UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

Alexis MANZO SEGURA,
Petitioner,

vs.

U.S. DEPARTMENT OF HOMELAND SECURITY; Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General, in her official capacity; Miguel VERGARA, in his capacity as Field Office Director of Immigration and Customs Enforcement, Enforcement and Removal Operations, San Antonio Field Office,
Respondents.

SA25CA1531 XR
Case No.

Petition for Writ of Habeas Corpus and Request to Show Cause

Petitioner, by and through undersigned counsel, seeks judicial review of his continued detention under 28 U.S.C. § 2241.

Introduction

1. Petitioner is currently detained at Karnes County Immigration Processing Center, in Karnes City, Texas.

2. Petitioner, a native of Mexico, entered the United States many years as a child. Petitioner has no known criminal record.

3. On June 18, 2021, Petitioner applied for Special Immigrant Juvenile [SIJ] Status with U.S. Citizenship and Immigration Services [USCIS], an arm of the Department of Homeland Security [DHS].

4. "Alien" children, who a juvenile court has found have been abused, abandoned, or neglected by their parent may apply for special SIJ status with USCIS.[1] Once USCIS grants the child application for SIJ status, the child is placed in a queue waiting to apply for adjustment of status, i.e., a "green card."[2] This wait period to apply is currently estimated to be around 4–5 years.[3] In some cases, individuals with approved SIJ status, are granted Deferred Action, which provides individuals with a lower priority for removal from the U.S. for a specific period of time.[4]

5. Here, Petitioner was granted SIJ status by USCIS on May 27, 2022, and on that same day was granted Deferred Action from removal until May 27, 2026.[5] Petitioner's Deferred Action is still in effect.

---

[1] *See* DHS, *Special Immigrant Juveniles*, USCIS available at https://www.uscis.gov/working-in-US/eb4/SIJ

[2] *Id.*

[3] *See* US Dep't of State, 2025 US Visa bulletin, available at https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-december-2025.html; *See also* Pet'r's App at 4–7.

[4] *See* Pet'r's App at 2.

[5] *Id.*

6. On September 27, 2025, DHS encountered Petitioner during a "traffic stop," and subsequently detained him for purposes of removal from the U.S.[6]

7. Despite being the recipient of Deferred Action and an approved SIJ petition, DHS placed Petitioner in removal proceedings, where the Immigration Court said it would comply with DHS' request in seeking to remove Petitioner from the United States.

8. Even understanding that Petitioner is only months away for being eligible to obtain his "green card"—i.e., after waiting years—the Immigration Court refuses to release Petitioner from detention to await this opportunity because Petitioner currently lacks immigration status and entered illegally as a child. The Immigration Court relies on the Board of Immigration Appeal's [BIA] new holding under *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) (holding that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond).

9. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act [INA]. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a

[6] *See* Pet'r's App 13–18.

different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

10. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

11. Respondents' also ignore that Petitioner is protected under Deferred Action until May of 2026, which is in-line with the date he would be eligible to apply for lawful permanent resident status.

12. Petitioner's continued detention is unlawful because it (1) exceeds the scope of detention authority permitted under the INA, (2) violates the Fifth Amendment's Due Process Clause by subjecting him to punitive and indefinite confinement, and (3) contradicts the humanitarian protections afforded to children under the SIJ program, thereby rendering Petitioner's detention unlawful and unconstitutional.

13. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order Petitioner's release from custody, with appropriate conditions of supervision if necessary. In the alternative, Petitioner requests that this Court conduct or order an immigration judge to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2)

the reviewing court considers alternatives to detention that could mitigate risk of flight. Continued detention under these circumstances serves no legitimate governmental purpose and violates the humanitarian and constitutional principles that govern civil immigration custody.

Jurisdiction

14. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and seeks a writ of habeas corpus challenging the legality of his continued civil detention by DHS in violation of the Constitution and laws of the United States.

15. 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

16. Venue is proper in this Court under 28 U.S.C. § 2241(a) because Petitioner is detained within the geographic boundaries of the Western District of Texas, at Karnes County Immigration Processing Center located in Karnes City, Texas.

Exhaustion and Requirements of 28 U.S.C. § 2243

17. Here, because the Immigration Court is relying on BIA precedent that Petitioner is subject to mandatory detention, and thus is not eligible

for bond, Petitioner has exhausted all remedies and may file a habeas petition immediately before this Honorable Court.

18. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Cour must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

19. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

Parties

20. Petitioner is a native of Mexico. Petitioner has been in DHS custody since September 27, 2025. Petitioner is currently detained Karnes County Immigration Processing Center located in Karnes City, Texas.

21. U.S. Department of Homeland Security [DHS] is the federal agency responsible for implementing and enforcing our nation's

immigration laws. DHS oversees its component agencies, e.g., ICE and USCIS.

22. Defendant Kristi Noem is the Secretary of DHS. In that capacity, she is charged with the administration and enforcement of the nation's immigration laws. She is used in her official capacity.

