

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ELIEZER ANTONIO SALAZAR CRESPO,

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security;

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement; and

MIGUEL VERGARA, in his official capacity
as Acting Director of the San Antonio Field
Office of ICE, Enforcement and Removal
Operations;

BOBBY THOMPSON, in his official
capacity as Warden of the South Texas
Detention Center,

DAREN K. MARGOLIN, in his official
capacity as Director of the Executive Office
for Immigration Review,

Respondents.

CIVIL ACTION NO. 5:25-CV-01485

Agency No. A



**ORIGINAL VERIFIED PETITION
FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241 AND
REUEST FOR DECLARATORY
AND INJUNCTIVE RELIEF**

I. INTRODUCTION.

1. This is an emergency, verified petition for a writ of habeas corpus and complaint for declaratory and injunctive relief to stop the unlawful civil detention of Petitioner Eliezer Antonio Salazar Crespo (“Mr. Salazar”) while held for removal proceedings, following his appearance at a routine immigration check-in amidst Mr. Salazar’s ongoing affirmative asylum proceedings.

2. This case arises from the government's unlawful and unconstitutional detention of Petitioner, a Venezuelan national who has lived openly in Dallas, Texas for more than three years following a lawful parole granted pursuant to INA § 212(d)(5), 8 U.S.C. § 1182(d)(5). Mr. Salazar has complied with every requirement imposed by the Department of Homeland Security ("DHS"), including routine check-ins at the Dallas Enforcement and Removal Operations ("ERO") office. He has a timely-filed asylum application that has been pending with U.S. Citizenship and Immigration Services ("USCIS") for over a year, and he had already sought relief in the Dallas Division of the United States District court for the Northern District of Texas, in Case No. 3:25-cv-01408-K, to compel USCIS to adjudicate that application. These ICE officers refused to identify themselves despite questioning by the undersigned Counsel for Petitioner.

3. Despite his compliance and pending claim to protection, ICE abruptly detained Mr. Salazar at his most recent scheduled check-in and now holds him without any possibility of bond or judicial review. Based on current BIA precedent, immigration judges routinely disclaim jurisdiction to conduct bond hearings. *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). This means immigration courts treat individuals such as Mr. Salazar as if they had just arrived at a port of entry rather than as a long-term Dallas resident with deep community ties. Under this interpretation, Mr. Salazar may be detained indefinitely, with no neutral adjudicator to assess whether his confinement is necessary, proportionate, or even related to the government's stated purpose of securing removal.

4. This detention regime is unlawful. It misapplies the statutory framework of the Immigration and Nationality Act, which places custody of long-present parolees within the ambit of INA § 236(a) [8 U.S.C. § 1226(a)], not INA § 235(b) [8 U.S.C. § 1225(b)].

More fundamentally, it offends the Constitution: the Due Process Clause does not permit indefinite executive detention without access to a neutral decision-maker. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). Nor can habeas corpus—the “great writ” of liberty—be displaced by an administrative policy that forecloses all judicial review. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

5. Habeas relief is necessary to restore Mr. Salazar’s constitutional and statutory rights and to prevent his unlawful and indefinite imprisonment. Injunctive relief, including a temporary restraining order, is warranted to halt the irreparable harm caused by his ongoing detention. Without immediate judicial intervention, Mr. Salazar will continue to suffer deprivation of his liberty, interruption of his pursuit of asylum, and the crushing anxiety of being indefinitely confined despite his full compliance with the government’s supervision regime.

6. For these reasons, Petitioner seeks individual relief to: (a) issue a writ of habeas corpus; (b) enjoin ICE from placing or keeping him in expedited removal or otherwise removing him during the pendency of his long-pending asylum application; (c) require DHS to maintain him, if detained at all, only under 8 U.S.C. § 1226 with a prompt custody hearing before an Immigration Judge; (d) preserve his access to counsel and this Court; and (e) declare that the termination of Petitioner’s parole and his apprehension cannot be used as a pretext to evade ongoing litigation to force the adjudication of Petitioner’s currently pending I-589 application to frustrate his right to seek asylum in the first instance before an immigration officer of USCIS.

II. JURISDICTION AND VENUE.

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202. This action also invokes the Court’s authority under the All Writs Act, 28 U.S.C. § 1651.

8. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar this suit. Petitioner does not challenge a final order of removal, nor seek classwide relief; rather, he seeks to prevent Defendants from circumventing ongoing litigation in which he has sought to compel USCIS to afford him an asylum interview. Detention-based habeas claims are not channeled by Section 1252(b)(9). *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839–42 (2018). Section 1252(g) is narrowly construed and does not foreclose review of unlawful custody or *ultra vires* attempts to switch a non-final INA § 240 case into expedited removal. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482–83 (1999) (hereinafter also referred to as “*Reno v. AADC*”). Individual injunctive relief is not barred by Section 1252(f)(1). *See Garland v. Aleman Gonzalez*, 142 S. Ct. 2057, 2065–66 (2022).

9. This Court possesses inherent equitable authority to enjoin unlawful executive action and to grant preliminary relief, including a temporary restraining order, where necessary to prevent irreparable harm and preserve the Court’s jurisdiction to adjudicate the petition. *See Ex parte Young*, 209 U.S. 123, 155–56 (1908). Injunctive relief is particularly appropriate here because Petitioner’s ongoing detention inflicts an immediate and irreparable injury to his liberty interests, and no adequate remedy at law exists.

10. Venue is proper in the San Antonio Division of the Western District of Texas under 28 U.S.C. § 1391(e) and § 2241(d). This is because Petitioner's detention is governed by the San Antonio Field Office of ICE – Enforcement and Removal Operations, and because Petitioner is detained in Pearsall, Texas, which lies within, or subject to transfer from, this District; relevant events and records are located here; and Respondents include local DHS officials. *See* Ex. A.

III. PARTIES.

11. Petitioner ELIEZER ANTONIO SALAZAR CRESPO (A# ) is a native and citizen of Venezuela. Prior to his arrest, he has applied for asylum affirmatively through USCIS in accordance with 8 U.S.C. § 1158 (INA § 208), and he is now in removal proceedings before the Pearsall Immigration Court. *See* Ex. D. He seeks asylum, withholding of removal, and protection under the Convention Against Torture.

12. Respondent–Defendant KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (“DHS”). She is sued in her official capacity.

13. Respondent–Defendant TODD LYONS is the Acting Director of Immigration and Customs Enforcement (“ICE”), an executive branch agency within the Department of Homeland Security. He is sued in his official capacity.

14. Respondent–Defendant MIGUEL VERGARA is the Director of the San Antonio Field Office of ICE – Enforcement and Removal Operations. He is sued in his official capacity as Petitioner's local custodian and DHS's local decisionmaker, and as Petitioner's immediate physical custodian as of the filing of this verified petition.

15. Respondent, BOBBY THOMPSON, is the Warden of the South Texas Detention Center, is responsible for housing noncitizens from various regions of Texas in ICE

custody pending the completion of their removal proceedings. The South Texas Detention Center is located at 566 Veterans Dr., Pearsall, Texas 78061. Respondent is sued in his official capacity as Petitioner's immediate physical custodian as of the filing of this petition.

16. Respondent, DAREN K. MARGOLIN, is the Director of the Executive Office for Immigration Review. As such, he is responsible for directing and coordinating policy for the United States Immigration Court system, including policies relating to immigration bond applications and requests for custody redeterminations in immigration court. He is sued in his official capacity only.

17. Respondents Noem and Lyons, who represent DHS and ICE, are properly included herein as the executives of federal agencies within the meaning of the Administrative Procedure Act ("APA").

IV. FACTUAL ALLEGATIONS.

18. Mr. Salazar is a 34-year-old native and citizen of Venezuela. He lawfully entered the United States on or about April 2023 pursuant to a grant of humanitarian parole under INA § 212(d)(5). Since that time, he has resided continuously in Dallas, Texas, where he has established community ties and complied with all conditions of release imposed by U.S. Immigration and Customs Enforcement ("ICE").

19. From the time of his arrival in this country, Mr. Salazar has remained under ICE supervision, including the requirement to appear for scheduled check-ins with the Dallas Field Office of ERO. He has faithfully attended each appointment and demonstrated full compliance with the government's supervision regime.

20. In 2023, Mr. Salazar filed a timely application for asylum, Form I-589, with U.S. Citizenship and Immigration Services (“USCIS”). *See* Ex. G. That application has now been pending for more than a year without adjudication. In light of the agency’s delay, Mr. Salazar pursued relief in this Court, filing a separate lawsuit against USCIS under the Administrative Procedure Act and the Mandamus Act to compel the agency to adjudicate his asylum application and schedule him for an interview.

