

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

RAUL MANUEL CABRERA	§	
Petitioner	§	
	§	
v.	§	
	§	
Warden for the Port Isabel Detention Center,	§	
PAMELA BONDI, in her capacity as	§	
Attorney General of the United States;	§	
KRISTI NOEM, in her capacity as Secretary,	§	
U.S. Department of Homeland Security	§	Case No. _____
TODD LYONS, Acting Director, United	§	
States Immigration and Customs Enforcement;	§	
Carlos Cisneros, in his capacity as Field	§	
Office Director, Harlingen Field Office, U.S.	§	
Immigration and Customs Enforcement;	§	
	§	
Respondents.	§	
	§	

**PETITION FOR WRIT OF HABEAS CORPUS AND  
REQUEST FOR ORDER TO SHOW CAUSE UNDER 28 U.S.C. § 2241**

**INTRODUCTION**

1. Petitioner Raul Manuel Cabrera (hereinafter “Petitioner” or “Mr. Manuel Cabrera”) respectfully seeks a writ of habeas corpus under 28 U.S.C. § 2241 ordering his immediate release from immigration detention, which now violates the Due Process Clause of the Fifth Amendment and Section 504 of the Rehabilitation Act. Petitioner has been residing in the United States under

a lawfully granted immigration bond for more than a decade, during which he has demonstrated unwavering compliance with all conditions imposed by the Department of Homeland Security (“DHS”) and the Immigration Court.

2. On September 9, 2014, an Immigration Judge granted Petitioner a \$1,500 bond after DHS expressly stipulated that continued detention was unnecessary. During the eleven (11) years that Petitioner has been out on bond, he has fully complied with the terms of his immigration bond.
3. Despite this extensive history of compliance and despite the Government’s earlier concession that detention was unwarranted, Petitioner was suddenly and arbitrarily re-detained on August 7, 2025, without prior notice, explanation, hearing, or any allegation that he violated the terms of his bond. The Government has provided no lawful basis for this abrupt deprivation of liberty.
4. Petitioner moves this Court to order his immediate release based on the Immigration Judge’s 2014 determination, and the Government’s own stipulation that he is not a flight risk or a danger to the community. Petitioner has never violated the terms of his bond during more than eleven years of supervised release, and nothing has occurred that could justify re-detention. Accordingly, he should be immediately released.

## REQUEST FOR ORDER TO SHOW CAUSE

5. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three (3) days of the Court's order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within five (5) days after Respondents file the return.
6. "In habeas corpus proceedings the court sits as a court of law to determine 'in a summary way' whether the petitioner is unlawfully restrained of his liberty." *Overholser v. Treibly*, 147 F.2d 705, 708 (CA DC 1945) (footnotes and citations omitted); accord *Walker v. Johnston*, 312 U. S. 275, 283–84 (1941) ("The court or judge 'shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.'") (citation omitted). Given this summary nature, 28 U.S. 1657(a) provides that the "court[s] shall expedite the consideration of any action brought under chapter 153...of this title."
7. Petitioner is seeking a general writ of habeas corpus under 28 U. S. C. § 2241, as opposed to one filed under § 2254, or § 2255. As per § 2243, when a court "entertain[s] an application for a writ of habeas corpus," it "shall forthwith award the writ or issue an order directing the respondent to show cause why

the writ should not be granted.” “The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.” § 2243.

8. Courts frequently issue such orders to show cause for the government to respond to habeas petitions by individuals in immigration detention. *See, e.g., De La Caridad Mendez Velasquez v. Noem et al*, Civil Action No. 4:25-cv-04527, (Dkt 3) (S.D. Tex. Sept. 25, 2025); *Diallo v. Pitts*, Civil Action No. 1:19-cv-216, 2020 WL 714274 (S.D. Tex. Jan. 15, 2020); *Abdulle v. Gonzales*, 422 F. Supp. 2d 774, 775 (W.D. Tex. 2006) (Briones, J.); *D.G.L. v. Collins*, No. A-20-CV-1126-RP-SH, 2020 WL 10355163, at \*2 (W.D. Tex. Nov. 18, 2020) (Hightower, M.J.); *Melika Mohammadi Gazvar Olga, v. Angel Garite*, 25-cv-00083, (Dkt. 7) (W.D. Tex, Mar. 19, 2025) (Guadderrama, J.).

