

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jose Dagoberto Licona Membreno

(b) County of Residence of First Listed Plaintiff Pearsall, TX (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Rudy Castillo, 2621 Rockgate, San Antonio, TX 78227

DEFENDANTS

Warden, South Texas Detention Complex

County of Residence of First Listed Defendant Pearsall, TX (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2241

Brief description of cause: Petition for Writ of Habeas Corpus challenging unlawful and prolonged immigration detention.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE NONE DOCKET NUMBER

DATE 12/22/2025 SIGNATURE OF ATTORNEY OF RECORD /s/ Rodolfo A. Castillo

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet


The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jose Dagoberto LICONA-MEMBRENO)
Petitioner-Plaintiff,)
)
v.)
)
MIGUEL VERGARA,)
Field Office Director)
U.S. Immigration and Customs Enforcement;)
)
Bobby Thompson,)
South Texas Detention Complex, Facility Warden)
)
Respondents-Defendants)
_____)

Civ. No. 5:25-cv-01845

DHS File Number: 

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

Petitioner, Jose Dagoberto Licona-Membreno, was placed in Removal Proceedings and was held for a substantial period until having his case heard by an Immigration Judge. On November 21, 2025, the Immigration Judge **granted** the relief he was seeking, **Cancellation of Removal** under **Immigration and Nationality Act (INA) § 240A(b), 8 U.S.C. § 1229b(b)**.

Jose Dagoberto Licona-Membreno has been held in ICE/Department of Homeland Security custody without lawful basis since **September 14, 2025**, in violation of statutory authority and the Fifth Amendment's Due Process Clause. This Petition challenges his prolonged, unnecessary, and unconstitutional detention and seeks immediate release or, in the alternative, a prompt and constitutionally sufficient bond hearing with the burden of proof on the government.

II. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. Jurisdiction is also proper under **28 U.S.C. § 1331** (federal question jurisdiction) and **28 U.S.C. §§ 2201–2202** (Declaratory Judgment Act).
3. **Venue** lies in this District pursuant to **28 U.S.C. § 1391(e)** and **Braden v. 30th Judicial Circuit Court of Ky., 410 U.S. 484 (1973)**, because Petitioner is detained within this district and Respondents exercise control over him here.

III. PARTIES

4. **Jose Dagoberto Licon-Membreno** is a noncitizen currently detained by Immigration and Customs Enforcement (ICE) at **South Texas Detention Complex**.
5. **Miguel Vergara** is responsible for ICE detention operations in this District.
6. **Bobby Thompson** is the immediate custodian of Petitioner.

IV. FACTUAL BACKGROUND

7. Petitioner has resided in the United States for more than **ten (10) years** and has **no criminal history**.
8. On **November 14, 2025**, an Immigration Judge granted Petitioner **Cancellation of Removal under INA § 240A(b) (42B)** after finding that Petitioner satisfied all statutory criteria, including exceptional and extremely unusual hardship to qualifying U.S. citizen relatives.
9. The Department of Homeland Security (DHS) **reserved appeal**, but as of **December 15, 2025**, review of the EOIR Case Access System (“ECAS”) and the EOIR Automated Case Information Portal confirmed that no appeal to the Board of Immigration Appeals had been filed by the Department of Homeland Security as of that date, and the case status reflected **“IJ Granted Relief,”** rather than “case pending.” *See* Exhibits B–C.
10. Despite the absence of any filed appeal and notwithstanding the Immigration Judge’s grant of Cancellation of Removal, ICE has continued to detain Petitioner indefinitely **without individualized findings**.
11. On **December 8, 2025**, a request for bond was denied by an Immigration Judge, citing *Matter of Hurtado*, 21 I&N Dec. 609 (BIA 1996), incorrectly asserting a lack of jurisdiction for bond redetermination.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

13. The government's authority to detain noncitizens is governed by **INA § 236(a), 8 U.S.C. § 1226(a)**, which allows discretionary detention **only pending removal proceedings**.
14. Once removal proceedings terminate in favor of the noncitizen, **there is no statutory basis for continued detention**. See *Demore v. Kim*, 538 U.S. 510, 527–28 (2003) (detention authority tied to pending removal).
15. Prolonged civil detention is subject to the Due Process Clause of the Fifth Amendment and must be **justified by individualized findings** of danger or flight risk. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

