

December 5, 2025

FILED

DEC 08 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

Clerk of Court

United States District Court

Western District of Texas – San Antonio Division

262 West Nueva Street

San Antonio, TX 78207

SA25CA1708

XR

RE: Filing of Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

Petitioner: Jean Carlos Morillo Garcia (A# )

To the Clerk of Court:

Please find enclosed the original Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on behalf of Petitioner Jean Carlos Morillo Garcia, who is currently detained at the South Texas ICE Processing Center in Pearsall, Texas.

Also enclosed is the required \$5.00 filing fee.

As required by the Rules Governing Section 2241 Petitions, the following individuals and federal agencies are identified as Respondents in this action:

1. Renaldo Castro, Warden, South Texas ICE Processing Center
2. Sylvester Ortega, Field Office Director, ICE Enforcement and Removal Operations (San Antonio)
3. Kristi Noem, Secretary, U.S. Department of Homeland Security
4. U.S. Department of Homeland Security
5. Pamela Bondi, Attorney General of the United States

6. Executive Office for Immigration Review (EOIR)

Enclosed for filing:

- Original Petition for Writ of Habeas Corpus (Sections I-XII)
- Verification Page
- Certificate of Service
- \$5.00 filing fee
- Any additional documents the Court deems necessary


Please file the enclosed habeas petition and assign a civil case number.

Should the Court require any additional documents or have further instructions, please notify me at the address below.

Respectfully submitted,

/s/ Maigualidad Morillo Chourio

Maigualidad Morillo Chourio



Irving, TX 75062

On behalf of:

Jean Carlos Morillo Garcia

A# 

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Jean Carlos Morillo Garcia, A# 
South Texas ICE Processing Center
Pearsall, Texas


SECTION I — INTRODUCTION

1. Petitioner Jean Carlos Morillo Garcia (“Petitioner” or “Mr. Morillo”) is a citizen of Venezuela who entered the United States in or around 2023. He resided in Texas and complied with all immigration obligations imposed upon him.
2. Petitioner was previously released by ICE on an I-220A Order of Release on Recognizance, confirming that DHS considered him to be an individual present within the interior of the United States and eligible for discretionary custody under 8 U.S.C. § 1226(a).
3. On September 6, 2025, Petitioner was taken back into ICE custody and transferred to the South Texas ICE Processing Center in Pearsall, Texas. Despite his previous release under §1226(a), DHS now asserts that Petitioner is an “arriving alien” subject to mandatory detention under 8 U.S.C. §1225(b)(2)(A).
4. This classification is factually incorrect and legally improper. Petitioner was not an arriving alien, did not present himself for admission at a port of entry, and had already been released into the interior of the United States under DHS supervision.
5. Based on this misclassification, the Immigration Judge refused to adjudicate Petitioner’s request for a bond hearing, asserting that she lacked jurisdiction under Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).
6. As a result, Petitioner has been detained for a prolonged period without any opportunity to seek release, without access to a custody redetermination hearing, and without any meaningful mechanism to challenge the statutory basis of his detention.
7. Petitioner is properly classified, if at all, under 8 U.S.C. §1226(a), which entitles him to a bond hearing and discretionary review of custody. Continued detention under §1225(b) violates the INA, the APA, and the Due Process Clause.
8. Because no adequate administrative remedy exists, Petitioner seeks relief under 28 U.S.C. §2241 requiring DHS to classify him under §1226(a), provide a prompt bond hearing, or release him.

SECTION II — JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. §2241, as Petitioner is currently detained within this District in violation of federal statutory and constitutional law.
10. Federal question jurisdiction arises under 28 U.S.C. §1331, because Petitioner challenges the legality of his detention under the INA, the APA, and the Constitution.
11. Jurisdiction is further authorized by the Suspension Clause, Article I, Section 9, Clause 2 of the U.S. Constitution.
12. Declaratory and injunctive relief are authorized under 28 U.S.C. §2201, §2202, and 28 U.S.C. §1651 (All Writs Act).
13. Venue is proper in the Western District of Texas under *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District at the South Texas ICE Processing Center in Pearsall, Texas.
14. Venue is also proper under 28 U.S.C. §1391(e) because Respondents are federal officials, and a substantial portion of the events giving rise to this Petition occurred within this District.