21. On September 4, 2025, Mr. Salazar was arrested at his regularly scheduled check-in at the Dallas ERO office, despite his lawful parole, his cooperation with ICE, and his pending asylum claim. Mr. Salazar was then taken into ICE custody without warning, he was not allowed to speak with the undersigned Counsel, and he was transferred to immigration detention.

22. Under current jurisprudence from the Board of Immigration Appeals, immigration judges routinely conclude that they lack jurisdiction to consider bond requests by paroled noncitizens such as Mr. Salazar, citing *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yahure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and treating them as if they were an “arriving alien” subject to mandatory detention under INA § 235(b). *See* Ex. C, Recent BIA Decisions on Bond; *see* Ex. F, Sample Decision to Deny Bond. As a result, Mr. Salazar now faces the prospect of indefinite detention without access to an individualized bond hearing, despite his long-standing residence in Dallas, his compliance with ICE supervision, his pursuit of asylum, and the government’s inability to effectuate removal to Venezuela in the reasonably foreseeable future. Mr. Salazar’s confinement is ongoing, with no available administrative remedy to secure his release.

23. Although the undersigned Counsel requested to speak with Mr. Salazar after he was taken into custody by ICE, Mr. Salazar was not allowed to speak with his attorney, nor did ICE give the undersigned Counsel a copy of any relevant immigration paperwork despite the undersigned Counsel's presentation of a duly executed Form G-28 appearance form. At one point, one ICE officers told Mr. Salazar undersigned Counsel that he needed to wait outside the building in 105-degree weather, an obvious effort to hinder Mr. Salazar's constitutional right to counsel.

24. Following this incident, Petitioner's wife—who was also forced to wait outside in 105-degree weather—fainted, likely due to a foreseeable combination of heat exhaustion, stress, and anxiety caused by ICE's unlawful detention of her husband.

25. Although an ICE official informed the undersigned Counsel that the agency would process Mr. Salazar for a Notice to Appear, ICE refused to give the undersigned Counsel a copy of any relevant documentation.

26. Thus, on information and belief, DHS intends to use the termination of Mr. Salazar's parole to place him into fast-track, expedited removal proceedings under INA § 235(b)(1) [8 U.S.C. § 1225(b)(1)]—foreclosing his pursuit of asylum before an impartial immigration judge and mooting the ongoing federal complaint against USCIS to compel adjudication of his long-delayed Form I-589 application for asylum.

27. Therefore, despite having a valid, affirmatively filed asylum application pending with USCIS for years, Mr. Salazar faces the immediate risk of removal or transfer out of this District, and the undersigned Counsel's access has already been impaired by the manner of his arrest. As of the filing of this verified petition, Mr. Salazar remains in ICE custody. However, without emergency injunctive relief, he faces irreparable harm.

V. LEGAL FRAMEWORK.

28. Any noncitizen physically present in the United States may apply for asylum. 8 U.S.C. § 1158(a)(1). Mr. Salazar has been pursuing protection claims and even filed a federal lawsuit in order to seek adjudication of his asylum application before the appropriate immigration office within USCIS.

29. The Immigration and Nationality Act (“INA”) establishes multiple detention authorities, each with distinct procedures and limits.

30. Section 235(b) applies to individuals who are applicants for admission, including those stopped at the border or deemed “arriving aliens” by statute. Such persons may be detained without bond during the pendency of expedited or removal proceedings, though they may be released temporarily on DHS’s discretionary parole authority under INA § 212(d)(5). The Board of Immigration Appeals recently held in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), that parolees who are later apprehended are to be treated as arriving aliens under § 235(b) and are ineligible for bond hearings before immigration judges, even if their detention occurs years after their initial arrival into the United States.

31. By contrast, INA § 236(a) authorizes DHS to arrest and detain individuals already present in the United States pending removal proceedings, but it provides a mechanism for release on bond or conditional parole at the discretion of an immigration judge. The distinction between § 235(b) and § 236(a) is critical, because § 236(a) preserves a process for neutral adjudication of release, while § 235(b) forecloses such review.

