

**FILED**

**DEC 01 2025**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

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DAVID JOSE CEDENO-HEREDIA,  
Petitioner,

v.

Civil Action No.:

**SA25CA1617FB**

WARDEN, Karnes County Immigration Processing Center;  
DIRECTOR, Immigration and Customs Enforcement (ICE),  
San Antonio Field Office;  
SECRETARY, U.S. Department of Homeland Security,  
Respondents.

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**MEMORANDUM OF LAW IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS  
UNDER 28 U.S.C. § 2241 (PRO SE)**

**I. INTRODUCTION**

This Memorandum is submitted in support of my Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. I am a civil immigration detainee who has been detained at the Karnes County Immigration Processing Center since September 2, 2025. I am not permitted to request bond, I have received no custody review, and my detention has become prolonged, arbitrary, and unconstitutional.

The Due Process Clause of the Fifth Amendment prohibits prolonged immigration detention without adequate procedural protections. Because I am being held without any opportunity for an individualized custody determination, I respectfully request that the Court grant my habeas petition.

**II. LEGAL STANDARD**

The federal habeas corpus statute, 28 U.S.C. § 2241, allows individuals in federal custody to challenge the legality of their detention. District courts have jurisdiction to consider constitutional challenges to immigration detention.

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Civil immigration detention is subject to constitutional limits.

**III. SUPREME COURT PRECEDENT SUPPORTING RELIEF**

**A. Zadvydas v. Davis, 533 U.S. 678 (2001)**

The Supreme Court held that immigration detention has constitutional limits. Detention that is prolonged, indefinite, or unreasonable violates due process. The Court emphasized that the government must show a legitimate and reasonable purpose for continued confinement.

My detention has become prolonged, with no end in sight and no review process. The government cannot justify indefinite or excessive detention without a hearing.

**B. Demore v. Kim, 538 U.S. 510 (2003)**

The Supreme Court upheld the “mandatory detention” statute only because the detention was expected to be brief, lasting a few weeks or months, and because the proceedings were rapid.

My detention is not brief. It has already lasted many months and will continue for many more. My removal proceedings are not rapid, and I have not received any form of custody review. Under Demore, this prolonged detention exceeds constitutional limits.

**C. Jennings v. Rodriguez, 138 S. Ct. 830 (2018)**

Jennings clarified that:

1. immigration detainees may challenge prolonged detention through habeas corpus;
2. there is no statutory right to an automatic bond hearing;
3. BUT constitutional challenges under the Due Process Clause are still available and must be evaluated by federal courts.

Jennings confirms that habeas corpus is the correct mechanism for my claim.

**IV. APPLICATION OF LAW TO THIS CASE**

1. I have been detained since September 2, 2025, without the ability to request a bond hearing.
2. I have no criminal history and do not present a danger to the community.
3. My asylum case is pending and will not be resolved in the near future.
4. I am detained in a facility where there is **\*\*no bond jurisdiction\*\*** for Immigration Judges.
5. ICE has not provided any individualized custody review.
6. My detention has now become prolonged, arbitrary, and excessive.
7. My detention serves no legitimate government purpose, and without a hearing, violates the Due Process Clause.

**V. REQUESTED RELIEF**

For the reasons explained above, I respectfully request that the Court:

1. Order that I be provided an individualized custody/bond hearing within seven (7) days;  
— OR, in the alternative —
2. Order my immediate release from ICE custody under appropriate supervision; and

3. Grant any additional relief the Court finds appropriate.

**VI. SIGNATURE**

I certify under penalty of perjury that the information provided in this Memorandum is true and correct to the best of my knowledge.

Executed on: 11-21, 2025

Karnes City, Texas



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DAVID JOSE CEDENO-HEREDIA

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Petitioner, Pro Se