### **CUSTODY**

9. Petitioner is in the physical custody and under the direct control of Respondents and their agents. He is detained at the Port Isabel Processing Center located in Los Fresnos, Texas.

### **PARTIES**

10. Petitioner is presently detained by Respondents and their agents at the Port Isabel Processing Center located at 27991 Buena Vista Blvd, Los Fresnos, TX 78566. He has been in been in ICE custody since on or about August 7, 2025.

11. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of Texas and is legally responsible for Petitioner's detention. As such, she is the legal custodian<sup>1</sup> of Petitioner.
12. Respondent Kristi Noem is named in her official capacity as the Secretary of the Department of Homeland Security (“DHS”). She is responsible for the administration of Immigration and Customs Enforcement (“ICE”) and the implementation and enforcement of the Immigration and Nationality Act. 8 U.S.C. § 1103(a). She routinely transacts business in the Southern District of Texas and is legally responsible for Petitioner's detention. As such, she is a legal custodian<sup>2</sup> of Petitioner.
13. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. As director of ICE, the agency within DHS that detains and removes noncitizens, Respondent Lyons is a legal custodian<sup>3</sup> of Petitioner.

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<sup>1</sup> No binding Supreme Court or Fifth Circuit cases have adopted the immediate custodian rule in the removal context. *Rumsfeld v. Padilla*, 542 U.S. 426 at 435 n. 8 (2004) (expressly “left open the question whether the Attorney General is a proper respondent to a *habeas* petition filed by an [noncitizen] detained pending deportation”). The Petitioner is held at a private prison which contracts with the federal government to house immigration detainees at the direction of Respondent. Therefore, Respondent is a proper party because they oversee government agencies and/or offices under whose authority Petitioner is being detained.

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

14. Respondent Carlos Cisneros is named in his official capacity as the Field Office Director responsible for the Harlingen Field Office of ICE with administrative jurisdiction over Petitioner's case. He routinely transacts business within the boundaries of the judicial district of the Southern District of Texas. Pursuant to Respondent Cisneros's orders, Petitioner remains detained. As such, he is a legal custodian<sup>4</sup> of Petitioner.

### **JURISDICTION**

15. Petitioner is detained in custody of Respondents at the Port Isabel Processing Center located at 27991 Buena Vista Blvd, Los Fresnos, TX 78566.

16. This Court has subject matter jurisdiction over this Petition under 28 U.S.C. § 2241 (power to grant habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.

17. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention under federal law. *See, e.g. Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (“We note at the outset that the primary habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.”).

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<sup>4</sup> *ibid.*

## VENUE

18. Venue properly lies in the Southern District of Texas-Brownsville Division because Petitioner is physically present and in the custody of Respondents within the District. *See* 8 U.S.C. § 2241(a) (providing for habeas petitions “within [a court’s] respective jurisdiction”).

## STATEMENT OF FACTS

19. Petitioner is a forty-eight (48) year old born in Bogota, Colombia. Petitioner has been diagnosed with multiple mental health disorders that include Major Depressive Disorder with psychotic episodes, anxiety, and schizophrenia. His symptoms include [REDACTED]
- [REDACTED]
- [REDACTED] *See*
- Exhibit 1.

20. Petitioner has a long immigration history, having first entered the United States in 1998. Over the years, he has had past encounters with the criminal justice system, all occurring more than a decade ago. These incidents appear to have arisen during periods of significant mental-health instability and personal vulnerability rather than from any sustained criminal intent. Petitioner has had no criminal justice encounters since 2005. *See* Exhibit 2.

