release of minors. Flores requires that minors:
 - be held in the least restrictive setting, and
 - be released without unnecessary delay to suitable sponsors, unless narrow exceptions apply.
7. Petitioner's continued civil confinement violates the Fifth Amendment, the Immigration and Nationality Act, Flores, and binding Supreme Court doctrine prohibiting indefinite immigration detention where removal is not reasonably foreseeable.
8. Petitioner seeks a writ of habeas corpus and immediate relief requiring:

- release to a parent, guardian, or approved sponsor, or at minimum,
- transfer to a non-secure, least-restrictive, licensed setting consistent with Flores and ORR statutory obligations.

II. JURISDICTION

9. Jurisdiction lies under 28 U.S.C. § 2241, the Fifth Amendment, and the Court's equitable authority to enjoin unlawful federal detention.
10. Habeas jurisdiction applies because federal custody is indisputable: ICE initiated detention, and ORR/HHS now imposes the physical restraint. The federal government maintains continuous control over the child's liberty.
11. The addition of HHS and ORR as respondents cures any procedural question regarding the identity of the federal custodian. Federal habeas relief can be ordered against DHS/ICE (legal custody) and HHS/ORR (physical custody), jointly or severally.

III. FACTUAL BACKGROUND

12. Petitioner has been in post-order immigration detention exceeding the six-month period the Supreme Court recognized as presumptively reasonable. *Zadvydas*, 533 U.S. at 701.
13. No evidence exists that removal is reasonably foreseeable in the near future. The Government has presented no imminent repatriation or travel arrangements and no timeline.
14. Petitioner has never been charged with or convicted of a crime in the United States.
15. Petitioner is a child with available family sponsors who can assume responsibility under Flores standards.

16. The sole justification for continued confinement is post-order civil immigration detention, not behavioral or criminal concerns.
17. ICE is responsible for initiating removal detention and remains responsible for effecting removal.
18. ORR/HHS is responsible for the day-to-day confinement of the minor and exercises physical custody on behalf of the federal government.

IV. LEGAL FRAMEWORK

A. Prolonged Civil Immigration Detention Violates § 241 and Due Process

19. Under *Zadvydas* and *Clark*, immigration detention cannot continue indefinitely where removal is not reasonably foreseeable.
20. The burden is on the government to show a realistic prospect of removal.
21. Habeas lies to challenge unlawful or unreasonably prolonged civil confinement.

B. Flores Settlement Agreement Controls Custody Standards for Minors

22. *Flores* is binding nationwide and governs HHS, ORR, DHS, and ICE.
23. *Flores* requires:
 - use of least restrictive conditions,
 - prompt release to available sponsors,
 - licensed placements where detention is necessary,
 - individualized assessments rather than categorical confinement.
24. The present confinement violates *Flores* because:

- Petitioner is a minor,
- there are available sponsors,
- removal is not imminent,
- no individualized risk findings justify detention.

25. Flores strengthens habeas analysis because it establishes mandatory federal duties that prohibit prolonged or unnecessary confinement of minors in federal custody.

V. REQUEST FOR EMERGENCY INJUNCTIVE RELIEF

26. Under Fifth Circuit TRO standards, Petitioner easily satisfies all four elements:

(1) Likelihood of success on the merits:

Prolonged civil confinement of a child with no foreseeable removal violates Zadvydas, Clark, and Flores.

(2) Irreparable injury:

Loss of liberty and psychological harm from continued detention are irreparable.

(3) Balance of equities:

Federal interests in removal can be satisfied through supervised release and sponsorship; the harm to the child is extreme.

(4) Public interest:

Federal immigration policy and Flores settlement obligations favor proper child placement, not prolonged confinement.

VI. REQUESTED RELIEF

Petitioner asks this Court to:

1. Grant a Writ of Habeas Corpus;
2. Order immediate release to an approved parent, guardian, or sponsor, or in the alternative:
3. Order transfer to a non-secure and least-restrictive setting consistent with Flores and ORR statutory obligations;
4. Order Respondents (DHS/ICE/HHS/ORR jointly) to cease detaining Petitioner in a civil immigration capacity unless removal becomes reasonably foreseeable under Zadvydas.

Respectfully submitted,

/s/ Matthew Mendez

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Attorney for Petitioner

PETITIONER VERIFICATION

Petitioner, a minor, authorizes undersigned counsel to verify that the facts herein are true and correct based on records, detention status, and government declarations.

CERTIFICATE OF SERVICE

On December 8, 2025, Counsel for Plaintiff served a copy of the attached Petition via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States, at USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez

12/8/2025

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On December 8, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Brett Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations, Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint dr., Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez

12/8/2025

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On December 8,, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of**

Homeland Security, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez

12/8/2025

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On December 8, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Robert F. Kennedy Jr., in his Official Capacity as Director of U.S. Department of Health and Human Services**, Office of the General Counsel, U.S. Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; and Angie Salazar, acting director, Office of Refugee Resettlement, Administration for Children and Families, 330 C Street SW, Washington, DC 20201

/s/ Matthew Mendez

12/8/2025

Matthew Mendez
Attorney for Petitioner

Date