



Ms. López is a forty year old female, native and citizen of Mexico. Ms. López has lived in the U.S. since approximately 1996, when she was brought to the U.S. at the age of eleven or twelve years old.

Ms. López has three United States citizen children: twenty five year old Domingo Rivera, fifteen year old M [REDACTED] and eleven year B [REDACTED]

Ms. López is statutorily eligible for cancellation of deportation due to her long standing ties to the United States and her marriage to a United States Citizen.

On or about November 13, 2025, Ms. López was arrested by ICE in a raid on her employer. Ms. López is now held at the Montgomery Processing Center in Conroe, Texas.

Defendant Pam Bondi is Attorney General of the United States, and this action is brought against her in her official capacity. Ms. Bondi is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Justice. 8 USC § 1103(a).

More specifically, the Attorney General is responsible for the conduct of ICE in the execution of judicial and administrative orders pertaining to noncitizens present in the United States.

Defendant Kristi Noem is the Secretary of the U.S. Department of Homeland Security, responsible for the operations of U.S. Citizenship and Immigration Services as well as the U.S. Customs and Border Protection (CBP)

and Immigration and Customs Enforcement (ICE). CBP and ICE are responsible for the apprehension and detention of non citizens..

Defendant Bret Bradford is the Houston Field Office Director of ICE. Mr. Bradford is directly responsible for the conduct of Houston ICE agents in the execution of judicial and administrative orders pertaining to noncitizens present in the Houston, Texas area.

Defendant Randall Tate is the warden of the Montgomery Processing Center, where Mr. Espinal is being held at the request and under the control of ICE.

## II. JURISDICTION

Jurisdiction in this case is proper pursuant to Article 1, Section 9, Clause 2, of the United States Constitution, 28 USC § 2241(c) (the codification of the Great Writ), 28 U.S.C. § 1651 (All Writs Act) and 28 USC § 1331 (federal question jurisdiction).

Ms. López asks this Court to review her continued detention, which is within the jurisdiction of this Court. *Cardoso v. Reno*, 216 F.3d 512, 516 (5th Cir. 2000). *INS v. St. Cyr*, 533 U.S. 289 (2001). *Jennings v. Rodriguez*, 583 U.S. 281, 291–96 (2018).

Authority to grant the requested injunctive relief in cases otherwise within the Court's jurisdiction is conferred by 28 USC § 2201(a). As noted above, authority to grant the requested injunctive relief in cases otherwise within the Court's jurisdiction is conferred by 28 USC § 2201(a).

### III. VENUE

Venue is proper in this Court pursuant to 28 USC 1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant is detained.

### IV. EXHAUSTION OF REMEDIES

Ms. López seeks the opportunity to be released on an immigration bond, but has no administrative remedy available to put forth her application.

On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which stripped the Immigration Judge's jurisdiction to grant bond to persons who, like Ms. López, entered the U.S. without authorization. Ms. López would show that not only does *Yajure Hurtado* renders further administrative appeal futile, it in fact makes it futile to request a bond from the Immigration Judge. No further administrative review is available.

### V. CAUSE OF ACTION

#### A. *Order to maintain jurisdiction of the Court*

Ms. López is detained in Conroe, Texas. Hhe respectfully asks the Court to order that she not be moved outside the jurisdiction of this court while these proceedings are pending.

#### B. *Order to release from custody*

Prior to September 1996, there were two different proceedings under the 1952 Immigration and Nationality Act: exclusion proceedings under then § 236 of

the Immigration and Nationality Act (8 USC §1226), and deportation proceedings under then §242 (8 USC § 1252). The immigration judge (at the time called “special inquiry officers”) could grant bond to noncitizens in deportation proceedings under § 242(a) of the Act, but not in exclusion proceedings. § 235(b) of the Act, 8 U.S.C. § 1225.

