

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL No. _____

JOSE LUIS FIGUEROA,	§	
Petitioner	§	
v.	§	PETITION FOR
GRANT DICKEY, in his official	§	WRIT OF HABEAS CORPUS §
capacity as Warden of the	§	PURSUANT TO 28 U.S.C § 2241
Montgomery Processing Center;	§	
BRET BRADFORD, in his official capacity as	§	
Field Office Director of ICE Enforcement and	§	
Removal Operations Houston Field Office;	§	
KRISTI NOEM,	§	
in her official capacity as Secretary	§	
of the Department of Homeland Security;	§	
PAM BONDI, in her official capacity as	§	
Attorney General of the United States,	§	
Respondents.	§	
	§	

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241
AND COMPLAINT FOR INJUNCTIVE RELIEF**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

The petitioner, Jose Luis Figueroa (“Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and, in support thereof, states the following:

I. PARTIES & CUSTODY

1. Petitioner Jose Luis Figueroa is currently detained at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Road, Conroe,

TX 77301. He has been in ICE custody since October of 2025.

2. Respondent Grant Dickey, in his official capacity as Warden of the Montgomery Processing Center, has refused to effect Petitioner's release from unlawful custody at the Immigration and Customs Enforcement ("ICE") Montgomery Processing Center, located at 806 Hilbig Road, Conroe, TX 77301
3. Respondent Bret Bradford, in his official capacity as Director of the Houston Field Office of ICE Enforcement and Removal Operations, has refused to effect Petitioner's release from unlawful custody at the ICE IAH Secure Detention Facility.
4. Respondent Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, has refused to exercise her authority to oversee her department's ICE Enforcement and Removal Operations and thereby effect Petitioner's release from unlawful custody at the IAH Secure Detention Facility.
5. Respondent Pam Bondi, in her official capacity as Attorney General of the United States, has refused to exercise her authority to oversee her department's ICE Enforcement and Removal Operations and thereby effect Petitioner's release from unlawful custody at the IAH Secure Detention Facility.

II. JURISDICTION & VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to issue writs of habeas corpus when the petitioner is in custody in violation of the Constitution or laws of the United States.
7. Venue is proper in this district because Petitioner is detained within this district.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. Petitioner has exhausted his administrative remedies to the extent required by law.
9. Petitioner has fully cooperated with Respondents and has not delayed or obstructed his detention.
10. Petitioner has requested custody and bond redetermination from the Conroe Immigration Court. On November 18, 2025, that Court denied Petitioner's bond, citing lack of jurisdiction.
11. Petitioner's only remedy is by way of this judicial action.

IV. FACTUAL AND PROCEDURAL BACKGROUND

12. Petitioner is a forty four year old male native and citizen of Honduras. *See attached, Exhibit A: Petitioner's Identification.* He entered the United States on January 1, 2010. *See attached, Exhibit B: Respondents Notice to Appear.*
13. On October 18, 2025 Petitioner was detained by ICE officers and charged with being an alien present in the United States without being admitted or paroled. He was subsequently entered into removal proceedings before the Conroe Immigration Court. *See attached, Exhibit B, supra.*
14. On November 12, 2025, Petitioner duly filed to the Conroe Immigration Court a Bond Redetermination Request. *See attached, Exhibit C, Respondents Bond Redetermination Request.*
15. On November 18, 2025, the Conroe Immigration Court denied Petitioner's bond, and he remains in custody pursuant to the Immigration Judges order. *See attached, Exhibit D, Order of the Immigration Judge.*

16. Petitioner has two USC children, Lea Denisse Figueroa Rosales and Madison Alexa Figueroa Rosales, who have been left out of their fathers care throughout the pendency of these proceedings. *See attached*, Exhibit E, USC Children's Birth Certificates.
18. Petitioner has lived in the United States for the past fifteen years. He has no criminal history and poses no danger to the community whatsoever. He has demonstrated no conduct indicating he is a threat to the United States or would otherwise bar him from seeking relief within the country.
19. Furthermore, the Respondent is not subject to a final order of removal.
20. Therefore, Petitioner merits immediate release because there has been no final order of removal entered against him, and the government cannot articulate any meaningful reason why he should continue to remain detained while his removal proceedings are pending.
21. Petitioner, through Counsel, now submits the present Petition for Writ of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order Respondents to effect his immediate release.

V. LEGAL FRAMEWORK FOR RELIEF SOUGHT

22. Under U.S. Code 28 § 2241, writs of habeas corpus may be granted by the district courts on behalf of a prisoner in several instances, including when they are (1) "in custody under or by the authority of the United States or is committed for trial before some court thereof," (3) "in custody in violation of the Constitution or laws and treaties of the United States," and (4) when they, "being a citizen of a foreign state and domiciled therein [are] in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or

exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations[.]”