32. Congress designed § 236(a) to govern the detention of individuals who, like Petitioner, are in regular removal proceedings under § 240. The statutory text expressly

provides for release on bond, subject only to conditions ensuring appearance and protecting the community.

33. The Supreme Court has confirmed the distinction between these statutory schemes. *See Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (explaining differences between § 235(b) mandatory detention and § 236(a) discretionary custody). The Board of Immigration Appeals recognized for decades that individuals in § 240 proceedings after entry without inspection were eligible for bond hearing. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). *See Ex. E, Pre-2025 BIA Bond Decisions.*

34. Even prior to *Jennings*, the Supreme Court had consistently held that civil immigration detention is constitutionally permissible only when reasonably related to the government’s interest in effectuating removal and when accompanied by adequate procedural safeguards. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Court held that detention beyond six months is unconstitutional where removal is not reasonably foreseeable. So, it is significant that even when the *Jennings* Court declined to read into the INA a statutory right to periodic bond hearings, it expressly left open the question whether the Constitution requires such hearings during prolonged detention.

35. Detention must be lawful and non-punitive; civil immigration custody is governed by statute. *See* 8 U.S.C. § 1226 (pre-final-order detention). The government may not leverage apprehension to bypass adjudication of pending asylum applications by USCIS and to infringe the right access to counsel.

36. Habeas corpus has long served as the primary means of testing the legality of executive detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The Suspension Clause ensures that habeas review cannot be eliminated absent extraordinary circumstances. *See*

Boumediene v. Bush, 553 U.S. 723, 744 (2008). Federal courts in this Circuit and others have held they retain jurisdiction under 28 U.S.C. § 2241 to review constitutional and statutory challenges to the fact and duration of immigration detention. *See* Ex. H.

37. Section 1252(b)(9) does not preclude detention-based habeas claims. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). Section 1252(g) is narrowly construed and does not bar challenges to unlawful custody or ultra vires procedural tactics. *Reno v. AADC*, 525 U.S. at 482–83. Individual injunctive relief is available. *Garland v. Aleman Gonzalez*, 142 S. Ct. at 2065–66.

38. Arresting officers are required to identify themselves and state the reasons for the arrest as soon as practicable and safe. *See* 8 C.F.R. § 287.8(c)(2).

39. Alongside habeas corpus, federal courts possess authority under 28 U.S.C. §§ 1331, 1361, 2201, and 2202 to issue declaratory and injunctive relief to redress ongoing violations of federal law, including unlawful executive detention. A temporary restraining order or preliminary injunction may be granted where necessary to prevent irreparable harm, preserve the Court’s jurisdiction, and ensure that the petitioner is not subjected to unconstitutional confinement pending adjudication.

40. In August 2025, a federal court in Washington, D.C., issued a decision ordering DHS to cease detaining individuals in situations such as Mr. Salazar under the expedited removal authority when they have lived in the United States for more than two years and are apprehended more than 100 miles from the border. *See Make the Road New York v. Noem*, No. 25-cv-190 (JMC), 2025 LEXIS 169432 (D.D.C., Aug. 29, 2025). Mr. Salazar now finds himself at a crossroads, as he is “seeking asylum or another form of immigration relief, entitling [him] to further process before [he] can be removed.” *Id.* But

ICE's procedures "create a significant risk that it will not identify these disqualifying criteria before quickly ordering [Mr. Salazar] removed." And the issuance of a TRO¹ is appropriate in Mr. Salazar's case, because "the lack of available review means that once the removal happens, it is largely too late to correct the error." *Id.*

41. DHS's unlawful arrest of Mr. Salazar and their likely shift to expedited removal to foreclose review of his asylum application by a USCIS officer or even an immigration judge is arbitrary, capricious, and contrary to law. *See* 5 U.S.C. § 706(2).

VI. CLAIMS FOR RELIEF.

COUNT I – Habeas Corpus (28 U.S.C. § 2241): Unlawful Civil Detention.

42. Mr. Salazar's custody is unlawful because DHS is detaining him to evade adjudication of his ongoing affirmative asylum application under Section 208, and to place him into removal proceedings under INA § 240 or expedited removal proceedings under INA § 235(b), despite the non-final posture of his asylum case and his intent to compel a final adjudication of his asylum case by USCIS. Detention should be ordered terminated, or, alternatively, converted to § 1226 custody with a prompt IJ bond hearing.

