

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**ALAIN BIDIAS SADJEU,
PETITIONER,**

V.

**WARDEN, EL PASO SERVICE
PROCESSING CENTER, ERO EL PASO
CAMP EAST MONTANA, ET. AL.
RESPONDENTS.**

NO. 3:25-CV-00676-KC

**FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS
CORPUS**

STATEMENT OF ISSUES

1. Whether Petitioner's Request for a bond hearing is administratively exhausted and properly before the District Court.

**Federal Respondents' Response to
Petition for Writ of Habeas Corpus**

Federal¹ Respondents provide this response to Petitioner's habeas petition. Any allegations that are not specifically admitted herein are denied. Petitioner is not entitled to the relief he seeks, and this Court should deny this habeas petition without the need for an evidentiary hearing.

Petitioner seeks this Court order him released under 'reasonable DHS supervision' or order a bond hearing. ECF No. 1 at 7. Petitioner is eligible to seek a custody redetermination hearing before the immigration court but simply hasn't requested a hearing. *See* Immigration Court Practice Manual (describing requests for a bond hearing may be in writing or orally to the immigration judge) (last accessed Dec. 30, 2025).

I. Relevant Facts

Petitioner is a native and citizen of Cameroon who was granted permission to be admitted to the United States on October 4, 2017, with authorization to remain no longer than December 12, 2017. Ex. A, NTA. He is charged as removable under INA § 237. *Id.* On February 19, 2025, an Immigration Judge ordered Petitioner removed. *See* EOIR Automated Case Information (last accessed December 30, 2025). That decision is currently on appeal before the Board of Immigration Appeals with briefing from both parties due January 9, 2026. *Id.*

Petitioner was inspected and admitted to the United States. Ex. A, NTA. As a result, he is eligible to seek a custody redetermination hearing before an Immigration Judge under 8 U.S.C. § 1226. Despite being eligible for such relief, Petitioner has not requested a bond hearing following his most recent detention, for unknown reasons.

II. Argument

¹ The Department of Justice represents only federal employees in this action.

Whether Petitioner merits release on bond under 8 U.S.C. § 1226(a), or should be detained pending further proceedings, is a mixed factual and legal question that is not ripe for review. Respondents agree he can seek a bond hearing before the immigration judge under 8 U.S.C. § 1226. If the immigration judge denies bond, Petitioner can seek review of the immigration judge's decision from the Board of Immigration Appeals.

Petitioner must exhaust administrative remedies prior to raising this issue in district court. *Hinojosa v. Horn*, 896 F. 3d 305, 314 (5th Cir. 2018). Appealing to the BIA is not futile in this case, because the issue on appeal would be whether, as a factual matter, he poses a danger to persons or property or poses a risk of failure to appear that cannot be mitigated under 8 USC § 1226. If the BIA grants any appeal, he would be released. In other words, the BIA can provide Petitioner the remedy he seeks, such that exhaustion of remedies is not futile in this case. *See Petgrave v. Aleman*, 529 F.Supp.3d 665, 672 n. 14 (S.D. Tex. 2021) (finding futility where the BIA could not remedy the constitutional claim and where the detention had already become prolonged). This habeas petition is premature and must be denied.

While “the Fifth Amendment entitles aliens to due process of law in deportation proceedings, ... this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process.” *Demore v. Kim*, 538 U.S. 510, 523 (2003). While as-applied constitutional challenges to immigration detention may be brought under certain circumstances, there is no colorable claim articulated in this habeas petition that Petitioner's detention is unconstitutional. *See, e.g., Jennings v. Rodriguez*, 583 U.S. 281, 312 (2018). Petitioner is being lawfully detained, was ordered removed from the United States, and the case is pending before the BIA.

Petitioner has been detained less than three months while he is pending removal

proceedings. Ex. B, I-213. His detention is not prolonged, and he has not shown that his claim for release is properly before this Court. At most, Petitioner claims he is entitled to a bond hearing, which Respondents agree he can seek, but he hasn't asked the immigration judge for such a hearing.

III. Conclusion

Petitioner is lawfully detained pending removal proceedings, and he does not claim any immigration status that would entitle him to immediate release from custody. Accordingly, the Court should deny this petition for failure to exhaust administrative remedies, lack of jurisdiction, and ripeness.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/Adrian Acosta

Adrian Acosta
Assistant United States Attorney
Texas No. 24097275
700 E, San Antonio Ave. Ste. 200
El Paso, Texas 79901
(915) 534-6884
Adrian.Acosta@usdoj.gov

/s/ Anne Marie Cordova
Anne Marie Cordova
Assistant United States Attorney
Texas No. 24073789
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7100 (phone)
(210) 384-7312 (fax)
Anne.Marie.Cordova@usdoj.gov

Attorneys for Federal Respondents

Certificate of Service

I certify that on December 30, 2025, a copy of the Response was sent to the Petitioner (Pro Se) to the following address:

Alain Bidias Sadjou
A # 
ERO EL PASO CAMP EAST MONTANA
6920 Digital Road
El Paso, TX 79936

/s/ Adrian Acosta
Adrian Acosta
Assistant United States Attorney