VI. ARGUMENT

A. Continued Detention After a Grant of 42B Relief Is Unlawful

16. Upon the Immigration Judge's grant of Cancellation of Removal, **Petitioner ceased to be a "removable" person** under the INA.
17. The **government's mere reservation of appeal does not confer authority to detain**. Detention under INA § 236(a) is discretionary and **requires individualized findings**.
18. Numerous courts have held that **detention after cancellation of removal is unjustified without statutory basis**. See *Ortega v. U.S. Dep't of Homeland Sec.*, 737 F.3d 435 (6th Cir. 2013); *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016) (due process applies to prolonged detention).

B. *Matter of Hurtado* Does Not Bar Habeas Relief

19. *Matter of Hurtado*, 21 I&N Dec. 609 (BIA 1996), is limited to **immigration courts' jurisdiction over bond**, not federal habeas courts' power to review the legality of detention.
20. The federal district court has **independent habeas corpus jurisdiction under 28 U.S.C. § 2241**, regardless of immigration court limitations. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008).
21. Continued reliance on *Matter of Hurtado* to deny Petitioner relief **violates basic due process principles**, leading to **indefinite detention without review**. See also *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Judulang v. Holder*, 565 U.S. 42 (2011) (agency decisions must be lawful and reasonable).

C. Petitioner's Detention Violates Due Process

22. Petitioner has no criminal history, strong community ties, and a favorable IJ decision yet remains detained without a finding of danger or flight risk.
23. The **Due Process Clause** prohibits prolonged detention unless the government shows, by **clear and convincing evidence**, that such detention is justified. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).
24. ICE's blanket denial of release **violates procedural due process and is excessive** in light of the relief granted.

D. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Custody Hearing

25. If immediate release is not granted, due process requires a bond hearing where DHS bears the burden of proof. See *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (N.D. Cal. 2019).

VII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

27. Petitioner incorporates all preceding paragraphs.
28. Respondents are detaining Petitioner in violation of the Fifth Amendment.

COUNT II – Declaratory Relief

29. A declaration is warranted that Petitioner's continued detention is unlawful, without statutory authority, and violates due process.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus;
- B. Order Respondents to immediately release Petitioner; or, in the alternative,
- C. Order a prompt, constitutionally adequate custody hearing with the burden on DHS;
- D. Declare that Petitioner's continued detention violates the Constitution;
- E. Grant any other relief the Court deems just and proper.

Respectfully submitted,

Rodolfo Castillo

Rodolfo Castillo

Attorney for Petitioner

Texas Bar No. 24000489

Rudy Castillo Law Firm

2621 Rockgate Dr.

San Antonio, TX 78227

Phone: (210) 777-1111

Email: rc@rudycastillolaw.com

IX. SIGNATURE & VERIFICATION

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

Executed on 12/22/2025

Rodolfo Castillo

Rodolfo A. Castillo

Attorney for Petitioner

EXHIBITS

- **Exhibit A** – Immigration Judge Decision Granting Cancellation of Removal (INA § 240A(b))
- **Exhibit B** – EOIR Case Access System (ECAS) Screenshot dated 12/15/25 reflecting no BIA appeal filed
- **Exhibit C** – EOIR Automated Case Information Portal Screenshot dated 12/15/25 reflecting case status “IJ granted relief”
- **Exhibit D** – Immigration Judge Bond Decision Denying Release pursuant to Matter of Hurtado
- **Exhibit E** – Form I-862, Notice to Appear
- **Exhibit F** – Attorney Declaration Authenticating Exhibits A–E

EXHIBIT

A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

LICONA-MEMBRENO, JOSE
DAGOBERTO

To:

CASTILLO, RODOLFO
2621 ROCKGATE
SAN ANTONIO, TX 78227

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

11/14/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 11/14/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212 (a) (6) (A) (i)

The immigration court found Respondent not removable not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was granted denied withdrawn with prejudice withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was granted denied withdrawn with prejudice withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was granted denied withdrawn with prejudice withdrawn without prejudice