21. Petitioner last entered the United States without inspection in or near Brownsville, Texas on or about May 5, 2014. He was detained by immigration officials and transferred to an ICE detention facility in Tacoma, Washington.
22. On May 27, 2014, DHS initiated removal proceedings by filing a Notice to Appear with the Immigration Court.
23. On July 8, 2014, ICE Health Service Corps conducted a mental health review on Petitioner. Petitioner was diagnosed with recurrent Major Depressive Disorder, recurrent without psychosis and sleep impairment. On July 10, 2014, DHS notified the Immigration Judge that Petitioner appeared to have a serious mental disorder that could impact his ability to participate in immigration proceedings, and requested a competency inquiry.
24. On June 17, 2014, the Immigration Judge referred Petitioner for an evaluation and subsequently determined that he was incompetent to represent himself. As a result, he was designated a *Franco Gonzalez v. Holder* class member. *See* 767 F. Supp.2d 1034, 1053, 1056 (C.D. Cal. 2010). *See* Exhibit 3.
25. As a *Franco* class member, he is entitled to a custody redetermination where the Government bears the burden of establishing by clear and convincing evidence that his continued detention is necessary. Petitioner received a bond hearing on September 9, 2014, at which the Government stipulated to a \$1,500 bond, acknowledging that Petitioner was neither a flight risk nor a danger to

the community, even considering his immigration and criminal history. The Immigration Judge ordered Petitioner released on a \$1,500 bond on September 10, 2014. *See* Exhibit 4.

26. Petitioner posted the bond and was released from custody on or about October 1, 2014. Since his release, Petitioner has fully complied with the terms of his immigration bond. He has not had any new arrests and has appeared for all scheduled immigration hearings as required.

27. On August 7, 2025, Petitioner was apprehended in South Padre Island, Texas by Border Patrol. Petitioner is a shrimper by trade and had just exited his work boat when he was approached by members of the National Guard and two supervising Border Patrol agents. After Petitioner stated that he was from Colombia, he was immediately detained, without any individualized assessment and without consideration of his prior bond grant. He was not provided written notice explaining the basis for his re-detention or any purported bond revocation.

28. Petitioner has been held in immigration detention continuously since his apprehension on August 7, 2025. He is currently detained at the Port Isabel Detention Center. *See* Exhibit 5.

29. Despite no violation of bond conditions and no new criminal activity since the original bond grant, Petitioner's bond was revoked, and he was re-detained without notice or an opportunity to contest the revocation.

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Violation of Due Process Clause of the Fifth Amendment of the U.S. Constitution**

30. Petitioner re-alleges and incorporates by reference the paragraphs above as if fully set forth herein.

31. In Mr. Manuel Cabrera's particular circumstances, the Due Process Clause of the Constitution makes it unlawful for Respondents to re-detain him without first providing a pre-deprivation hearing before a neutral adjudicator to determine whether the circumstances have materially changed since his release on bond on September 10, 2014, such that a change in the terms of his conditional release would now be warranted.

32. Due process requires that the government provide "notice and opportunity for hearing appropriate to the nature of the case" before depriving persons of their property. *Echavarria v. Pitts*, 641 F.3d 92, 94 (5th Cir. 2011) citing to *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S. Ct. 652, 94 L. Ed. 865 (1950). This has been applied by Federal district courts, including in Texas, in cases regarding re-detention of noncitizens by ICE. Federal district

courts have repeatedly recognized that due process requires a hearing before ICE can re-detain a noncitizen who was previously released on bond just like Mr. Manuel Cabrera. *Trejo v. Warden of the Ero El Paso E. Mont.*, No. EP-25-CV-401-KC, 2025 U.S. Dist. LEXIS 212821, at \*20 (W.D. Tex. 2025). *See also, Lopez-Arevelo*, 2025 U.S. Dist. LEXIS 188232, 2025 WL 2691828 at \*10-11; *Pinchi v. Noem*, \_\_\_ F. Supp. 3d \_\_\_, 2025 U.S. Dist. LEXIS 142213, 2025 WL 2084921, at \*4 (N.D. Cal. July 24, 2025)

33. “To determine whether a civil detention violates a detainee’s due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893 (1976).” *Martinez v. Noem*, No. 5:25-CV-01007-JKP, (W.D. Tex. 2025). Courts weigh (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews*, 424 U.S. at 335.

