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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IGNACIO HERNANDEZ ROJAS,  
A# [REDACTED]

Case No.

Petitioner,

**PETITION FOR WRIT OF  
HABEAS CORPUS**

v.

Bret BRADFORD, Houston Field Office  
Director for U.S. Immigration and Customs  
Enforcement; Todd LYONS, Acting Director  
for U.S. Immigration and Customs  
Enforcement; Kristi NOEM, Secretary, U.S.  
Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; Pamela BONDI, U.S. Attorney  
General; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW; Martin FRINK,  
Warden of Houston Processing Center,

Respondents.

1 INTRODUCTION

2 1. Petitioner, Ignacio Hernandez Rojas, a native and citizen of Mexico, brings this  
3 petition for a writ of habeas corpus to seek enforcement of his rights as member of the Bond Denial  
4 Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)  
5 and to remedy his unlawful detention. Petitioner is in the physical custody of Respondents at the  
6 Houston Processing Center in Houston, Texas. He now faces unlawful detention, in violation of  
7 his statutory and constitutional rights, because the Department of Homeland Security (DHS) and  
8 the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory  
9 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

10 2. The Petitioner has been detained since October 28, 2025, (since October 30, 2025  
11 by Respondents) and his continued detention has become unreasonably prolonged. On November  
12 24, 2025, Petitioner requested a custody redetermination. The following day, the Southern District  
13 of California granted class certification in *Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-  
14 01873-SSS-BFM (C.D. Cal. Nov. 25, 2025) and orders granting partial summary judgement and  
15 class certification were filed with the Immigration Court that evening, in support of Petitioner's  
16 bond motion.

17 3. On December 2, 2025, the immigration judge (IJ) denied bond, noting that the  
18 District Court only granted partial summary judgement and has not yet issued a class-wide  
19 declaratory judgment or injunction. Thus, the Immigration Court held it lacked jurisdiction  
20 pursuant to *Matter of Yahure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

21 4. On June 30, 2025, the Board of Immigration Appeals (BIA) issued a decision on  
22 *Matter of Akhmedov*, where the BIA noted that the respondent in that case entered the United States  
23 unlawfully in 2022 and arrested at a later date and was therefore detained under 8 U.S.C. § 1226(a),  
24

1 29 I&N Dec. 166 (BIA 2025). Though the issue in that case was not whether the respondent was  
2 subject to INA §235(b)(2)(A), the Petitioner contends that this case supports his stance that he was  
3 detained under 8 U.S.C. § 1226(a) and is therefore eligible for a bond hearing over which the  
4 Immigration Judge doubtlessly has proper jurisdiction.

5 5. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a  
6 precedential decision that unlawfully reinterpreted the Immigration and Nationality Act (“INA”).  
7 *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Prior to this decision, noncitizens  
8 like Petitioner who had lived in the U.S. for many years and were apprehended by Immigration  
9 and Customs Enforcement (“ICE”) in the interior of the country were detained pursuant to 8 U.S.C.  
10 § 1226(a) and eligible to seek bond hearings before Immigration Judges (“IJs”). Instead, in conflict  
11 with nearly thirty years of legal precedent, Petitioner is now considered subject to mandatory  
12 detention under 8 U.S.C. § 1225(b)(2)(A) and has no opportunity for release on bond while his  
13 removal proceedings are pending.

14 6. Petitioner’s detention pursuant to § 1225(b)(2)(A) violates the plain language of the  
15 INA and its implementing regulations. Petitioner, who has resided in the U.S. for more than twenty  
16 years and who was apprehended in the interior of the U.S., should not be considered an “applicant  
17 for admission” who is “seeking admission.” Rather, he should be detained pursuant 8 U.S.C. §  
18 1226(a), which allows for release on conditional parole or bond.

19 7. The District Court in *Maldonado Bautista* granted partial summary judgment on  
20 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
21 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-  
22 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025)  
23 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*

1 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.  
2 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible  
3 Class, incorporating and extending declaratory judgment from Order Granting Petitioners’ Motion  
4 for Partial Summary Judgment). The partial summary judgment held that the Bond Denial Class  
5 members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for  
6 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

7 8. The Executive Office for Immigration Review and its subagency the Immigration  
8 Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the  
9 declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be  
10 released on bond.

11 9. Petitioner Ignacio Hernandez Rojas is a member of the Bond Eligible Class, as he:

- 12 a. does not have lawful status in the United States and is currently detained at the  
13 Houston Processing Center. He was apprehended by immigration authorities on  
14 October 28, 2025;
- 15 b. entered the United States without inspection over twenty (20) years ago, in or  
16 around 2004, and was not apprehended upon arrival, *cf. id.*; and
- 17 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

18 10. After apprehending Petitioner, the DHS placed him in removal proceedings  
19 pursuant to 8 U.S.C. § 1229(a) by filing a Notice to Appear with the Immigration Court in Houston,  
20 Texas. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as  
21 someone who is present in the United States without admission, as well as 8 U.S.C. §  
22 1182(a)(7)(A)(i)(I), alleging that Petitioner, at the time of applying for admission, was not in  
23 possession of valid entry and travel documents. (Exhibit 1).