In September 1996, the Illegal Immigration Reform and Immigration Responsibility Act combined both immigration court proceedings into what is now Removal Proceedings under § 240 of the Act, 8 USC § 1229a. and exclusion proceedings. Even though proceedings were combined, the Act preserved the distinction between what were formerly called excludable persons (now called “arriving aliens”), and those noncitizens present in the U.S. but found to be deportable.

Among the differences between the two classes is that arriving aliens are subject to mandatory detention under § 235(b)(2) of the Act, 8 USC § 1225(b)(2). The law has always been interpreted to grant the immigration judge jurisdiction to release deportable noncitizens on bond. § 236 of the Act, 8 USC § 1225(b)(1)(2). In other words, mandatory detention under § 235(b)(2) applies only to “arriving aliens” and applicants for admission.

The Supreme Court recently analyzed the interplay between §§ 1225 and 1226 in *Jennings v. Rodriguez*, *supra*. According to the Supreme Court, “an alien who arrived in the United States or is present in this country but has not been admitted, is treated as an applicant for admission.” *Jennings*, 583 U.S. at

287 (citing 8 U.S.C. § 1225(a)(1)). The Supreme Court then states that § 1226 “applies to aliens already present in the United States.” *Id.* at 303. “Section 1226(a) creates a default rule for those aliens by permitting – but not requiring – the Attorney General to issue warrants for their arrest and detention pending removal proceedings. Section 1226(a) also permits the Attorney General to release those aliens on bond, ‘except as provided in subsection (c) of this section.’” *Id.* at 303. Subsection (c) of Section 1226 pertains to terrorists and those who commit certain criminal offenses.

*Jennings* adopts the long held difference between the detention of arriving aliens under § 1225 and the detention of noncitizens who are already present in the U.S. § 1226. This understanding was affirmed by the BIA itself as recently as June 30, 2025. *Matter of Akhmedov*, 29 I&N Dec. 166 (BIA 2025), which stated that a noncitizen present in the U.S. without inspection or admission was in custody pursuant to § 236(a), not § 235.

In *Yajure Hurtado*, *supra*, issued by the Board of Immigration Appeals on September 5, 2025, the BIA essentially eliminates § 236 of the Act, 8 USC § 1226. The decision is a precedent decision, meaning it is a published decision binding on all immigration judges and all ICE personnel. *Yajure Hurtado* found that any noncitizen who is present in the United States without having been inspected and admitted is subject to detention under INA § 235(b)(2), not INA § 236(a).

## VI. CONCLUSION

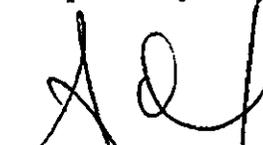
Ms. López therefore comes before the Court as a last resort to order Defendants to allow Ms. López the opportunity to apply to the Immigration Judge for release on bond.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays:

- 1) That the Court order Defendants to appear within three days to answer why Ms. López should not be released;
- 2) That, upon due consideration, the Court enjoin Defendants from moving Ms. López outside the jurisdiction of this Court pending further order of this Court;
- 3) That the Court order the Immigration Judge to promptly consider a bond application from Mr. Dionicio;
- 4) Ms. López prays for such other relief as the Court in equity might grant.

Respectfully submitted,



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VERIFICATION

COMES NOW, Salvador Colón, before me the undersigned authority, known to me to be the person stated, and under oath does state the following:

"My name is Salvador Colón. I swear that I am Counsel of Record for the Petitioner in the instant case, who is presently detained in Conroe, Texas. I hereby affirm that I have read the foregoing petition, and that everything contained therein is true and correct to the best of my personal knowledge and/or information and belief after reasonable inquiry, and that the requested injunctive relief is warranted to prevent irreparable injury to Plaintiff."

  
SALVADOR COLON

SWORN TO and subscribed before me this 25<sup>th</sup> day of November,  
2025.

  
NOTARY PUBLIC in and for  
the STATE OF TEXAS

