

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

WILSON ISRAEL CAAL-PUTUL,

Petitioner,

v.

Todd LYONS, in his capacity as Acting  
Director, Immigration and Customs  
Enforcement; Kristi NOEM, Secretary, U.S.  
Department of Homeland Security; Pamela  
BONDI, U.S. Attorney General; EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW;  
Carlos CISNEROS, Assistant Field Office  
Director of Harlingen Field Office for U.S.  
Department of Homeland Security, United  
States Immigration and Customs Enforcement,  
Enforcement and Removal Operations

Respondents.

Case No. 1:25-cv-276

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS  
AND REQUEST FOR ORDER TO SHOW CAUSE UNDER § 2243**

## INTRODUCTION

1. Petitioner Wilson Israel Caal-Putul filed a Petition for Habeas Corpus on November 17, 2025. This Court issued an Order to Show Cause. Rather than Show Cause, Respondents chose to release Mr. Caal-Putul on or about November 27, 2025. However, Respondents refused to return Mr. Caal-Putul's work permit and driver's license to him upon his release. When Mr. Caal-Putul asked for the return of his ID documents, Respondents stated that Mr. Caal-Putul was not authorized to work, which is false. Because it is within 21 days, he files this Amended Petition for Habeas Corpus. Mr. Caal-Putul argues that 1) he remains under the control of the Respondents for the purposes of habeas corpus and 2) he amends the remedies sought in his habeas petition to include the return of his work permit and driver's license.

## MEET AND CONFER

2. Counsel has reached out to Respondents attorney several times. Thus far, they have confirmed they have the work permit. It is unclear where the driver's license is. As of the date of this Amended Petition, Respondents have not agreed to return the documents to Petitioner. Respondents have asked Petitioner to dismiss this Petition stating that Mr. Caal-Putul may not request the return of his documents through habeas corpus. Respondents ask for dismissal without agreeing to return the illegally seized property.

## JURISDICTION

3. At the time that Petitioner filed his initial Petition for Habeas Corpus, he was under the physical custody of the Respondents because he was detained at the Port Isabel Detention Center, in Los Fresnos, Texas. Because he was detained at the time that he filed his habeas, this Court retains jurisdiction to amend his remedies. *Zalawadia v. Ashcroft*, 371 F 3d. 292, 300 (5th Cir 2004).

4. This Court also has separate jurisdiction to review his claims because Respondents continue to restrain his liberty by controlling his ability to work and travel. *Jones v. Cunningham*, 371 U.S. 236, 242-44 (1963) (finding habeas extends to restraints on liberty and not just physical custody); *Haig v. Agee*, 453 U.S. 280, 307 (1981) (finding a Constitutional right to interstate travel but not international travel); *Tavera v. Harley-Bell*, 09-cv-0299 (S.D. Tex. 03/31/2010). This Court, therefore, has jurisdiction over this amended petition.

5. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

6. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### VENUE

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Southern District of Texas, the judicial district in which Petitioner was detained. Respondent also continues to live in this District in Lozano, Cameron County, Texas with his wife and children. Respondents remain in this district.

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Texas.

#### REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to

show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

10. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### **PARTIES**

11. Petitioner, Wilson Israel Caal-Putul, is a citizen of Guatemala who was detained by immigration on or about October 16, 2025. He was detained at the Port Isabel Detention Center, in Los Fresnos, Texas, and he remains under the control of the Port Isabel Detention Center.

12. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. As such, Acting Director Todd Lyons is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

13. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem also had control over the Office of the Principal Legal Advisor, Office of the Chief Counsel, and the Assistant Chief Counsels. Ms. Noem has ultimate custodial authority over Petitioner and his property, She is sued in her official capacity.

14. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review

and the immigration court system it operates is a component agency. She is sued in her official capacity.

15. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

16. Respondent Carlos Cisneros, Assistant Field Office Director of Harlingen Field Office for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, is the head of the Port Isabel Detention Center in Los Fresnos, Texas where Petitioner was detained. He has immediate physical custody of Petitioner and control over his work permit and driver's license. He is sued in his official capacity.

#### **LEGAL FRAMEWORK**

17. At the time of his initial Petition for Habeas Corpus, Petitioner was under the custody and control of Respondents at the Port Isabel Detention Center in Los Fresnos, Texas. A petitioner only needs to be in custody at the time the Petition for Habeas Corpus is filed. *Zalawadia*, 371 F 3d. at 300. Because Mr. Caal-Putul was in custody at the time his habeas petition was filed, this Court retains jurisdiction over his claim and has the authority to address the amended remedies. *Id.*

18. Respondent also remains under the control of Respondents because they have deprived him of his ability to drive and work by unlawfully seizing his work permit and driver's license. *Id.* "Habeas corpus relief is not limited to immediate release from illegal custody". *Id.* "Where an individual is no longer in custody (but was at the time he filed the action), the Court has recognized that the individual may be facing collateral legal restraints on his liberty, flowing

from the original order that placed him in detention. Such restraints include legal ineligibility to serve on a jury, vote, hold office or operate certain businesses.” *Id. see also Tavera v.*

*Harley-Bell*, 09-cv-0299 (S.D. Tex. 03/31/2010) (noting that Petitioner could not overturn the revocation of her U.S. passport through habeas corpus because there is no constitutional right to international travel as there is for interstate travel).