24 11. The Court should expeditiously grant this petition.

12. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
“force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue

1 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention  
2 despite his clear entitlement for release on bond as a Bond Eligible Class member. (Exhibit 2)

3 13. Immigration judges have informed class members in bond hearings that they have  
4 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not  
5 controlling, even with respect to class members, and that instead IJs remain bound to follow the  
6 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

7 14. Continued detention violates the Fifth Amendment’s Due Process Clause, the  
8 Immigration and Nationality Act, and the binding class-wide relief in *Maldonado Bautista*. The  
9 IJ’s bond denial cannot legally sustain detention.

10 15. Because Respondents are detaining Petitioner in violation of the partial summary  
11 judgment issued in *Maldonado Bautista*, the Court should accordingly order that Respondent DHS  
12 must release Petitioner, a member of the Bond Eligible Class, immediately.

13 16. Alternatively, Petitioner seeks declaratory relief that he is subject to detention under  
14 § 1226(a) and its implementing regulations and asks that this Court order Respondents to release  
15 Petitioner from custody immediately.

16 17. Alternatively, Petitioner seeks declaratory relief that he is subject to detention under  
17 § 1226(a), and the Court should order the Petitioner’s release unless the Respondents provide a  
18 bond hearing under 8 U.S.C. § 1226(a) within five (5) days.

19 **CUSTODY**

20 18. Petitioner is currently in the custody of ICE, a branch of the Department of  
21 Homeland Security (“DHS”) at Core Civic’s Houston Processing Center in Houston, Texas. *See*  
22 ICE Detainee Locator Results, (Exhibit 3). Petitioner is in the physical custody of Respondents.

1 He is therefore in “‘custody’ of [the DHS] within the meaning of the habeas corpus statute.”

2 *Jones v. Cunningham*, 371 U.S. 236, 243 (1963); *See* 28 U.S.C. § 2241(c)(5).

3 **JURISDICTION**

4 19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.  
5 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
6 Suspension Clause).

7 20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment  
8 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

9 21. Federal district courts have jurisdiction to hear habeas claims by non-citizens  
10 challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*,  
11 533 U.S. 678, 687 (2001).

12 **VENUE**

13 22. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
14 500 (1973), venue lies in the United States District Court for the Southern District of Texas, the  
15 judicial district in which Petitioner currently is detained.

16 23. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
17 Respondents are either employees or officers of the United States acting in their official capacities,  
18 or agencies of the United States, and because a substantial part of the events or omissions giving  
19 rise to the claims occurred in the Southern District of Texas. (Exhibit 3).

20 **REQUIREMENTS OF 28 U.S.C. § 2243**

21 24. The Court should grant the petition for writ of habeas corpus “‘forthwith,” as the  
22 legal issues have already been resolved for class members in *Maldonado Bautista*.



1 30. Respondent Department of Homeland Security (DHS) is the federal agency  
2 responsible for implementing and enforcing the INA, including the detention and removal of  
3 noncitizens.

4 31. Respondent Pamela Bondi is the Attorney General of the United States. She is  
5 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
6 and the immigration court system it operates is a component agency. She is sued in her official  
7 capacity.

8 32. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
9 responsible for implementing and enforcing the INA in removal proceedings, including for custody  
10 redeterminations in bond hearings.

11 33. Respondent Martin Frink is employed by CoreCivic as Warden of the Houston  
12 Processing Center, where Petitioner is detained. He has immediate physical custody of Petitioner.  
13 He is sued in his official capacity.

14 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15 34. Petitioner sought bond redetermination before an Immigration Judge and bond was  
16 denied on December 2, 2025. (Exhibit 2).

17 **STATEMENT OF FACTS**

18 35. Petitioner is a citizen of Mexico.

19 36. Upon information and belief, Petitioner has resided in the U.S. since 2004.

20 37. Upon information and belief, Petitioner has never been arrested prior to his  
21 detention in October 2025, nor charged with any crime.

22 38. He is now detained at Core Civic's Houston Processing Center. (Exhibit 3).

1 39. An Immigration Judge denied the Petitioner’s bond request and stated that the  
2 Immigration Court did not have jurisdiction to grant bond under *Matter of Yajure*  
3 *Hurtado, supra.* (Exhibit 2).

4 40. Without relief from this Court, he faces continued and indefinite detention without  
5 a bond hearing.