23. Defendant Pamela Bondi is the United States Attorney General. In this capacity, she directs agencies within the United States Department of Justice, including the Executive Office for Immigration Review [EOIR], which houses the immigration courts and the Board of Immigration Appeals. Defendant Bondi is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees EOIR. She is sued in her capacity.

24. Miguel Vergara, is named in his official capacity as Field Office Director of the ICE Enforcement & Removal Operations ("ERO") San Antonio, Texas Office. In this capacity, he is responsible for the administration of immigration laws and the execution of immigration confinement and the institution of removal proceedings within the San Antonio Area, which includes Karnes County Immigration Processing Center, the jurisdiction where Petitioner is confined. As such, she is a custodian of Petitioner.

Relevant Factual Background

25. Plaintiff is a Mexican national, with a date of birth of April 8, 2005.

26. Plaintiff has no known criminal history.

27. Plaintiff entered the United States illegally as a child.

28. On June 18, 2021, at the age of 16, Petitioner filed for Special Immigrant Juvenile Status [SIJ] with USCIS.

29. On May 27, 2022, USCIS approved Petitioner's request for SIJ status and provided him with a priority date of June 18, 2021.

30. On the same day of his SIJ approval, DHS notified Petitioner he was granted Deferred Action from removal.

31. Petitioner's Deferred Action was granted for four years, i.e., set to expire on May 27, 2026.

32. Currently, the December 2025 US Visa Bulletin, shows individuals with a priority date of February 15, 2021, may submit their applications for immigrant visa, i.e., adjustment of status for lawful permanent residence.

33. Petitioner appears to be only months away from lawful permanent resident status eligibility based on his SIJ approved petition.

34. SIJ applicants follow the filing dates under the 4th preference employment-based category, i.e., EB4.

35. Petitioner has been patiently waiting for his turn to apply for his lawful permanent resident status.

36. On September 27, 2025, DHS encountered Petitioner during a traffic stop.

37. Since this encounter, Petitioner has been in DHS custody.

38. That same day, i.e., September 27, 2025, DHS initiated removal proceedings against Petitioner.

39. DHS seeks Petitioner's removal for being an individual in the United States without being admitted or paroled, under 8 U.S.C § 1182(a)(6)(A)(i).

40. DHS also seeks Petitioner's removal as an individual who entered the United States without permission, under 8 U.S.C. § 1182(a)(7)(A)(i)(I).

41. On September 30, 2025, Petitioner sought to dismiss his removal proceedings without prejudice because of Petitioner's granted of Deferred Action and SIJ status.

42. On October 1, 2025, the Immigration Court denied Petitioner's request.

43. Prior to this denial, on September 5, 2025, the BIA issued its decision *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that individuals charged with removability under 8 U.S.C § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I) are subject to mandatory detention, and not subject to Bond.

44. The BIA's recent decision reverses decades of established case law on bond eligibility.

45. Because Petitioner is subject to mandatory detention, he is not eligible for bond under this new interpretation.

46. As a result, Petitioner remains in detention. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, or worse, removal from the U.S. before he can utilize his SIJ status petition.

Legal Background

47. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

48. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration court. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

49. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

50. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

51. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

52. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

53. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

54. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them

ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

55. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

56. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[7] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

57. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or

[7] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

58. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

59. Even before ICE or the BIA introduced these nationwide policies, Immigration Courts in the Tacoma, Washington, stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

60. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*,

No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g.*, *Palma Perez v. Berg*, No. 8:25CV494, 2025

WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *Saider Santiago Helbrum v. Williams*, No. 4:25-cv-0349-SHL-SBJ (S.D. Iowa Sept. 30, 2025); *Noel De la Cruz v. Noem*, No. 1:25-cv-00150-LTS-KEM (N.D. Iowa Oct. 20, 2025); *Ismael Cerro Perez v. Parra*, No. 1:25-cv-24820-KMW (S.D. Fla. Oct. 27, 2025).

61. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

62. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

63. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people

makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *7.

64. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

65. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

66. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

Cause of Action

I. Count 1: Violation of the INA

67. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

68. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

II. Count 2: Violation of the Bond Regulations

69. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly

referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

70. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

71. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

III. Count 3: Violation of Due Process

72. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

73. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). With respect to immigration confinement, the Supreme Court has recognized two special

justifications: (1) preventing flight and (2) preventing danger to the community. *See id* at 690.

74. Petitioner has a fundamental interest in liberty and being free from official restraint.

75. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

Request for Relief

Petitioner respectfully request this Honorable Court to:

a) Accept jurisdiction of the matter;

b) Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;

c) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

d) Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

e) Declare that Petitioner's detention is unlawful; and

f) Grant any other and further relief that this Court deems just and proper.

Dated: November 14, 2025

Respectfully submitted,

Mario R. Urizar
Florida Bar No. 0096542
Urizar Molina PA
9130 S. Dadeland Blvd., Ste 1623
Miami, Florida 33156
Ofc.: 305.849.4966
murizar@urizarlaw.com