19. In his initial Petition for Habeas Corpus, filed on November 17, 2025, Mr. Caal-Putul challenged the fact that ICE had re-detained him while he was out on an immigration bond, even though he had not violated the terms of that bond. When Mr. Caal-Putul filed a new Bond Motion before the Immigration Court, the Immigration Court said they no longer had jurisdiction to issue bond.

20. This Court issued an Order to Show Cause with Respondents’ response due by December 1, 2025.

21. However, rather than replying to the Motion for Order to Show Cause, Respondents released Mr. Caal-Putul on or about November 27, 2025, and they gave Mr. Caal-Putul a copy of his 2012 bond paperwork. By returning his old bond paperwork to him, Respondents indicated that they agreed that Mr. Caal-Putul had not violated the terms of his 2012 bond and that he should not have been re-detained in October 2025.

22. However, Respondents refused to return his work permit and driver’s license to him upon his release from custody. When Mr. Caal-Putul asked for the return of his work permit and his driver’s license, Respondents replied that he was not authorized to work. However, this is completely incorrect. Because Mr. Caal-Putul’s application for Non-LPR Cancellation of Removal (Form EOIR 42-b) remains pending, he is explicitly authorized to apply for work authorization pursuant to 8 CFR § 274.12(c)(10) based upon his pending relief application. Mr.

Caal-Putul had applied for work authorization, which was approved, and his work permit was valid. He also has a valid Texas Driver's License based upon his work permit.

23. When Counsel requested the return of Mr. Caal Putul's driver's license and work permit, Respondents said that, while they had the work permit, Mr. Caal-Putul could not request the return of his documents through a Petition for Habeas Corpus. In other words, Respondents would not return Mr. Caal-Putul's personal property absent a Court Order. It is currently unclear where his driver's license is. Counsel has reached to Respondents' attorney several times, but they have not agreed to return the documents.

24. Mr. Caal-Putul now seeks to amend the remedies in his initial Petition for Habeas Corpus, and he moves for this Court to order the return of his work permit and his driver's license.

25. This Court has the authority to order the return of Mr. Caal-Putul's documents based on the initial Petition for Habeas Corpus since he was detained at the time that he filed his Petition.

26. This Court also has the authority to order the return of his work permit to him because his liberty continues to be restrained by the Respondents. *See Jones v. Cunningham*, 371 U.S. 236, 242-44 (1963) (finding parole so constrained the petitioner's liberty that he was still under the control of the Parole Board and could therefore seek relief through Habeas Corpus). Because Mr. Caal-Putul's liberty remains restrained through the illegal confiscation of his work permit and driver's license, he remains under the control of the Respondents. *Id.* Indeed, Respondents told him that he was not authorized to work and stripped his authorization from him.

27. Requesting a new work permit can take months plus additional filing fees. Petitioner faces additional harm through seizure of his documents without due process.

28. By depriving Mr. Caal-Putul of his driver's license, they have restricted his constitutional right to interstate travel.

29. Most Importantly, DHS *requires* all non-citizens to carry their work permits with them at all times or they face penalties, including fines or prison time.<sup>1</sup> 8 CFR § 264.1; 8 USC § 1304(e). By depriving Mr. Caal-Putul of his documents without due process, Respondents have placed Mr. Caal-Putul in an incredibly vulnerable position, making him subject to re-arrest or re-detention because he cannot prove his lawful presence in the United States. At a time when ICE is asking individuals for IDs, it is critical that he have his work permit and driver's license on his person. He faces additional future restraints on his liberty because he cannot carry his documents with him as the law requires.

30. *Jones v. Cunningham* grants this Court the authority to order the return of his ID documents as a remedy for his Petition for Habeas Corpus because the restraint on his liberty places him under the Respondent's Control.

#### FACTS

31. Petitioner has resided in the United States since approximately 2003 and lives in Lozano, Texas with his U.S. citizen wife and their four U.S. citizen children. He last entered the United States in around 2010 without inspection. Ex. A.

32. Mr. Caal-Putul has been in removal proceedings since February 2012. In January 2012, Mr. Caal-Putul was convicted of his sole conviction: driving while intoxicated in Hidalgo County, Texas. Upon his release from criminal custody, immigration officers detained Mr. Caal-Putul and transferred him to the Port Isabel Detention Center in Los Fresnos Texas. Ex. A.

33. In February 2012, DHS placed Petitioner in removal proceedings before the Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being

---

<sup>1</sup> Immigration Documents and How to Correct, Update, or Replace Them, found at <https://www.uscis.gov/tools/uscis-tools-and-resources/immigration-documents-and-how-to-correct-update-or-replace-them#:~:text=If%20you%20are%2018%20years,the%20United%20States%20with%20you.>

inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. Ex. A.