COUNT II – Administrative Procedure Act (5 U.S.C. § 706): Arbitrary, Capricious, Contrary to Law; Ultra Vires.

43. DHS's dubious tactic of arresting Mr. Salazar at a routine ICE check-in appointment despite his pending Form I-589 asylum application with USCIS appears calculated to circumvent the ongoing litigation concerning the delayed asylum application pending with USCIS, so as to force expedited removal and/or divestiture of USCIS's jurisdiction over the pending asylum application. These actions are arbitrary,

¹ In accordance with the Court's local rules, Petitioner intends to seek a TRO through the submission of a separate motion that is forthcoming.

capricious, an abuse of discretion, and contrary to law, including 8 U.S.C. § 1158(a)(1) and the regulatory framework that preserves § 240 jurisdiction until finality. *See* 8 C.F.R. §§ 1003.39, 1240.14.

COUNT III – Fifth Amendment: Due Process and Interference with Access to the Courts and Counsel.

44. The courthouse “ambush” arrest, refusal to identify, and threatened transfer and/or removal impair Mr. Salazar’s ability to consult counsel and pursue statutory protection claims, violating due process.

COUNT IV – Declaratory Judgment (28 U.S.C. §§ 2201–2202).

45. An actual controversy exists regarding DHS’s authority to switch Mr. Salazar into § 235(b) expedited removal proceedings or § 240 removal proceedings while his asylum application remains unadjudicated by USCIS. Thus, the Court should declare that DHS may not do so and must preserve his ability to seek protection before an IJ.

COUNT V – All Writs Act (28 U.S.C. § 1651): Preservation of Status Quo and Court’s Jurisdiction.

46. The Court should issue such writs/orders as necessary to preserve its jurisdiction and the status quo—including a temporary restraining order.

VII. REQUEST FOR INJUNCTIVE RELIEF.

47. Petitioner respectfully requests that this Court grant injunctive relief directing Respondents to order his immediate release under reasonable conditions of supervision, or in the alternative, to provide him with an individualized custody redetermination hearing under INA § 236(a) within seven (7) days. Petitioner intends to seek a Temporary Restraining Order through a separate motion that is forthcoming, and upon a final hearing, Petitioner asks for any further injunctive relief as appropriate.

48. The Supreme Court has made clear that such extraordinary relief depends on a four-factor test: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009). As explained below, Petitioner satisfies each of these factors.

A. Mr. Suarez Is Likely to Succeed on the Merits of His Petition.

49. Mr. Suarez has a strong likelihood of success on the merits of his claims. As explained more fully hereinabove, numerous district courts including some from within the Fifth Circuit, have already determined that noncitizens in circumstances substantially similar to that of Mr. Suarez, who are detained under Section 236(a), are entitled to individualized bond hearings before an immigration judge. *See* Ex. H, Appendix of Recent Habeas Decisions; *see* Ex. I (magistrate judge’s FCR in habeas case in Dallas).

50. Current BIA policy prohibiting immigration judges from exercising jurisdiction over any immigration bond request that Mr. Suarez might file—due to the Board of Immigration Appeals’ recent decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—cannot override the clear and unambiguous language of Section 236(a).

51. Additionally, Mr. Suarez raises a constitutional claim under the Fifth Amendment, as prolonged detention without any opportunity for individualized custody review violates due process.

52. Taken together, these statutory and constitutional grounds present not merely a plausible claim, but a compelling one. Under *Nken v. Holder*, 556 U.S. 418, 434 (2009), likelihood of success is the most critical factor in evaluating interim relief. Here, Petitioner’s claim is exceptionally strong.

B. Mr. Suarez Will Suffer Irreparable Harm If an Injunction Does Not Issue.

53. If this Court does not grant immediate relief, Mr. Suarez will continue to suffer irreparable harm. The Supreme Court has recognized that “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Every day Mr. Suarez remains confined without access to the procedures guaranteed by law constitutes a grave and irreversible injury.

54. Even if Mr. Suarez were eventually granted a bond hearing after protracted litigation, the harm inflicted by the period of unlawful detention—loss of liberty, disruption of family life, psychological strain, and reputational damage—could never be undone. As *Nken* instructs, irreparable harm cannot be speculative; it must be actual and concrete. 556 U.S. at 435. Mr. Suarez’s ongoing imprisonment without a lawful hearing meets that standard.

