

IN the United States District  
Court For the Northern District  
of Texas ABilene Division

Rafael Jose Romero Lopez

Petitioner,

v.

Warden Bluebonnet Detention Center,

Respondent.

Civil action NO. 1:25-cv-283-H

Petitioner Rafael Jose Romero Lopez respectfully submits this  
reply to Respondent's response.

I. My immigration case is not final.

The Government acknowledges that I appealed the immigration  
Judge's decision to the Board of immigration appeals

Under 8 C.F.R. § 124.1, a removal order does not become final until  
the Board of immigration appeals dismisses the appeal. Because  
my appeal is still pending, my immigration case is not final  
and my immigration proceedings remain ongoing.

II. The Government previously exercised discretion and  
released me.

The Government states that I was previously released from immigration custody under DHS discretionary Parole authority Pursuant to INA § 212(d)(5).

This shows that immigration authorities previously exercised their discretion and allowed me to remain in the community while my immigration case continued.

During that time, I complied with my immigration court hearings and ICE reporting requirements. I did not violate any condition of my release.

These facts demonstrate that I am not a danger to the community and that I do not present a flight risk.

III. I have not received a meaningful individualized review of my detention.

When I was taken back into immigration custody, I was not provided with a document clearly explaining the legal basis for my continued detention.

In addition, a bond hearing had been scheduled before the immigration court. However, that hearing did not take place because I was transferred between detention facilities.

As a result of that transfer, the scheduled bond hearing did not occur and I have remained detained without receiving an individualized custody determination.

Because of this, my detention has continued without a meaningful opportunity for a court to review whether my detention remains justified.

Continued detention that results from administrative transfers and delays, without an individualized custody determination, raises serious concerns under the due process clause of the Fifth Amendment.

IV. Respondent's reliance on *Buenrostro-Mendez* does not resolve the constitutional issue.

Respondent argues that my detention is authorized under INA § 1225 and relies on the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*.

I respectfully acknowledge that the Fifth Circuit addressed the statutory interpretation of INA § 1225 in that decision.

However, that decision addressed the interpretation of the detention statute and did not resolve the constitutional limits on continued immigration detention under the due process clause of the Fifth Amendment.

Even assuming that detention may be authorized under INA § 1225 as interpreted in *Buenrostro-Mendez*, the Constitution still requires that continued detention remain reasonable and consistent with due process.

V. Continued detention without individualized review raises serious due process concerns.

The Fifth Amendment provides that no person shall be deprived of liberty without due process of law.

Although immigration statutes may authorize detention in certain circumstances, the Constitution still requires meaningful procedural protections, including an individualized review of continued detention.

In this case I have remained detained without receiving an individualized custody determination addressing whether I present a danger to the community or a flight risk.

As my detention continues without meaningful individualized review, serious constitutional concerns arise regarding whether my continued detention remains reasonable under the due process clause.

The Supreme Court recognized limits on immigration detention in *Zadvydas v. Davis*, 533 U.S. 678 (2001), explaining that immigration detention cannot become indefinite or unreasonable.

## VI. Additional circumstances Supporting individualized review.

As reflected in the documents already filed in this case, I have Temporary protected status (TPS) for Venezuela and I have complied with the re-registration requirements.

This further demonstrates my compliance with immigration authorities and my ties to the community while my immigration proceedings remain pending.

## VII. Request For Relief.

For the reasons explained above, I respectfully request that this court grant my petition for writ of Habeas corpus.

I respectfully request that the court order my release from immigration detention.

In the alternative, if the court determines that immediate release is not appropriate, I respectfully request that the court order a prompt individualized custody review consistent with the due process clause

Respectfully Submitted,

Rafael Jose Romero Lopez  
Petitioner, Pro Se

Date: 03-17-2026

Signature: 

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


Executed on: 03-17-2026

Signature:   
Rafael Jose Romero Lopez

Certificate of Service

I certify that mailed a copy of this Reply to Counsel For Respondent at the address listed in Respondent's Filing

Date: 03-17-2026

Signature: 

Rafael Jose Romero Lopez  
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