34. On or about February 29, 2012, an Immigration Judge at Los Fresnos, Texas granted Mr. Caal-Putul an immigration bond, and he was released from custody. Mr. Caal-Putul's removal proceedings remain ongoing, and his case was recently remanded from the Board of Immigration Appeals back to the Immigration Judge. Exs. B, C.

35. During the 13 years that Mr. Caal-Putul has been out on an immigration bond, he has fully complied with the terms of his immigration bond. He hasn't had any new arrests, and he has appeared at his immigration court hearings, as required.

36. For the last several years, Mr. Caal-Putul has worked north of the checkpoint. He has passed through the checkpoint with his Notice of Immigration Court Hearing and his work permit without issue. Despite having fully complied with the requirements of his immigration bond, CBP detained him on or about October 16, 2025 at the Sarita checkpoint. CBP did not give a reason for his re-detention, and CBP did not return his prior bond money to him.

37. On or about November 5, 2025, Mr. Caal-Putul requested a new bond from the Immigration Judge at Port Isabel Detention Center. Even though he had previously been released on an immigration bond from that very court, the Immigration Judge said he had no jurisdiction to issue a new bond, even based on the theory of *res judicata*. Ex. D.

38. Mr. Caal-Putul has an U.S. citizen wife and four U.S. citizen children, ages 11, 8, 5 and 2 years old. His family depends on him for financial and emotional support. Ex. E.

39. However, because of Respondents' policy, Petitioner was denied a new bond before the Immigration Judge. *Yajure-Hurtado*, 29 I&N Dec. 216. And the Immigration Judge also refused to order release based on the existing bond, which had not been violated. Ex. D.

40. On November 17, 2025, Mr. Caal-Putul filed his initial Petition for Habeas Corpus before this Court, asking for either his immediate release or for this Court to order a bond hearing for him. This Court issued an Order to Show Cause.

41. Rather than responding to the Order to Show Cause, Respondents released Petitioner on or about November 27, 2025. However, Respondents did not return Mr. Caal-Putul's work permit and driver's license to him. When Mr. Caal-Putul asked for the return of his ID documents, Respondents replied that Mr. Caal-Putul was not authorized to work. But this is incorrect because the INA explicitly authorizes Mr. Caal-Putul to apply for work authorization.

42. As a result, Petitioner remains under the control of Respondents- having been stripped of the documents that he needs to drive a car, work, or prove his lawful presence in the United States. Without relief from this court, he faces the prospect of months without these documents and hundreds of dollars in fees to replace them and possible re-detention for not carrying his work permit on him as DHS so requires. *Id.*

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Violation of the APA**

43. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

44. Respondents have violated the APA through their arbitrary and capricious refusal to return Mr. Caal-Putul's work permit to him when the regulations explicitly authorize Mr. Caal-Putul to request work authorization.

**COUNT II**

**Violation of Due Process**

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

46. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V.

47. Petitioner has a fundamental interest in liberty and being free from any restraint on his liberty, which includes his ability to work and travel in the United States.

48. The Respondent's unlawful and illegal seizure of Mr. Caal-Putul's work permit and driver's license, which violated his due process rights. Respondents also told Mr. Caal-Putul that they were stripping him of his ability to work altogether because, according to them, he was not authorized to work.

**COUNT III**

**Violation of his Right to Interstate Travel**

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein

50. Because the Respondents illegally seized his driver's license, he has been deprived of his Constitutional right to interstate travel. *See Haig v. Agee*, 453 U.S. 280, 307 (1981).

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order the Respondents to show cause within 3 days of receiving this petition

- c. Declare that the actions of Respondents as set forth in Mr. Caal Putul's Petition and Motion violate the Fifth Amendment of the United States Constitution, 28 U.S.C. § 2241, and the APA;
- d. Issue a writ of habeas corpus requiring that Respondents immediately return his work permit and driver's license to him based on the bond issued to him in 2012, which he has not violated;
- e. Grant any other and further relief that this Court deems just and proper.

DATED this 4th of December 2025.

/s/ Jennifer Scarborough

Law Firm of Jennifer Scarborough  
P.O. Box 18460  
Minneapolis, MN 55418  
Texas State Bar No. 24106401  
SDTX I.D. 3566791  
*Attorney for Petitioner*

**Verification Pursuant to 28 U.S.C. § 2242**

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned Counsel has discussed with Petitioner the events described in this Petition for Motion for Preliminary Injunction and Temporary Restraining Order and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of her knowledge and belief.

Date: 04 December 2025

/s/ Jennifer Scarborough

**CERTIFICATE OF SERVICE**

I certify that I caused a copy of the foregoing

**PETITION FOR WRIT OF  
HABEAS CORPUS**

to be served on all counsel of record via ECF.

Dated this 4th day of December 2025,

/s/ Jennifer Scarborough

Jennifer Scarborough