C. Waiver

- A waiver under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

D. Adjustment of Status

- Adjustment of Status under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

E. Other

III. Voluntary Departure

- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was denied.
- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
 - Further information regarding voluntary departure has been added to the record.
 - Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- the presumptive civil monetary penalty amount of \$3,000.00 USD
- \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

- Respondent was ordered removed to
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

- Proceedings were dismissed terminated with prejudice
 terminated without prejudice administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:



Immigration Judge: McKee, James 11/14/2025


Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved
Appeal Due: 12/15/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [M] Alien | [M] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : LICONA-MEMBRENO, JOSE DAGOBERTO | A-Number : 

Riders:

Date: 11/14/2025 By: McKee, James, Immigration Judge

EXHIBIT

B

A-Number: [REDACTED], LICONA-MEMBRENO, JOSE
DAGOBERTO

Select a case to view details and file documents

Removal Charging Doc. Date: 09/16/2025

[View Details](#)

Bond Charging Doc. Date: 09/16/2025
Bond Request Date: 11/26/2025

[Case Completed](#)

Court Information

Case Type: Removal

Charging Doc. Date: 09/16/2025

Alien Name: LICONA-MEMBRENO, JOSE DAGOBERTO

Hearing Location: -- NA --

Next Case: -- NA --


Hearing:


Hearing Medium: -- NA --

Immigration Court: 566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

IJ Decision: -- NA --

IJ Decision Date: This case is pending.


Name: LICONA - MEMBRENO, JOSE DAGOBERTO A-Number:  Docket Date: 9/23/2025

 **Next Hearing Information**

There are no future hearings for this case.

 **Court Decision and Motion Information**

This case is pending.

 **BIA Case Information**

No appeal was received for this case.

 **Court Contact Information**

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER
(210) 368-5700

EXHIBIT

C

An official website of the United States government
Here's how you know



Court Closures Today December 15, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > LICONA-MEMBRENO, JOSE DAGOBERTO ([REDACTED])



Automated Case Information

Name: LICONA-MEMBRENO, JOSE DAGOBERTO | A-Number:
[REDACTED] | Docket Date: 9/23/2025

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge **GRANTED** an application.

DECISION DATE

November 14, 2025

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER

(210) 368-5700

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LICONA-MEMBRENDO, JOSE DAGOBERTO

Select a case to view details and file documents

Removal Charging Doc. Date: 09/16/2025

Bond Charging Doc. Date: 09/16/2025
Bond Request Date: 11/26/2025

[Case Completed](#)

[Case Completed](#)

Court Information

Case Type: Removal

Charging Doc. Date: 09/16/2025

Alien Name: LICONA-MEMBRENDO, JOSE DAGOBERTO

Hearing Location: -- NA --

Next Case Hearing: -- NA --

Hearing Medium: -- NA --

Immigration Court: 566 VETERAN DRIVE, SUITE 101
PEARISALL, TX 78061

IJ Decision Date: 11/15/2025

IJ Decision: The Immigration Judge granted relief.

EXHIBIT

D



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT**

Respondent Name:

LICONA-MEMBRENO, JOSE
DAGOBERTO

To:

CASTILLO, RODOLFO
2621 ROCKGATE
SAN ANTONIO, TX 78227

A-Number:



Riders:

In Custody Redetermination Proceedings

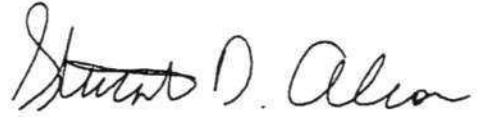
Date:

12/08/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
Certification of a class does not grant relief. The respondent is an applicant for admission and is subject to mandatory detention under INA § 235(b)(2)(A). The court lacks authority to consider the bond request. Matter of Jonathan Javier YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025).
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: Alcorn, Stuart 12/08/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 01/07/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : LICONA-MEMBRENO, JOSE DAGOBERTO | A-Number : 

Riders:

Date: 12/08/2025 By: Rios, Diana, Court Staff

EXHIBIT

E

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: JOSE DAGOBERTO LICONA-MEMBRERO

currently residing at:

