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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUAN MORALES BAUTISTA,

Petitioner,

Civil No. 4:25-cv-05664

v.

Agency Case No. A 

BRET BRADFORD, Acting Director of
Houston Field Office, U.S. Immigrations
and Customs Enforcement and Removal
Operations ("ICE/ERO"); **JOE M. SMITH**,
Warden, Joe Corley Processing Center,
KRISTI NOEM; Secretary of the
Department of Homeland Security ("DHS");
and **PAMELA BONDI**, Attorney General
of the United States,

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C § 2241**

Respondents.

COMES NOW Petitioner, Juan Morales Bautista, by and through counsel, and
pursuant to 28 U.S.C. § 2241 does hereby petition the Court for a Writ of Habeas Corpus.

Petitioner alleges as follows:

INTRODUCTION

1 Petitioner, Juan Morales Bautista, is a national of Mexico who entered the
United States without inspection on or about the year 2005 at the age of fourteen. He has
remained in the United States ever since.

2. During his residence, Petitioner has established deep and significant ties to the
United States, including parentage of two U.S. citizen children. To wit; D  born
on  and J  born on 

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3. On or about October 16, 2025, while driving to work, Petitioner was stopped by ICE officers and taken into custody. He was initially held at the facility known as "Alligator Alcatraz" and shortly thereafter transferred to Joe Corley Processing Center in Conroe, Texas, where he remains.

4. Through counsel, Petitioner filed a Motion for Custody Redetermination with the Conroe Immigration Court. The Immigration Judge found that it lacks jurisdiction to redetermine the petitioner's custody status, as the respondent's detention is governed by INA § 235(b)(2). See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025).

5. Having exhausted all available administrative remedies, Petitioner now turns to this Court as the remaining forum capable of reviewing his custody redetermination. Accordingly, to uphold Petitioner's rights, this Court should grant the instant petition for a Writ of Habeas Corpus.

JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

7. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

9. Venue is proper under 28 U.S.C. § 1391(e) because Petitioner's custody-redetermination hearing was conducted by an Immigration Judge in Conroe, Texas, and Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) at the Joe Corley Processing Center in Conroe, Texas, under the authority of Field Office Director Bradford and Warden Smith.

REQUIREMENTS OF 28 U.S.C. § 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) 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 Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

11. 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).

12. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

13. Petitioner, Mr. Bautista, is the father of two (2) U.S. citizen children who was detained by ICE on October 16, 2025. A Motion for Custody Redetermination was filed with the Conroe Immigration Court and subsequently denied by the Immigration Judge due to lack of jurisdiction. He remains detained at the Joe Corley Processing Center in Conroe, Texas, and under the direct control of Respondents and their agents.

14. Respondent Bret Bradford is the Field Office Director for the Houston Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Houston Field Office is responsible for local custody decisions relating to non-citizens. The Houston Field Office’s area of responsibility includes Conroe, Texas. Respondent Bradford is a legal custodian of Petitioner.

15. Respondent Joe M. Smith is the Warden of the Joe Corley Processing Center, the facility in which Petitioner is currently detained. In that capacity, Respondent exercises immediate custody and control over Petitioner and is therefore the proper respondent to this

habeas corpus petition. Respondent Smith is a legal custodian of Petitioner.

16. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security (DHS) and is responsible for the implementation and enforcement of the immigration laws and it is their delegation of authority to administer the immigration laws to the U.S. Immigration and Customs Enforcement (ICE) that permits ICE officials to act under color of authority of the United States. Respondent Noem is a legal custodian of Petitioner.

17. Respondent, Pamela Bondi, is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States. Respondent Bondi is a legal custodian of Petitioner.

18. This action is commenced against all Respondents in their official capacities.

STATEMENT OF FACTS

19. Petitioner is a citizen of Mexico.

20. Petitioner was brought to the U.S. as a minor child, without inspection, on or about the year 2005 and has remained in the U.S. ever since.

21. On October 16, 2025, Petitioner was stopped by ICE officials and taken into custody.

22. Petitioner, through counsel, filed a Motion for Custody Redetermination on November 10, 2025, with the Conroe Immigration Court. Evidence demonstrating his positive equities were subsequently filed on November 12, 2025.

23. On November 13, 2025, Immigration Judge Andrea Cole denied the Motion for Custody Redetermination and found that the court lacked jurisdiction to grant this request.

24. Petitioner has exhausted his administrative remedies.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

25. The Fifth Amendment to the United States Constitution provides that no person shall be deprived of liberty without due process of law.

26. Petitioner has been detained since October 16, 2025, without any individualized determination of whether his continued detention is justified.

27. The Supreme Court has held that detention without a hearing to assess the necessity of continued confinement raises serious constitutional concerns. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

28. The Due Process Clause requires that noncitizens in prolonged immigration detention receive a bond hearing before a neutral adjudicator to determine whether their continued detention is necessary to further the government's interests. *Demore v. Kim*, 538 U.S. 510 (2003); *Rodriguez v Robbins*, 715 F.3d 1127 (9th Cir. 2013).

29. Petitioner's detention under INA 235(b)(2) without any opportunity for a bond hearing violates his right to due process under the Fifth Amendment.

CLAIM TWO

DENIAL OF BOND HEARING BASED ON JURISDICTION VIOLATES CONSTITUTIONAL RIGHTS

30. The Immigration Judge's determination that it lacked jurisdiction to conduct a custody redetermination hearing effectively strips Petitioner of any forum to challenge his detention.

31. The application of INA § 235(b)(2) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025), to deny Petitioner access to bond hearing creates an unconstitutional scheme of mandatory detention without procedural safeguards.

32. Even if INA § 235(b)(2) purports to mandate detention, such detention must be subject to constitutional limits, including the right to a meaningful judicial review.

CLAIM THREE

**PETITIONER'S SIGNIFICANT TIES TO THE UNITED STATES WARRANT
RELEASE**

33. Petitioner has resided in the United States for approximately twenty years, having arrived as a minor child in 2005.

34. Petitioner is the father of two United States citizen children: D [REDACTED] (age 13) and J [REDACTED] (age 16).

35. Petitioner has established deep and meaningful ties to the United States, including family relationships, continuous employment, and community connections.

36. Petitioner has no serious criminal history, does not pose a flight risk or danger to the community.

37. The governments interest in detaining Petitioner is minimal compared to the substantial hardship imposed on Petitioner and his U.S. citizen children by his continued detention.

38. An individualized assessment of Petitioner's circumstances would demonstrate that he should be released on bond pending resolution of his immigration proceedings.

PRAYER FOR RELIEF

WHEREFORE, premises considered, Petitioner respectfully prays that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (c) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- (d) Issue a Writ of Habeas Corpus ordering Respondents to release

Petitioner from custody.

(e) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(f) Grant any further relief as this Court deems just and proper.

Respectfully submitted this 25th day of November 2025,

By



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