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 Attorney for Petitioner

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

**Emmanuel De Jesus Sandoval-Salinas,** )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
**Bobby Thompson**, Warden, South Texas ICE )  
 Processing Center; **Miguel Vergara**, *Field Office* )  
*Director of Immigration & Customs Enforcement,* )  
*Enforcement And Removal Operations San Antonio* )  
*Field Office,* **Todd Lyons**, Acting Director, ICE, )  
**Kristi Noem**; Secretary of the U.S. )  
 Department of Homeland Security; and **Pamela** )  
**Bondi**, Attorney General of the United States, )  
 in their official capacities, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

Case No. 25-CV-01624

**PETITION FOR WRIT OF  
 HABEAS CORPUS**

**ORAL ARGUMENT  
 REQUESTED**

**INTRODUCTION**

1. Petitioner, Emmanuel De Jesus Sandoval-Salinas, is a native and citizen of Nicaragua who is currently detained by U.S. Immigration and Customs Enforcement the South Texas ICE Processing Center in Pearsall, Texas. Mr. Sandoval-Salinas has been in ICE custody since November 25, 2025. On February 28, 2023, An Immigration Judge granted Mr. Sandoval-Salinas withholding of removal and protection under the Immigration and Nationality Act (INA), recognizing that he faces clear probability of torture if returned to Nicaragua. Despite this protection order, ICE detained him without any lawful basis or foreseeable prospect of removal. Immigration and Customs Enforcement (ICE) refuses to release Mr. Sandoval-Salinas, claiming

that it is looking for alternative countries of removal despite knowing that he lacks citizenship in or a connection to any other country.

2. Petitioner challenges his continued detention by ICE even after being granted INA withholding of removal. Absent an order from this Court, Petitioner will remain indefinitely detained without lawful justification and continue to suffer irreparable harm to his liberty and well-being despite final determination of his removal proceedings.

3. Mr. Sandoval-Salinas's continued detention is arbitrary, unlawful and unconstitutional. he requests that this Court order his immediate release from ICE custody under reasonable conditions of supervision. Accordingly, to vindicate Petitioner's Constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

4. Mr. Sandoval-Salinas is detained pursuant to 8 U.S.C. § 1231, which governs the detention of non-citizens with a final order of removal that has been withheld or deferred by an IJ. due to a substantial risk of persecution or torture in their home country. 8 U.S.C. § 1231(a)(1)(B)(i). Mr. Sandoval-Salinas's removal order and accompanying relief grant became final when ICE failed to timely appeal his relief grant. 8 C.F.R. § 1241.1.

5. Mr. Sandoval-Salinas's continued detention violates 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), because his removal is not reasonably foreseeable. He cannot be deported to his home country of Nicaragua because he was granted protection under the Immigration and Nationality Act (INA) with respect to that country. 8 C.F.R. § 1208.17. ICE's half-hearted attempts to remove Mr. Sandoval-Salinas to a random collection of unspecified alternative countries—to which he has no ties, and which have no policy or history of accepting non-citizen deportees—are speculative and futile.

6. Furthermore, the ICE San Antonio Field Office's across-the-board detention of Mr.

Sandoval-Salinas and similarly situated individuals without prompt, individualized determinations of whether they should remain detained is inconsistent with ICE's own long-standing policy, thereby violating the Administrative Procedure Act (APA) and due process. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

### **JURISDICTION AND VENUE**

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

8. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas*, 533 U.S. at 687. Federal courts also have federal question jurisdiction, through the APA, to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus"). The APA affords a right of review to a person who is "adversely affected or aggrieved by agency action." 5 U.S.C. § 702. Respondents' continued detention has adversely and severely affected Petitioner's liberty and freedom.

9. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at the South Texas ICE Processing Center in Pearsall, Texas. Furthermore, a substantial part of the events or

omissions giving rise to this action occurred and continue to occur at ICE's San Antonio Field Office in San Antonio, Texas within this division.

**REQUIREMENTS OF 28 U.S.C. § 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.* (emphasis added).

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) (emphasis added).

**PARTIES**

12. Petitioner is native and citizen of Nicaragua who was granted withholding of removal under the Immigration and Nationality Act. Petitioner is currently detained at The South Texas ICE Processing Center. He is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent Bobby Thompsen is the Warden of The South Texas ICE Processing Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent is a legal custodian of Petitioner.

14. Respondent, Miguel Vergara, is sued in his official capacity as the Field Office Director

of the San Antonio Field Office of U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.

