

FILED.

DEC 11 2025

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUNIOR RAFAEL GUZMAN SELLICIANO,

A#



Petitioner,

SA^v25CA1760 FB

RENALDO CASTRO, Warden, South Texas ICE Processing Center;

SYLVESTER ORTEGA, Field Office Director, ICE ERO San Antonio;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;

U.S. DEPARTMENT OF HOMELAND SECURITY;

PAMELA BONDI, Attorney General of the United States;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No.: To Be Assigned

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

1. Petitioner Junior Rafael Guzman Selliciano (“Petitioner” or “Mr. Guzman”) is a long-time resident of the United States who has now been detained by Immigration and Customs Enforcement (“ICE”) for more than nine months without a meaningful custody review, without adjudication of his bond motions, and without basic procedural protections guaranteed by the Constitution and the Immigration and Nationality Act (“INA”).
2. Petitioner was detained on February 22, 2025 in Boston, Massachusetts, transferred to Rhode Island, and later to Pearsall, Texas—causing severe delay, loss of access to counsel, and repeated postponements of hearings.
3. Petitioner has no criminal convictions. He is the husband of a U.S. citizen, father of a U.S. citizen son, and father of a lawful permanent resident daughter. He has pending immigration applications including asylum (filed in 2016), two I-130 petitions, and an EOIR-42B cancellation of removal application.
4. ICE ignored multiple bond motions, denied prosecutorial discretion, and allowed more than six months to pass without any hearing. His detention is prolonged, punitive, and unlawful.
5. Petitioner seeks immediate release or, in the alternative, a prompt custody redetermination hearing at which the Government bears the burden of proof.

JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is “in custody” under federal authority and challenges the legality of that custody.
7. Jurisdiction also arises under 28 U.S.C. § 1331 and the Suspension Clause.
8. Relief may be granted pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, and the All Writs Act.

VENUE

9. Venue lies in this District because Petitioner is detained in Pearsall, Texas.
10. Venue is further proper under 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must act "forthwith" on a habeas petition unless it appears the petitioner is not entitled to relief.
12. If an order to show cause is issued, Respondents must respond within three days unless extended for good cause.
13. Habeas corpus is a swift and imperative remedy against unlawful detention.

PARTIES

14. Petitioner Junior Rafael Guzman Selliciano is a citizen of the Dominican Republic detained at the South Texas ICE Processing Center.
15. Respondent Renaldo Castro is the Warden and Petitioner's immediate custodian.
16. Respondent Sylvester Ortega is ICE ERO San Antonio Field Office Director.
17. Respondent Kristi Noem is Secretary of DHS.
18. Respondent DHS administers immigration detention.
19. Respondent Pamela Bondi is Attorney General of the United States.
20. Respondent EOIR oversees Immigration Judges.

EXHAUSTION

21. No statutory exhaustion requirement applies to § 2241 petitions.
22. Bond motions submitted on November 13 and November 28, 2025 were never adjudicated.
23. ICE denied prosecutorial discretion and caused unreasonable delays.
24. Further administrative remedies would be futile.

FACTUAL BACKGROUND

25. Petitioner is a long-time resident of the United States and the primary support for his U.S. citizen wife, U.S. citizen son, and LPR daughter.

26. ICE detained Petitioner on February 22, 2025 in Boston. He was immediately transferred to Rhode Island, then to Texas—delaying proceedings and cutting off access to the courts.

27. Petitioner did not see an Immigration Judge for more than six months. His first hearing occurred on September 15, 2025, where appointed counsel failed to appear.

28. On September 22, 2025, counsel withdrew. The IJ informed Petitioner that his 2016 asylum case had been reopened, although Petitioner had received no notice.

29. Hearings were scheduled for November 3, 2025; moved to November 7, 2025; then moved again after Petitioner sought an extension to gather evidence due to ICE's delays. The final hearing is now set for January 8, 2026.

30. Bond motions filed on November 13 and November 28, 2025 were never adjudicated by the Immigration Judge.

31. ICE denied prosecutorial discretion and never offered I-220A release.

32. Petitioner has no criminal convictions. A DUI from 2018 was dismissed, and a driving offense was dismissed. One open case in Everett, MA could not be attended because ICE prevented his required appearance.