SECTION III — PARTIES

15. Petitioner, JEAN CARLOS MORILLO GARCIA, A#  is a citizen of Venezuela. He entered the United States around 2023, resided in Texas, and is currently detained at the South Texas ICE Processing Center in Pearsall, Texas.
16. Respondent Renaldo Castro is the Warden of the South Texas ICE Processing Center.
17. Respondent Sylvester Ortega is the Field Office Director for ICE Enforcement and Removal Operations in San Antonio, Texas.
18. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.
19. Respondent U.S. Department of Homeland Security (DHS).
20. Respondent Pamela Bondi is the Attorney General of the United States.
21. Respondent Executive Office for Immigration Review (EOIR).

SECTION IV — EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Petitioner has no adequate administrative remedy available to challenge the legal basis of his detention.

23. The Immigration Judge refused to adjudicate his bond request, stating she lacked jurisdiction under *Matter of Yajure-Hurtado*.
24. Because no bond determination was issued, Petitioner cannot file a bond appeal with the BIA.
25. ICE provides no administrative mechanism for challenging statutory misclassification under §1225(b).
26. Even if such a remedy existed, exhaustion is not required for constitutional or pure legal claims.
27. Therefore, exhaustion is excused.

SECTION V — FACTUAL BACKGROUND

28. Petitioner is a native and citizen of Venezuela who entered the United States in 2023 and resided in Texas.
29. Petitioner was previously released by ICE on an I-220A Order of Release on Recognizance, reflecting discretionary custody under §1226(a).
30. Petitioner complied fully with all terms of supervision.
31. On September 6, 2025, Petitioner was detained by ICE and transported to the South Texas ICE Processing Center.
32. DHS now asserts Petitioner is an “arriving alien” under §1225(b)(2)(A).
33. This classification contradicts DHS’s prior treatment of Petitioner as an interior release under §1226(a).
34. Petitioner appeared before the Immigration Court on October 16, 2025, where he was issued an asylum application and instructed to submit it by October 30, 2025.
35. Petitioner was given no further hearing after that date.
36. Petitioner requested a bond hearing, but the Immigration Judge refused to consider it, citing lack of jurisdiction under *Yajure-Hurtado*.
37. Petitioner has now been detained for a prolonged period without any opportunity to seek release.

SECTION VI — LEGAL FRAMEWORK

38. Congress created two separate statutory detention schemes: §1225 and §1226.
39. Section 1225(b) applies to arriving aliens.
40. Section 1226(a) applies to noncitizens already inside the United States.
41. Petitioner plainly falls under §1226(a).
42. DHS’s use of §1225(b) is improper.
43. *Jennings v. Rodriguez* guarantees custody review.
44. *Yajure-Hurtado* improperly expands §1225(b).
45. Federal courts have repeatedly rejected DHS’s misuse of §1225(b).

46. Petitioner has been denied any bond hearing.
47. Habeas relief is appropriate.

SECTION VII — CLAIM ONE — UNLAWFUL DETENTION (§1225 vs §1226)

48. Petitioner incorporates all prior paragraphs.
49. DHS unlawfully classifies Petitioner under §1225(b)(2)(A).
50. Petitioner is not an arriving alien.
51. Petitioner entered in 2023 and lived in Texas.
52. DHS previously released him on I-220A under §1226(a).
53. Section 1226(a) provides the right to a bond hearing.
54. DHS's reclassification is ultra vires.
55. Federal courts have rejected similar misuse of §1225(b).
56. Petitioner is entitled to habeas relief.

