IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

CARLOS JOSE JAUREGUI MORA *Petitioner*, v. KRISTI NOEM, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY, PAMELA BONDI, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL, TODD LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, JOSH JOHNSON, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE ICE DALLAS FIELD OFFICE, and MARCELLO VILLEGAS, IN HIS OFFICIAL CAPACITY AS WARDEN OF BLUEBONNET DETENTION FACILITY, *Respondents*.	§ §	**Case No.**

PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW Carlos Jose Jauregui Mora ("Petitioner"), by and through undersigned counsel, and respectfully petitions this Court for a writ of habeas corpus, seeking an order directing that he be afforded a bond hearing before an Immigration Judge ("IJ"). In support thereof, Petitioner states as follows:

I. INTRODUCTION

1. Petitioner is in the physical custody of Respondents at the Bluebonnet Detention Center in Anson, Texas. He now faces unlawful detention because the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ") have concluded that he is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without inspection (i.e., without being admitted or paroled), in violation of 8 U.S.C. § 1182(a)(6)(A)(i). Based on this allegation, Respondents have concluded that the Immigration Court lacks jurisdiction to provide Petitioner with a bond hearing.

3. On July 8, 2025, DHS, in collaboration with DOJ, issued a new policy instructing all Immigration and Customs Enforcement ("ICE") officers to treat any person inadmissible under § 1182(a)(6)(A)(i)—that is, anyone who entered the United States without inspection—as an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

4. Prior to this policy change, the Executive Office for Immigration Review ("EOIR"), through the Board of Immigration Appeals ("BIA"), had already begun laying the foundation for this abrupt shift. On May 15, 2025, the BIA issued a decision holding that an individual who enters without inspection and is arrested and detained without a warrant while arriving in the United States, and subsequently placed in removal proceedings, is subject to mandatory detention under § 1225(b)(2)(A) and ineligible for release on bond.

5. On September 5, 2025, the BIA completed this new mandatory detention framework by issuing a further decision that converted the DHS policy into binding precedent. The decision held that IJs "do not have the authority" to adjudicate bond hearings for individuals

who entered without inspection.

6. Considering these BIA decisions and DHS's new policy, Petitioner cannot request a bond hearing before the Immigration Court of the EOIR, as IJs lack jurisdiction to hear his case.

7. Respondents have concluded that, notwithstanding Petitioner's over four years of residence in the United States, his long-standing ties to this country, and the government's decision to allow him to enter the United States to seek protection, he is nevertheless an "applicant for admission" who is "seeking admission" and therefore subject to mandatory detention under § 1225(b)(2)(A).

8. Petitioner's detention under this theory violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and have been residing in the United States for extended periods of time. Instead, such individuals are subject to 8 U.S.C. § 1226(a), which provides authority for release on bond or conditional parole. Section 1226(a) expressly applies to noncitizens charged as inadmissible under § 1182(a)(6)(A)(i).

9. Respondents' new interpretation is contrary to the statutory framework and reverses decades of agency practice, which consistently treated long-term residents charged under § 1182(a)(6)(A)(i) as subject to detention—and release—under § 1226(a).

10. Accordingly, Petitioner seeks a writ of habeas corpus directing that he be provided with a bond hearing under § 1226(a) within seven days, at which DHS bears the burden of establishing the necessity of Petitioner's continued detention.

II. JURISDICTION & VENUE

11. This action arises under 28 U.S.C. § 2241, U.S. Const., Art. I, § 9, Cl. 2 (the

Suspension Clause), and the Fifth Amendment to the United States Constitution.

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Art. 1, § 9, Cl. 2 of the United States Constitution (the Suspension Clause). This Court retains subject matter jurisdiction over Petitioner's claims because he is presently detained in this District. *See* Order, *Armstrong v. Warden*, et al., No. 25-cv-203-H (W.D. Tex. Oct. 9, 2025) (ECF No. 4).

13. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

14. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Petitioner is detained at Bluebonnet Detention Center in Anson, Texas, which lies within the Northern District of Texas.

15. Nothing in the Immigration and Nationality Act ("INA") deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), 1252(f)(1), or 1226(e).

16. Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018) (holding that 8 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged immigration detention). Section 1252(f)(1) does not repeal this Court's authority to grant the relief Petitioner seeks because § 1252(f) "does not extend to individual cases." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). To the extent any provision of § 1252 could be construed to bar such review, it would violate the Suspension Clause.