6 **LEGAL BACKGROUND**

7 41. The INA prescribes three basic forms of detention for noncitizens in removal  
8 proceedings.

9 42. First, individuals detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to  
10 a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and  
11 are subject to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for  
12 mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody  
13 determinations made by DHS), 1236.1(d) *Id.*

14 43. Second, the INA provides for mandatory detention of noncitizens subject to  
15 expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals deemed to be  
16 “seeking admission” under § 1225(b)(2).

17 44. Third, the INA authorizes detention of noncitizens who have received a final order  
18 of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

19 45. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
20 Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No.  
21 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Following  
22 IIRIRA, the Executive Office for Immigration Review (“EOIR”) issued regulations clarifying that  
23 individuals who entered the country without inspection were not considered detained under § 1225,  
24 but rather under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and*

1 *Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312,  
2 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without  
3 having been admitted or paroled (formerly referred to as aliens who entered without inspection)  
4 will be eligible for bond and bond redetermination”).

5 46. Thus, in the decades that followed, most people who entered without inspection  
6 and were thereafter detained and placed in standard removal proceedings were considered for  
7 release on bond and also received bond hearings before an Immigration Judge (“IJ”), unless their  
8 criminal history rendered them ineligible. That practice was consistent with many more decades  
9 of prior practice, in which noncitizens who had entered the United States, even if without  
10 inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast,  
11 those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. §  
12 1225(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply  
13 “restates” the detention authority previously found at § 1225(a)).

14 47. For decades, long-term residents of the U.S. who entered without inspection and  
15 were subsequently apprehended by ICE in the interior of the country have been detained pursuant  
16 to § 1226 and entitled to bond hearings before an IJ, unless barred from doing so due to their  
17 criminal history.

18 48. In July 2025, however, ICE began asserting that all individuals who entered without  
19 inspection should be considered “seeking admission” and therefore subject to mandatory detention  
20 under 8 U.S.C. § 1225(b)(2)(A).

21 49. On September 5, 2025, the BIA issued a precedential decision adopting this  
22 interpretation, departing from the INA’s text, federal precedent, and existing regulations. *Matter*  
23 *of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

1 50. Respondents' new legal interpretation is plainly contrary to the statutory framework  
2 and its implementing regulations. Indeed, for decades, Respondents had applied § 1226(a) to  
3 people like the Petitioner. Respondents' new policies are thus not only contrary to law but are  
4 arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). They were also  
5 adopted without complying with the procedural requirements of the APA.

6 51. Numerous federal courts have rejected this interpretation and instead have  
7 consistently found that § 1226, not § 1225(b)(2), authorizes detention of noncitizens who entered  
8 without inspection and were later apprehended in the interior of the country. *See e.g., Sampiao v.*  
9 *Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's  
10 analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025);  
11 *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin,*  
12 *Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136  
13 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at \*3 n.4 (E.D. Cal.  
14 Sept. 9, 2025).

15 52. Under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, this Court  
16 should independently interpret the statute and give the BIA's expansive interpretation of §  
17 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369  
18 (2024).

## 19 LEGAL ARGUMENT

20 53. The statutory context and structure make clear that § 1226 applies to individuals  
21 who have not been admitted and entered without inspection. In 2025, Congress added new  
22 mandatory detention grounds to § 1226(c) that apply only to noncitizens who have not been  
23 admitted. *See The Laken Riley Act*, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. §  
24

1 1226(c)(1)(E)).

2 54. By specifically referencing inadmissibility for entry without inspection under 8  
3 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered by §  
4 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible, including those  
5 present without admission or parole.

6 55. The Supreme Court has explained that § 1225(b) is concerned “primarily [with  
7 those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of entry, where  
8 the Government must determine whether [a noncitizen] seeking to enter the country is admissible.”  
9 *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In contrast, Section 1226 “authorizes the  
10 Government to detain certain aliens *already in the country* pending the outcome of removal  
11 proceedings.” *Id.* at 289 (emphases added).

12 56. Furthermore, § 1225(b)(2) specifically applies only to those “seeking admission,”  
13 and the implementing regulations at 8 C.F.R. § 1.2 address noncitizens who are “coming or  
14 attempting to come into the United States.” The use of the present progressive tense would exclude  
15 noncitizens like Petitioner who are apprehended in the interior years after they entered, as they are  
16 no longer “seeking admission” or “coming [...] into the United States.” *See Martinez v. Hyde*,  
17 2025 WL 2084238 at \*6 (D. Mass. July 24, 2025) (citing the use of present and present progressive  
18 tense to support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended in  
19 the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019)  
20 (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that “[t]he use of the present  
21 progressive, like use of the present participle, denotes an ongoing process”).

22 57. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to  
23 Petitioner, who entered the United States approximately twenty-one (21) years ago.