34. As to the first factor, a number of district courts have held that once released from immigration custody, noncitizens acquire a protectable liberty interest in remaining out of custody on bond. *Diaz v. Kaiser*, No. 25-CV-05071, 2025

U.S. Dist. LEXIS 113566, 2025 WL 1676854, at \*2 (N.D. Cal. June 14, 2025) (collecting cases); *accord M.S.L. v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267, at \*8 (D. Or. Aug. 21, 2025) ("Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.") (quoting *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019)); *Rosado v. Figueroa*, No. 25-CV-02157, 2025 U.S. Dist. LEXIS 156344, 2025 WL 2337099, at \*12 (D. Ariz. Aug. 11, 2025) (same).

35. Mr. Manuel Cabrera was released from immigration custody on bond September 10, 2014, but was re-detained August 7, 2025, nearly eleven years later. Since Petitioner has spent nearly eleven years at liberty in the United States, he possesses a cognizable interest in his freedom from re-detention. *See Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 LX 493117 (W.D. Tex. 2025) (holding that petitioner possessed a cognizable interest in his freedom from detention after being released from immigration detention because he spent nearly three years at liberty in the United States).
36. Furthermore, Mr. Manuel Cabrera's interest in his continued liberty is heightened by mental health. Detention has a destabilizing effect on Mr. Manuel Cabrera's mental health and places Mr. Manuel Cabrera at high risk of psychological harm and impaired daily functioning.

37. As to the second factor, the risk of erroneous deprivation when an individual is re-detained after prevailing at a bond hearing is high because a neutral decision-maker has already found them not a threat to public safety or a flight risk. *Arzate v. Andrews*, No. 1:25-cv-00942-KES-SKO (HC), 2025 U.S. Dist. LEXIS 149743, at \*13 (E.D. Cal. 2025). The significant risk of erroneous deprivation can be ameliorated by providing a pre-detention hearing, which has not happened in this case.

38. In assessing the third factor, it is conceivable that the Government may assert an interest in ensuring that noncitizens appear for their removal hearing and do not pose a danger to the community. However, an immigration judge already secured that interest when they made a determination that Mr. Manuel Cabrera is not a danger to the community or a flight risk when he granted bond on September 10, 2014. *See Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 U.S. Dist. LEXIS 206751, at \*21-22 (W.D. Tex. 2025). Notably, the Government stipulated that Mr. Manuel Cabrera was not a danger to the community or a flight risk, and there have been no changed circumstances since that determination. Instead, since his release from detention on a bond, Mr. Manuel Cabrera has not failed to appear in Immigration Court when required of him, in fact, he has never failed to attend a hearing in the approximately 10 years he has been in removal proceedings.

Additionally, there is nothing on the record that indicates that Mr. Manuel Cabrera has committed any crimes or posed a danger to the community during the 11 years he has been released on bond.

39. Mr. Manuel Cabrera had a protected liberty interest in his conditional release which Due Process does not permit the government to strip him of without notice and a hearing. *See Morrissey*, 408 U.S. at 487-488. For these reasons, Mr. Manuel Cabrera’s re-detention without notice and hearing violated the Due Process Clause under the Constitution. The only remedy for the violation of Mr. Manuel Cabrera’s rights is his immediate release from ICE custody and restoration of the Immigration Judge’s bond order issued September 10, 2014 until DHS proves to a neutral adjudicator, by clear and convincing evidence, that something has changed that warrants Mr. Manuel Cabrera’s conditions of release to be altered. *Garcia*, 2025 WL 1927596, at (ordering the release of petitioner and a pre-deprivation hearing prior to any re-detention), *see also Singh*, 2025 WL 1918679, at \*8 (“Petitioner's immediate release is required to return him to the status quo ante—‘the last uncontested status which preceded the pending controversy.’”)