17. Petitioner has exhausted all administrative remedies to the extent feasible. "[T]his court has concluded that when a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." *Lopez de Jesus v. INS*,

312 F.3d 155, 162 n.47 (5th Cir. 2002). Exhaustion is also excused when delay means hardship, *Shalala v. Illinois Council*, 529 U.S. 1, 13 (2000), and here delay means months of unlawful detention.[1]

III. PARTIES

18. Petitioner is a citizen of Venezuela who has resided in the United States since 2021. He is currently detained by ICE at the Bluebonnet Detention Center in Anson, Texas, within the Northern District of Texas. He is in Respondents' physical custody and is subject to ongoing immigration detention.

19. Respondent Kristi Noem is named in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Petitioner.

20. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Petitioner.

21. Respondent Todd Lyons is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Petitioner and to confine him pending removal. As such, he is a custodian of Petitioner.

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[1] This petition does not challenge the Notice to Appear. In any event, bond appeals before the BIA, on average, take six months to complete. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025). Exhaustion would not effectively afford Petitioner the relief he seeks, given that a removal determination would likely come before the BIA's determination of whether he is entitled to a bond hearing.

22. Respondent Josh Johnson is named in his official capacity as Acting Director of the ICE Dallas Field Office in Dallas, Texas. In this capacity, he is responsible for the execution of immigration confinement and the institution of removal proceedings within the region in which Petitioner is confined.

23. Respondent Marcello Villegas is named in his official capacity as the Warden of Bluebonnet Detention Center in Anson, Texas. In this capacity, he oversees the daily administration of the detention center in which Petitioner is in custody. As such, he is the immediate custodian of Petitioner.

IV. FACTUAL BACKGROUND

24. Petitioner is a native and citizen of Venezuela who has lived in the United States since 2021. For nearly four years, he has built his life, family, and community ties in this country. He has deep and longstanding roots in the United States.

25. On or about October 2025, Petitioner was arrested by ICE and subsequently transferred to the Bluebonnet Detention Center in Anson, Texas. He has remained in ICE custody since that time.

26. DHS has charged Petitioner as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for allegedly having entered the United States without inspection.

27. After placing Petitioner in removal proceedings, DHS determined that he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

28. Based on this classification, DHS and EOIR have taken the position that Petitioner is categorically ineligible for a bond hearing, and that Immigration Judges lack jurisdiction—under binding BIA precedent—to consider his release on bond under any circumstance.

29. As a result, Petitioner faces indefinite civil detention without any opportunity to seek release, without any individualized assessment of danger or flight risk, and without any procedural mechanism to challenge DHS's mandatory detention theory.

V. LEGAL FRAMEWORK

I. The Statutory Framework for Immigration Detention

30. Detention authority for those who have not yet been issued final removal orders is divided between two sections of the INA, 8 U.S.C. §§ 1225 and 1226. The Supreme Court recently analyzed the interplay between §§ 1225 and 1226 in *Jennings v. Rodriguez*. The first sentence of the Court's decision distinguishes between decisions made at the border and those made internally:

> Every day, immigration officials must determine whether to admit or remove the many [non-citizens] who have arrived at an official "port of entry" (*e.g.*, an international airport or border crossing) or who have been apprehended trying to enter the country at an unauthorized location. Immigration officials must also determine on a daily basis whether there are grounds for removing any of the [non-citizens] who are already present inside the country.

583 U.S. at 285.

31. The Court subsequently explained, "In sum, U.S. immigration law authorizes the Government to detain certain [non-citizens] seeking admission into the country under §§ 1225(b)(1) and (b)(2). It *also* authorizes the Government to detain certain [non-citizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Id.* at 289. (emphasis added). The Court noted that § 1225(b), the provision at issue in the instant habeas petition, "applies primarily to [non-citizens] seeking entry into the United States." *Id.* at 297.

32. The Court also explained that § 1226 "applies to [non-citizens] already present

in the United States" and "creates a default rule for those [non-citizens] by permitting – but not requiring – the Attorney General to issue warrants for their arrest and detention pending removal proceedings. Section 1226(a) also permits the Attorney General to release those [non-citizens] on bond, 'except as provided in subsection (c) of this section.'" *Id.* at 303. "Federal regulations provide that [non-citizens] detained under § 1226(a) receive bond hearings at the outset of detention." *Id.* at 306.

33. Section 1225(a)(1), *inter alia*, defines "applicants for admission" as non-citizens "present in the United States who ha[ve] not been admitted[.]" Relevant here, § 1225(b)(2)(A) states that "in the case of a[non-citizen] who is an applicant for admission, if the examining immigration officer determines that a[non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [non-citizen] shall be detained for a proceeding under section 1229a of this title." Section 1229a enumerates the procedures for standard, non-expedited removal proceedings.

II. Petitioner's substantial connections to the United States

34. Petitioner has substantial connections to his adopted home country such that he is part of "the people" to whom the protections of the Constitution apply. He has resided in the United States for over four years, during which time he has developed close ties to his adopted home country.

