

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

YUSNEY CABRERA GONZALEZ,

Petitioner

v.

GRANT DICKEY, et al,

Respondents,

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Civil Action No. 4:25-cv-05888

PETITIONER’S REPLY TO THE GOVERNMENT’S RESPONSE

AND OPPOSITION TO MOTION TO DISMISS

Petitioner, by and through undersigned counsel, files this Reply to Respondents’ Response and Motion to Dismiss and respectfully shows the Court as follows:

I. THE GOVERNMENT MISCHARACTERIZES THE PETITION

Respondents assert that the Petition “makes no meaningful, substantive argument” and relies solely on *Zadvydas v. Davis*. That is incorrect.

Petitioner challenges:

1. The Government’s statutory authority to detain him without bond while his BIA appeal remains pending, and
2. The constitutionality of prolonged civil detention without any individualized hearing.

The Petition expressly alleges that Petitioner’s removal order is not administratively final due to his pending BIA appeal and that continued detention lacks statutory authorization and violates due process.

II. RESPONDENTS FAIL TO IDENTIFY A VALID STATUTORY BASIS FOR DETENTION WITHOUT BOND

Respondents cite no statute authorizing mandatory detention without a bond hearing under these circumstances.

Since Petitioner's removal order is not final, detention cannot arise under INA §241 (8 U.S.C. §1231). The only possible statutory basis is INA § 236 (8 U.S.C. § 1226).

Under §1226:

- §1226(a) authorizes detention with the possibility of bond.
- §1226(c) authorizes mandatory detention only for specific criminal categories, which Petitioner does not fall under.

Respondents never allege that §1226(c) applies. Nor could they. Petitioner has no criminal history and poses no danger or flight risk. Detention without bond under §1226(a) is therefore ultra vires.

III. PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATES DUE PROCESS

Even where detention is initially lawful, prolonged civil detention without individualized review violates the Fifth Amendment.

The Supreme Court has made clear that *Demore v. Kim* approved only brief detention during removal proceedings, not years-long incarceration without a hearing.

Here:

- Petitioner has been detained since November 13, 2025

- His BIA appeal has been pending since June 5, 2023
- No bond hearing has occurred
- No end date exists

That is precisely the type of indefinite civil detention due process forbids.

Respondents' reliance on generalized language about detention being "part of the removal process" ignores modern due-process limits and controlling post-*Demore* jurisprudence.

IV. ZADVYDAS IS RELEVANT TO HABEAS JURISDICTION AND CONSTITUTIONAL LIMITS

Respondents incorrectly argue that *Zadvydas* is categorically irrelevant. It is not.

Zadvydas confirms:

- Habeas jurisdiction over immigration detention
- That civil detention must be tied to a legitimate purpose
- That indefinite detention without meaningful justification violates due process

Petitioner does not argue he is detained under §1231. He cites *Zadvydas* for its constitutional framework—properly so.

V. RESPONDENTS' MOTION TO DISMISS SHOULD BE DENIED

Respondents ask this Court to dismiss the Petition while:

- Identifying no statutory authority for detention without bond
- Ignoring the prolonged nature of detention
- Failing to address due-process limits

- Conceding the removal order is not final

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That request should be denied.

VI. RELIEF REQUESTED

Petitioner respectfully requests that the Court:

1. Deny Respondents' Motion to Dismiss;
2. Grant the Petition for Writ of Habeas Corpus; or, at minimum
3. Order an immediate bond hearing before a neutral adjudicator; and
4. Grant all other relief the Court deems just and proper.

Respectfully submitted,

/s/ Matthew R. Mendez

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CERTIFICATE OF SERVICE

On January 9, 2026 Counsel for Plaintiff served a copy of the attached document via email, 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
Matthew Mendez

01/09/2026
Date