**COUNT TWO**  
**Violation of Section 504 of the Rehabilitation Act**

40. Petitioner re-alleges and incorporates by reference the paragraphs above as if fully set forth herein.

41. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in a program that receives federal financial assistance. 29 U.S.C. § 794. An individual with a disability is defined as: “a person who has a physical and mental impairment that substantially limits one or major life activities, a person who has history or record of such an impairment, or a person who is perceived by others as having such an impairment.” *Alexander v. Choate*, 469 U.S. 287, 300–02 n. 21 (1985) (“covered entities must afford persons with disabilities...equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.”).
42. Section 504 applies to proceedings conducted by the Executive Office for Immigration Review, a sub-agency within the Department of Justice that receives federal funding, thereby making this law applicable to these proceedings. *See* 29 U.S.C. §794; 28 C.F.R. §39.130 (applying Section 504 to the DOJ); *see also Franco-Gonzalez v. Holder*, 767 F. Supp.2d 1034, 1053, 1056 (C.D. Cal. 2010) (ordering appointed counsel as a reasonable accommodation under Section 504 of the Rehab Act); *Frailhat v. ICE*, 445 F. Supp. 3d 709, 748 (C.D. Cal. 2020) (“the programmatic ‘benefit’ in this context is shared by all class members and is best understood as participation in the removal process”).

43. Under Section 504 and the Americans with Disabilities Act (ADA), an individual is considered to have a disability if they have a physical or mental impairment that substantially limits one or more major life activities, including thinking, learning, communicating, and memory. 28 C.F.R. § 35.108. Mr. Manuel Cabrera is an individual with multiple, well-documented mental health disabilities, including Major Depressive Disorder with psychotic episodes, an anxiety disorder, and schizophrenia.
44. ICE has long been aware of these diagnoses through medical records, evaluations, and medical treatment provided during the pendency of Petitioner's immigration proceedings. On August 7, 2025, ICE abruptly and without notice re-detained Mr. Manuel Cabrera despite his record of compliance and despite the Immigration Judge's prior determination, stipulated to by the Government, that Petitioner is not a danger to the community and not a flight risk.
45. ICE failed to conduct any individualized assessment that accounted for Petitioner's mental health disabilities, his need for continuity of psychiatric care, his demonstrated stability in the community, or the availability of reasonable accommodations short of physical detention.
46. By re-detaining Petitioner without consideration of his disabilities or the accommodations necessary to ensure safe and lawful community placement,

ICE has imposed a significantly more restrictive form of custody solely by reason of Petitioner's mental health disabilities, in violation of Section 504.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court

- 1) Assume jurisdiction over this matter;
- 2) Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
- 3) Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- 4) Order Petitioner's immediate release, and reinstatement of his prior bond order;
- 5) Require Respondents to communicate with Petitioner's counsel and follow the safe release plannings for detained individuals with serious mental disorders or conditions under ICE Directive 11063.2;
- 6) Enjoin Respondents from re-detaining Petitioner until DHS proves to a neutral adjudicator by clear and convincing evidence that circumstances have changed such that the condition of his release should be modified; and

7) Grant such further relief as the Court deems just and proper.

Dated: December 12, 2025

Respectfully submitted,

By: /s/ Rebecca Chavez

Rebecca Chavez

**GALVESTON-HOUSTON IMMIGRANT  
REPRESENTATION PROJECT**

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*Attorney for Petitioner*

**Verification of Someone Acting on  
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I, Rebecca Chavez, and others working under my supervision have discussed with Petitioner the events described in the Petition. I hereby certify that the statements made in this attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Rebecca Chavez  
Rebecca Chavez

Date: December 12, 2025