C. Balance of Equities Weighs in Mr. Suarez’s Favor.

55. The balance of equities tips decisively in Petitioner’s favor. On his side lies the interest in safeguarding one of the most fundamental rights recognized in our legal system—the right not to be arbitrarily detained without process. On the government’s side, the only asserted interest is administrative convenience in applying the BIA’s recent, and in this Circuit nonbinding, precedents.

56. There is no evidence that Petitioner poses a danger to the community or a risk of flight, and the dismissal of his recent criminal indictment further diminishes any legitimate basis for continued detention. In contrast, every additional day of unlawful

confinement inflicts significant harm on Petitioner. When weighed against each other, the equities clearly support granting immediate relief.

D. There Is Strong Public Interest In Maintaining the Pre-2025 Status Quo.

57. Finally, the public interest strongly supports the grant of injunctive relief. The Supreme Court in *Nken* explained that when the government is the opposing party, the balance of equities and the public interest merge. 556 U.S. at 435. The public has no interest in perpetuating unlawful detention; rather, the public's interest is served by ensuring that government agencies act within the bounds of statutory and constitutional authority.

58. Granting Petitioner's release, or in the alternative, granting him an individualized bond hearing, promotes confidence in the integrity of the immigration system, reinforces respect for the rule of law, and prevents the arbitrary deprivation of liberty. Protecting fundamental due process rights is not just in Petitioner's interest, but in the interest of the public at large.

59. Each factor of the equitable test weighs heavily in Mr. Suarez's favor. He has shown a substantial likelihood of prevailing on the merits based on the interpretation of Section 236(a) by various federal district courts and the Due Process Clause; he faces irreparable harm each day he remains detained without lawful process; the equities tilt overwhelmingly toward protecting his liberty; and the public interest is best served by ensuring that immigration detention is consistent with statutory and constitutional limits.

60. For these reasons, this Court should grant injunctive relief as soon as practicable, requiring Respondents immediately to release Mr. Suarez or provide him with a bond hearing in accordance with INA § 236(a), 8 U.S.C. § 1226(a).

VIII. CONCLUSION & PRAYER FOR RELIEF.

61. WHEREFORE, Petitioner respectfully prays that the Court take the following actions:

- 1) Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately, or alternatively, to provide him with an individualized bond hearing under INA § 236(a), 8 U.S.C. § 1226(a) within seven (7) days of the Court's order;
- 2) Schedule this matter for a hearing and, after such hearing, grant any and all injunctive relief the Court deems appropriate to ensure Respondents do not unlawfully detain Petitioner;
- 3) Issue a declaration that Respondents may not initiate or pursue expedited removal against Mr. Suarez while his § 240 removal proceedings remains non-final and while he seeks relief from removal before an Immigration Judge;
- 4) Issue a declaration that the plain language of INA § 236(a) permits immigration judges to consider bond requests of noncitizens who are present without admission and are not classified as arriving aliens;
- 5) Grant permanent injunctive relief as appropriate;
- 6) Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 552(a)(4)(E), and any other provision of law; and
- 7) Grant such other relief as this Court deems just and proper

DATE: November 14, 2025.

Respectfully submitted,

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By: /s/ John M. Bray
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VERIFICATION

STATE OF TEXAS

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COUNTY OF DALLAS

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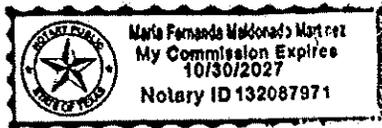
BEFORE ME, the undersigned authority, on this day personally appeared MARIA TERESA AGUIAR DE SALAZAR ("AFFIANT"), known to me to be the person whose name is included in the foregoing document as Petitioner's wife, and who after being by me duly sworn, stated that she is above the age of twenty-one (21) years of age, is of sound mind, and is in all ways competent to make this verification. Affiant acknowledged that she had the substance of the foregoing document read to her, that she has personal knowledge of the facts contained herein, and that the factual statements contained herein above are true and correct to the best of Affiant's knowledge and belief.

Maria T. Aguiar De Salazar

MARIA TERESA AGUIAR DE SALAZAR,
Affiant

SUBSCRIBED AND SWORN BEFORE ME on this 14 day of November, 2025.

[SEAL]



Maria Fernanda Maldonado Martinez

NOTARY PUBLIC
In and for the State of Texas