15. Respondent Todd Lyons is sued in his official capacity as the acting director of Immigration and Customs Enforcement, (ICE). In this capacity, Respondent oversees ICE, the component agency responsible for Petitioner's detention. Respondent is a legal custodian of Petitioner.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act. Respondent is a legal custodian of Petitioner.

17. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.

### **STATEMENT OF FACTS**

18. Petitioner is a 26-year-old citizen of Nicaragua. He is the father of a two-year-old United states citizen child who is currently in remission from kidney cancer following the surgical removal of one kidney. The child is nonverbal, and is undergoing evaluation for possible ADHD and autism, and requires extensive ongoing care. He receives three forms of in-home therapy: speech therapy, occupational therapy, and early intervention therapy. Petitioner has been an essential caregiver for his son, assisting with daily care, attending medical and therapy appointments, and providing essential emotional and physical support. The family also depended

on the medical insurance provided through Petitioner's employment. Petitioner has maintained lawful presence and valid employment authorization, worked steadily in construction, and consistently complied with tax and other legal obligations while supporting his household and community. His return to Nicaragua would expose him to severe danger and potential torture, given the violence and persecution he endured there.

**1. Arrival in the United States:** Petitioner arrived in the United States in 2018, seeking protection from persecution and harm in Nicaragua.

**2. Detention by ICE:** Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) since November 25, 2025, at the South Texas ICE Processing Center in Pearsall, Texas.

**3. Grant of INA Withholding:** On February 28, 2023, an Immigration Judge granted Petitioner withholding of removal under the Immigration and Nationality Act (INA), finding that she faces a substantial risk of torture if returned to Nicaragua.

**4. Ongoing Detention Despite Protection:** Despite the INA withholding order, ICE has continued to detain Petitioner, even though his removal is not reasonably foreseeable and no lawful basis exists for continued confinement.

**5. Harm from Detention:** Petitioner's continued detention has caused significant physical and emotional hardship, interrupted his life with his spouse and child, and deprived him of his liberty without legal justification.

**6. Community and Family Ties:** Petitioner has strong ties to his community and family in the United States, he is an essential caregiver of his chronically ill and intellectually impaired U.S. citizen child, and has resided in and contributed to his community for several years, all of which demonstrate that he poses no flight risk or danger to the community.

**LEGAL FRAMEWORK**

19. Petitioner’s detention is governed by federal law, including §§ 1226 and 1231, and by the Constitution’s Fifth Amendment, which guarantees that no person shall be deprived of liberty without due process of law. Under 8 U.S.C. § 1231(a)(1)(C), the government may not detain an individual indefinitely if removal is not reasonably foreseeable. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that prolonged detention of noncitizens whose removal is not reasonably foreseeable violates the Constitution. Individuals granted withholding of removal under the Convention Against Torture (CAT) cannot be lawfully removed to the country of concern, making detention without a lawful basis unlawful and indefinite.

**CLAIMS FOR RELIEF**

**COUNT I**

**VIOLATION OF IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231(a)(6)**

20. Petitioner realleges and incorporates by reference the paragraphs above. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention only for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701. Petitioner’s continued detention has become unreasonable because her removal is not reasonably foreseeable. Therefore, her continued detention violates 8 U.S.C. § 1231(a)(6), and she must be immediately released.

**COUNT II**

**ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE  
ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)**

21. Petitioner realleges and incorporates by reference the paragraphs above. Courts must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion,

or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). ICE has deviated from its own policy in continuing to detain Petitioner after he was granted immigration relief, without determining whether exceptional circumstances warrant his continued detention. This is arbitrary, capricious, and contrary to law in violation of the APA. As a remedy, this Court should conduct its own review of Petitioner’s custody or, least, order ICE to review Petitioner’s custody under the standard articulated in ICE policy.

### **COUNT III**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

22. Petitioner realleges and incorporates by reference the paragraphs above. ICE has violated Petitioner’s due process rights by denying him an individualized custody review to which he is entitled under ICE policy. As a remedy, this Court should conduct its own review of Petitioner’s custody or, at least, order ICE to review Petitioner’s custody under the standard articulated in ICE policy.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully request 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 in three days;
- c. Declare that Petitioner’s continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- d. Order Petitioner’s immediate release; Alternatively, review Petitioner’s custody under the standard articulated in ICE policy, or order ICE to review Petitioner’s custody accordingly;
- e. Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment;
- f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and

on any other basis justified under law; and

g. Grant any further relief this Court deems just and proper.

Dated: December 3, 2025

Respectfully submitted,



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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, John F. Waldron, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3<sup>rd</sup> day of December, 2025.

  
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John F. Waldron