SECTION VIII — CLAIM TWO — APA VIOLATIONS

57. Petitioner incorporates all prior paragraphs.
58. Agency actions contrary to law must be set aside.
59. DHS's misclassification contradicts statutory text.
60. Petitioner's I-220A release proves he was treated as §1226(a).
61. Agency action ignoring key evidence is arbitrary.
62. Yajure-Hurtado conflicts with statutory text.
63. EOIR acted contrary to law in refusing jurisdiction.
64. Actions of DHS and EOIR must be set aside under §706.

SECTION IX — PROCEDURAL DUE PROCESS

65. Petitioner incorporates all prior paragraphs.
66. The Fifth Amendment protects liberty interests.
67. Civil detention requires meaningful procedures.

68. Petitioner was denied due process as follows:
 - (a) IJ refused bond jurisdiction.
 - (b) No administrative mechanism exists to challenge misclassification.
 - (c) Petitioner has been detained since September 6, 2025, with no custody review.
69. Under *Mathews v. Eldridge*:
 1. Liberty interest is substantial.
 2. Risk of erroneous deprivation is high.
 3. Government interest is minimal.
70. Detention without procedures violates due process.

SECTION X — SUBSTANTIVE DUE PROCESS

71. Petitioner incorporates all prior paragraphs.
72. Substantive due process prohibits arbitrary detention.
73. Petitioner has no criminal history.
74. Petitioner poses no danger or flight risk.
75. DHS's misclassification is arbitrary.
76. Prolonged detention lacks any legitimate purpose.
77. Detention violates the Fifth Amendment.

SECTION XI — IRREPARABLE HARM

78. Petitioner incorporates all prior paragraphs.
79. Petitioner has been detained since September 6, 2025 without custody review.
80. Prolonged detention constitutes irreparable harm.
81. Petitioner cannot work or support himself.
82. Detention hinders preparation of asylum materials.
83. Only judicial intervention can remedy these harms.

SECTION XII — PRAYER FOR RELIEF

84. Petitioner incorporates all prior paragraphs.
85. Petitioner respectfully requests the following:
 - A. Order to Show Cause** — Require Respondents to explain legality of detention.
 - B. Declare correct legal standard** — Petitioner is detained under §1226(a), not

§1225(b).

- C. Prevent transfer** — Enjoin removal from district.
- D. Order bond hearing** within seven (7) days, at which:
 - 1. Government bears burden of proof.
 - 2. IJ must consider ability to pay.
 - 3. Petitioner may present evidence.
 - 4. IJ must issue a reasoned decision.
- E. Immediate release** if no hearing is provided.
- F. Any further relief** this Court deems just.

Respectfully submitted,

/s/ Jean Carlos Morillo Garcia

JEAN CARLOS MORILLO GARCIA



South Texas ICE Processing Center

Pearsall, Texas

VERIFICATION

I, JEAN CARLOS MORILLO GARCIA, declare under penalty of perjury under the laws of the United States of America that I am the Petitioner in this action; that I have read (or had read to me) the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241; and that the facts stated therein are true and correct to the best of my knowledge and belief.

I am currently detained at the South Texas ICE Processing Center in Pearsall, Texas, and I submit this Verification pursuant to 28 U.S.C. § 1746.

Executed on December 5, 2025.

/s/ Jean Carlos Morillo Garcia

JEAN CARLOS MORILLO GARCIA

A# 

South Texas ICE Processing Center

Pearsall, Texas

CERTIFICATE OF SERVICE

I, Maigualidad Morillo Chourio, certify that on December 5, 2025, I caused a true and correct copy of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 for Petitioner Jean Carlos Morillo Garcia to be placed in the United States mail, addressed to the following required party:

U.S. Attorney for the Western District of Texas

Attn: Civil Process Clerk

601 NW Loop 410, Suite 600

San Antonio, TX 78216

This service was made on behalf of the Petitioner, who is currently detained at the South Texas ICE Processing Center and unable to mail the documents himself.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2025.

/s/ Maigualidad Morillo Chourio

Maigualidad Morillo Chourio

On behalf of:

Jean Carlos Morillo Garcia

A# 

South Texas ICE Processing Center Pearsall, Texas