VI. CAUSES OF ACTION

Count I: Fifth Amendment Substantive Due Process

28 U.S. § 2241; U.S. Const. Art. I, § 9, cl. 2; amend. V

35. Petitioner realleges and incorporates by reference each and every allegation contained above.

36. The Due Process Clause of the Fifth Amendment provides that no person shall be

deprived of liberty without due process of law. U.S. Const. amend. V.

37. Substantive due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 507 U.S. 292, 301–02 (1993). "Substantive due process analysis must begin with a careful description of the asserted right." *Id.* at 302.

38. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Detention for non-criminal purposes is only allowed "in narrow nonpunitive circumstances, where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* (internal quotations and citations omitted). With respect to immigration detention, the Supreme Court has recognized two special justifications: preventing flight risk and preventing danger to the community. *See id.*

39. The substantive component of the Due Process Clause applies to Petitioner because he has developed substantial connections with the United States. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990) (non-citizens "receive constitutional protections when they have come within the territory of the U.S. and developed substantial connections with the country").

40. In *Verdugo-Urquidez*, the Supreme Court stressed two factors to test whether a non-citizen has established "substantial connections" sufficient to be considered part of "the people" to whom the protections of the Bill of Rights apply: (1) whether the non-citizen is in the U.S. voluntarily, and whether he or she has "accepted some societal obligations." 494 U.S. at 260.

41. In applying this test, various circuit and district courts have determined that individuals with more tenuous connections to the United States than Petitioner have "substantial connections" sufficient to trigger constitutional protections. *See Martinez-Aguero*, 459 F.3d at 625 (non-citizen and resident of Mexico who entered U.S. only to visit relative and procure social security check satisfied test for Fourth Amendment purposes, relying on *Verdugo-Urquidez* language requiring that non-citizen had "accepted some societal obligations"); *United States v. Meza-Rodriguez*, 798 F.3d 664, 670-71 (7th Cir. 2015) (holding that non-citizen *unlawfully* in the U.S. satisfied test because of long residence, sporadic work experience, and relationships with U.S. family and friends); *Ibrahim v. Dep't of Homeland Sec.*, 669 F.3d 983, 996-97 (9th Cir. 2012) (holding that non-citizen pursuing her Ph.D. in the United States for four years had established significant voluntary connection with the United States such that she could invoke the First and Fifth Amendments); *Haitian Ctrs. Council*, 823 F. Supp. 1028, 1042 (E.D.N.Y. 1993) (holding that two-year confinement at U.S. facility in Guantánamo Bay, Cuba, established substantial connection to the United States to give rise to due process rights).

42. Here, Petitioner has assumed substantial societal obligations through his long-term presence in the United States and the meaningful connections he has built both professionally and personally. Notably, he is the parent of a U.S. citizen child, further demonstrating his deep roots and commitment to his community.

43. The Fifth Circuit has held that even a non-resident non-citizen can have sufficient ties to be protected by the Fifth Amendment. *See Martinez-Aguero*, 459 F.3d at 625. If courts have determined that even non-U.S. residents can establish substantial connections, then Petitioner certainly can.

44. Because the Fifth Amendment applies to Petitioner, his continued detention

without bond is unconstitutional. There is no valid justification for denying Petitioner access to a bond hearing, where he bears the burden to establish that he is not a danger to the community and does not pose a flight risk.

45. Furthermore, Petitioner's substantial connections to the United States mean the Suspension Clause applies to him as well. In *Boumediene v. Bush*, the Supreme Court struck down the Military Commissions Act of 2006 because its stripped federal courts of jurisdiction to hear habeas petitions from detainees without providing "adequate substitute procedures for habeas corpus." 533 U.S. 723, 772 (2008). Here, § 1252(b)(2)(A), as applied to Petitioner, deprives him of any procedures whatsoever for seeking release. As such, the application of § 1225(b)(2)(A) violates the Suspension Clause.

46. Petitioner is therefore constitutionally entitled to a bond hearing before an IJ.

PRAYER FOR RELIEF

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

i. Assume jurisdiction over this matter;

ii. Order Respondents to show cause why a writ of habeas corpus should not be granted;

iii. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

iv. Grant a writ of habeas corpus ordering Respondents to immediately conduct a bonding hearing for Petitioner;

v. Declare that Petitioner's detention without bond violates the Fifth Amendment;

vi. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

vii. Grant such further relief as this Court deems just and proper.

Dated: December 18, 2025

Respectfully Submitted,

/s/ Miguel A. Taboada
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 18th day of December 2025.

/s/ Miguel A. Taboada
Miguel A. Taboada
Attorney for Petitioner