

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUNIOR RAFAEL FELLICIANO,

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Petitioner,

v.

Civil Action No.: 5:25-CV-01760-FB

RENALDO CASTRO, Warden, South Texas ICE Processing Center;

SYLVESTER ORTEGA, ICE ERO San Antonio Field Office Director;

DEPARTMENT OF HOMELAND SECURITY;

PAMELA BONDI, Attorney General of the United States,


Respondents.



EMERGENCY MOTION TO ENFORCE 28 U.S.C. § 2243 AND TO MODIFY
SERVICE ORDER FOR EXPEDITED REVIEW

FILED

JAN - 7 2026

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

Petitioner, Junior Rafael Felliciano (“Petitioner”), respectfully submits this Emergency Motion requesting that the Court enforce the statutory deadlines mandated by 28 U.S.C. § 2243, reconsider and modify the Service Order issued on December 22, 2025, and order Respondents to show cause within three (3) days why Petitioner’s detention should not be declared unlawful. Petitioner further requests immediate judicial review and release, or in the alternative, a custody redetermination hearing within seven (7) days.

I. INTRODUCTION

1. On December 22, 2025, the Court issued a Service Order allowing Respondents thirty (30) days to answer Petitioner’s habeas corpus petition filed pursuant to 28 U.S.C. § 2241. Petitioner physically received this order on December 26, 2025.

2. Respectfully, a 30-day response deadline is inconsistent with the strict statutory requirements of 28 U.S.C. § 2243, which mandates that a return to a habeas petition be made within **three (3) days** unless, for good cause, additional time **not exceeding twenty (20) days** is allowed.

3. Petitioner has now been detained for more than nine months without a custody redetermination hearing, despite filing two bond motions that were never adjudicated and despite severe government-caused delays.

4. Under *Maldonado-Bautista v. Garland*, 88 F.4th 681 (5th Cir. 2023), prolonged detention caused by procedural irregularities and delays deprives a detainee of due process and justifies immediate habeas intervention. Petitioner’s case mirrors the pattern of unconstitutional delay described in *Maldonado-Bautista*.

5. In light of these circumstances, Petitioner respectfully requests that the Court enforce the statutory requirements of § 2243 and modify the December 22 service order.

II. REQUEST TO ENFORCE 28 U.S.C. § 2243

6. Section 2243 provides in relevant part:

The writ, or order to show cause, shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

7. Petitioner has suffered prolonged detention due to government inaction, including:

- a. ICE's failure to adjudicate two bond motions (Nov. 13 and Nov. 28).
- b. ICE's transfer delays and administrative disruptions.
- c. EOIR's failure to provide timely hearings for more than six months.
- d. Pending immigration relief including asylum, I-130 petitions, and 42B Cancellation of Removal.

8. These facts constitute "good cause" to ***shorten***, not extend, the response time in accordance with § 2243.

9. Petitioner respectfully requests that the Court enforce the statute and order Respondents to show cause within ***three (3) days***.

III. REQUEST FOR IMMEDIATE JUDICIAL REVIEW AND RELIEF

10. Because Petitioner's detention has exceeded constitutional limits and because § 1226(a) entitles him to a custody determination that has never occurred, Petitioner requests:

- a. Immediate review of the habeas petition; and
- b. An order directing Petitioner's **release**, or in the alternative,
- c. A **custody redetermination (bond) hearing within seven (7) days**,
at which the Government must bear the burden of proof.

11. This request mirrors the relief authorized in Maldonado-Bautista and consistent with Petitioner's Prayer for Relief in the underlying habeas corpus petition.

IV. PRAYER FOR EMERGENCY RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Reconsider and modify the December 22, 2025 Service Order;
2. Enforce the statutory deadlines under 28 U.S.C. § 2243;
3. Order Respondents to **show cause within three (3) days**;
4. Issue immediate judicial review of Petitioner's prolonged detention;
5. Order Petitioner's **release**, or in the alternative,
6. Order a **custody redetermination hearing within seven (7) days** where the Government bears the burden of proof; and
7. Grant any other relief the Court deems just and proper.

Respectfully submitted,


Executed this 02 day of JANUARY, ~~2025~~. 2026

JANUARY 02, 2025

Junior Rafael Felliciano

A#



South Texas ICE Processing Center

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