23. Courts have consistently recognized “habeas corpus as an appropriate vehicle through which noncitizens may challenge the fact of their civil immigration detention.” *Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330, 336 (S.D. Tex. 2020) (citing *Zadvydas v. Davis*, 533 U.S. at 688 (ruling on merits of habeas petition challenging validity of indefinite mandatory detention)).

VI. CLAIMS FOR RELIEF

COUNT ONE:

RESPONDENTS HAVE UNLAWFULLY DETAINTED PETITIONER IN VIOLATION OF THE IMMIGRATION AND NATURITARIZATION ACT.

24. Petitioner alleges and incorporates by reference paragraphs 1 through 23 above.

25. Petitioner is currently in removal proceedings before the Conroe Immigration Court, and there has been no final order of removal issued against him. Respondents lack statutory authority to detain him while his removal proceedings are pending, and no removal order has been issued.

26. Petitioner poses no risk of danger to the community. In the fifteen years since Petitioner came to the United States, he has never been charged with a crime, nor has he demonstrated any conduct whatsoever indicating that he is a threat to the United States or that otherwise would bar him from seeking relief within this country.

27. Therefore, Petitioner merits immediate release because there has been no final order of removal issued against him, and the government cannot articulate any meaningful reason

why he should continue to remain in detention while his removal proceedings are pending.

COUNT TWO:

**RESPONDENTS HAVE UNLAWFULLY DETAINTED
PETITIONER IN VIOLATION OF CONSTITUTIONAL DUE
PROCESS**

28. Petitioner alleges and incorporates by reference paragraphs 1 through 23 above.
29. Petitioner's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.
30. Petitioner is unlawfully in custody pursuant to INA § 241(a)(6), 8 U.S.C. § 1231(a)(6) (2018) ("Section 241"). Under *Zadvydas*, that provision prohibits the indefinite detention of noncitizens who (i) cannot be repatriated in the reasonably foreseeable future, and (ii) pose no threat to the community. Any such detention is unconstitutional. *See Zadvydas*, 533 U.S. at 689, emphasis added ("In our view, the statute [Section 241], read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States. It does not permit indefinite detention.").
31. The Fifth Amendment's Due Process Clause prohibits the government from detaining individuals without legal authority.
32. Under 8 U.S.C. § 1231(a)(1), detention during the removal period is only authorized after a removal order becomes "final."
33. As stated above, Petitioner's removal proceedings remain pending. The removal order is

not final and cannot serve as a basis for continued detention.

34. Furthermore, under *Zadvydas*, a non-citizen petitioner is not barred from seeking a writ of habeas corpus as relief for indefinite detention when there has been no final order issued. *See Zadvydas*, 533 U.S. at 688 (“The aliens here, however, do not seek review of the Attorney General’s exercise of discretion; rather, they challenge the extent of the Attorney General’s authority under the post-removal-period detention statute. And the extent of that authority is not a matter of discretion . . . [therefore we] conclude habeas corpus proceedings remain available. . . .”).

35. Therefore, this petition is not barred, as the Petitioner is not seeking to collaterally attack the final removal order, because there is no final order yet issued by the Court.

36. Petitioner’s continued detention lacks statutory authority and violates his right to substantive due process under the Constitution. Therefore, he should be immediately released from custody.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court IMMEDIATELY issue a temporary restraining order:

- 1. Directing Respondents to immediately release Petitioner from custody;**
- 2. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;**
- 3. Directing Respondent to take all necessary steps to halt any removal preparations;**

4. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
5. Set an expedited hearing on Petitioner's motion for preliminary injunction;
6. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
7. Waive or set security in a nominal amount;
8. Award attorney's fees and costs; and
9. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Matthew Mendez /s/
Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfton Street
Houston, Texas 77081
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PETITIONER VERIFICATION

Petitioner, Jose Luis Figueroa, is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on his behalf, that the facts stated therein are true and correct to the best of his knowledge and belief.

/s/ Matthew Mendez /s/ 12/1/2025 Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 1, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Grant Dickey, in his official capacity as Warden of the Montgomery Processing Center**, at (1) Office of the Warden, 500 Hilbig Road, Conroe, Texas 77301, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez /s/ 12/1/2025 Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 1, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez /s/ 12/1/2025 Attorney for Petitioner

CERTIFICATE OF SERVICE

On November 26, 2025, Counsel for Plaintiff served a copy of the attached Exhibits via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez /s/ 12/1/2025 Attorney for Petitioner

CERTIFICATE OF SERVICE

On November 26, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez /s/ 12/1/2025 Attorney for Petitioner