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**CLAIM FOR RELIEF**

**Claim I: Violation of the INA:  
Request for Relief Pursuant to *Maldonado Bautista***

58. Petitioner repeats, re-alleges, and incorporates by reference paragraphs 1-57.

59. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

60. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

61. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

62. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

63. By denying Petitioner bond under § 1226(a) and, by inference, asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

**Claim II: Violation of the Bond Regulations:  
8 C.F.R. §§ 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond**

64. Petitioner repeats, re-alleges, and incorporates by reference paragraphs 1-57.

65. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service (“INS”) issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens]

1 who are present without having been admitted or paroled (formerly referred to as [noncitizens]  
2 who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg.  
3 at 10323. The agencies thus made clear that individuals who had entered without inspection were  
4 eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its  
5 implementing regulations.

6 66. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
7 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

8  
9 **Claim III: Improper Application of 8 U.S.C. § 1225(b)(2)  
Unlawful Detention Under This Provision**

10 67. Petitioner repeats, re-alleges, and incorporates by reference paragraphs 1-57.

11 68. Title 8 U.S.C. § 1225(b) is concerned primarily with those seeking entry to the  
12 United States and is generally imposed at the Nation’s borders and ports of entry, where the  
13 Government must determine whether a noncitizen seeking to enter the country is admissible.

14 69. Upon information and belief, Petitioner has resided in the U.S. since 2004. He is  
15 therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

16 70. Because 8 U.S.C. § 1225(b) does not apply to Petitioner, Respondents’ detention  
17 of him under this provision is unlawful.

18 **Claim 4: Violation of the Fifth Amendment’s Due Process Clause**

19 71. Petitioner repeats, re-alleges, and incorporates by reference paragraphs 1-57.

20 72. The Fifth Amendment guarantees liberty and requires that immigration detention  
21 be reasonably related to a legitimate governmental purpose. Petitioner’s detention is arbitrary and  
22 capricious. Petitioner is not an applicant for admission. He did not, and Respondents do not allege  
23 that he arrived at Port Bolivar from abroad by boat at the time of apprehension. Given that  
24

1 Petitioner is not an applicant for admission seeking admission, he is subject to 8 U.S.C. § 1226(a)  
2 and need not be detained during the pendency of his recently initiated removal proceedings.

3 73. Under the Fifth Amendment to the United States Constitution, those threatened  
4 with the loss of liberty or property due to actions by the federal government are entitled to due  
5 process of law.

6 74. DHS's continued detention based on the IJ's legally erroneous decision – claiming  
7 the Petitioner is detained under INA § 235(b) per *Matter of Yajure Hurtado* – cannot serve as the  
8 basis for depriving Petitioner of liberty.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 11 a. Assume jurisdiction over this matter;
- 12 b. Order that Petitioner not be transferred outside of this District;
- 13 c. Issue a writ of habeas corpus declaring that Petitioner's continued detention is  
14 unlawful and ordering Respondents release Petitioner within twenty-four (24)  
15 hours without conditions to his liberty;
- 16 d. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
17 Petitioner unless, within five (5) days they provide a bond hearing under 8 U.S.C.  
18 §1226(a), with the Government bearing the burden of proving by clear and  
19 convincing evidence that Petitioner is either a danger to the community or a flight  
20 risk, and with full procedural protections;
- 21 e. Enjoin Respondents from re-detaining Petitioner unless new facts or evidence  
22 justifying detention are presented, and require advance notice to counsel of any  
23 transfer or re-detention;
- 24 f. Declare that Petitioner's detention has become unreasonably prolonged and is no  
longer authorized under 8 U.S.C §1226, and continued detention violates the Due  
Process Clause of the Fifth Amendment;

- 1 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;  
3 and  
4 h. Grant any other and further relief that this Court deems just and proper.

5 Date: December 13, 2025

6 

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13 *Attorney for Petitioner*  
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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT  
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I or my co-counsel have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 16, 2025.

Respectfully submitted,

  
\_\_\_\_\_  
Tania Buitron  
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. My co-counsel will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

**Bret Bradford**

Houston Field Office Director of Enforcement and Removal Operations  
126 Northpoint Drive  
Houston, TX 77060

**Todd Lyons**

Acting Filed Director for U.S. Immigration and Customs Enforcement  
500 12th St SW  
Washington, DC 20536

**Kristi Noem**

Secretary of Homeland Security  
MS 0525 Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525

**Pamela Bondi**

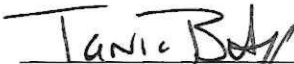
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950 Pennsylvania Avenue NW  
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**Martin Frink**

Warden of Houston Processing Center  
15850 Export Plaza Drive  
Houston, TX 77032

Dated: December 16, 2025.

Respectfully submitted,

  
\_\_\_\_\_  
Tania Buitron  
Counsel for Petitioner