33. Petitioner has strong relief claims: (1) asylum from 2016; (2) two I-130 petitions; (3) 42B cancellation of removal.

34. His U.S. citizen family suffers severe emotional and financial hardship due to his detention. Petitioner cannot work, support his family, maintain his credit, or renew his work permit.

35. Petitioner has now been detained over nine months without a constitutionally adequate custody hearing.

LEGAL FRAMEWORK

36. Petitioner is detained under 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole.

37. He is not detained under § 1226(c), because he has no qualifying criminal convictions.

38. He is not detained under § 1225(b) because he is not an arriving alien.

39. Under *Jennings v. Rodriguez* and related precedent, § 1226(a) detainees must receive custody hearings.

40. Prolonged detention without a hearing violates due process.

41. ICE's failure to adjudicate bond motions is unlawful and unconstitutional.

COUNT I – Violation of INA § 1226(a)

- 42. Petitioner incorporates prior paragraphs.
- 43. Petitioner is entitled to a bond hearing under § 1226(a).
- 44. ICE refused to adjudicate two properly filed motions.
- 45. Continued detention violates the INA.

COUNT II – APA Violation

- 46. Petitioner incorporates prior paragraphs.
- 47. ICE unlawfully withheld required action by failing to adjudicate bond requests.
- 48. ICE caused unreasonable delays through repeated transfers and cancellations.
- 49. Such conduct is arbitrary, capricious, and unlawful.

COUNT III – Procedural Due Process Violation

- 50. Petitioner incorporates prior paragraphs.
- 51. The Fifth Amendment prohibits detention without adequate procedures.
- 52. Petitioner went six months without any hearing.
- 53. Bond motions were ignored.
- 54. ICE prevented Petitioner from appearing in criminal court.
- 55. These failures violate the Mathews v. Eldridge balancing test.

COUNT IV – Substantive Due Process Violation

- 56. Petitioner incorporates prior paragraphs.
- 57. Detention is permissible only to ensure appearance or protect the community.
- 58. Petitioner has no convictions, strong ties, and multiple relief applications.

59. His nine-month detention is punitive and excessive.

60. His family suffers severe hardship.

61. Detention now violates substantive due process.

PRAYER FOR RELIEF

Petitioner requests:

- a. Jurisdiction be assumed;
- b. Petitioner not be transferred outside this District;
- c. An Order to Show Cause within three days;
- d. Immediate release or, alternatively, a bond hearing within seven days at which the Government bears the burden by clear and convincing evidence;
- e. A declaration that detention is unlawful;
- f. Any further relief deemed just.

VERIFICATION

I, Junior Rafael Guzman Selliciano, declare under penalty of perjury under the laws of the United States of America that the facts stated in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Executed on this 9th day of December, 2025, at the South Texas ICE Processing Center,
566 Veteran Drive, Pearsall, Texas 78061.

/s/ Junior Rafael Guzman Selliciano

Junior Rafael Guzman Selliciano

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South Texas ICE Processing Center

566 Veteran Drive

Pearsall, Texas 78061

PROOF OF SERVICE

I, Junior Rafael Guzman Selliciano, hereby certify that on this 9th day of December, 2025, I placed a copy of the foregoing Petition for Writ of Habeas Corpus in the institutional mail system at the South Texas ICE Processing Center, properly addressed and with postage prepaid, to the following:

1. Clerk of Court

U.S. District Court – Western District of Texas

262 West Nueva Street

San Antonio, Texas 78207

2. Office of the United States Attorney

Western District of Texas – San Antonio Division

601 NW Loop 410, Suite 600

San Antonio, Texas 78216

I understand that once the Petition is filed, the Clerk of Court will distribute notice to all necessary parties as required by law.

Executed on this 9th day of December, 2025, at the South Texas ICE Processing Center,
566 Veteran Drive, Pearsall, Texas 78061.

/s/ Junior Rafael Guzman Selliciano

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