566 Veteran Dr Pearsall, TEXAS 780616623

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You entered the United States at or near Eagle Pass, Texas, on or about February 14, 2010;
2. You were not then admitted or paroled after inspection by an Immigration Officer.
3. You are not a citizen or national of the United States;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

566 VETERAN DR, STE 101 PEARSALL, TEXAS 78061. Pearsall, Tx - Det Facility

(Complete Address of Immigration Court, including Room Number, if any)

on October 6, 2025 at 1:30 pm to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

DWIGHT LEVY - (AT)SDDO

(Signature and Title of Issuing Officer)

Date: September 16, 2025

San Antonio, Texas

(City and State)

EOIR - 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on September 16, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

REFUSED TO SIGN

(Signature of Respondent if Personally Served)

J. 10187 DEMAGGIO - Deportation

(Signature and Title of officer)

EOIR - 2 of 3

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT

F

**ATTORNEY DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS**

I, **Rodolfo Castillo** declare as follows:

1. I am an attorney licensed to practice law and represent Petitioner in the above-captioned matter.
2. On **December 15, 2025**, I accessed the Executive Office for Immigration Review (EOIR) Case Access System (ECAS) for Petitioner's case.
3. On the same date, I accessed the EOIR Automated Case Information Portal.
4. The screenshots attached as **Exhibits B and C** are true and correct copies of what I observed on December 15, 2025, reflecting that **no appeal to the Board of Immigration Appeals had been filed** and that the case status reflected "**IJ granted relief.**"
5. The documents attached as **Exhibits A, D, and E** are true and correct copies of records maintained in the ordinary course of representation.

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


Executed on **12/22/25** at **San Antonio, TX**.

Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jose Dagoberto LICONA-MEMBRENO)
Petitioner-Plaintiff,)
)
v.)
)
MIGUEL VERGARA,)
Field Office Director)
U.S. Immigration and Customs Enforcement;)
)
Bobby Thompson,)
South Texas Detention Complex, Facility Warden)
)
Respondents-Defendants.)
_____)

Civ. No. 5:25-cv-01845

DHS File Number: 

MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

Petitioner, **Jose Dagoberto Licona-Membreño**, respectfully submits this Memorandum of Law in support of his Petition for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, seeking immediate release or, in the alternative, a **prompt custody hearing** with due process protections. Petitioner has been **granted Cancellation of Removal under INA § 240A(b), 8 U.S.C. § 1229b(b)**, and is no longer subject to a final order of removal. Despite this, he remains detained by ICE without individualized findings or legal justification.

II. LEGAL STANDARD

Under 28 U.S.C. § 2241, federal courts have jurisdiction to review the legality of immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). The writ may issue if a person is “in custody in violation of the Constitution or laws or treaties of the United States.” When a noncitizen has been granted relief from removal and is no longer subject to a final order, detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), and is subject to procedural and

substantive due process protections under the Fifth Amendment. See *Demore v. Kim*, 538 U.S. 510, 527 (2003); *Zadvydas*, 533 U.S. at 690.

III. ARGUMENT

A. Petitioner's Continued Detention Is Statutorily Unauthorized

After the grant of Cancellation of Removal, Petitioner is not subject to removal proceedings, and ICE has no statutory authority under INA § 236(a) or § 241(a) to continue detaining him. See *Ortega v. U.S. Dep't of Homeland Sec.*, 737 F.3d 435, 439 (6th Cir. 2013) (once noncitizen wins relief, ICE cannot continue to detain absent statutory basis); *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016) (requiring justification for prolonged detention); *Rodriguez v. Robbins*, 715 F.3d 1127, 1135 (9th Cir. 2013) (bond hearings required after prolonged detention under § 1226).

B. The Government's Appeal Reservation Does Not Authorize Automatic Detention

The Department of Homeland Security (DHS) reserved appeal but failed to file one. Even if an appeal were pending, that alone **does not justify indefinite detention**. See *Judulang v. Holder*, 565 U.S. 42 (2011) (agency actions must be lawful and reasoned); *Zadvydas*, 533 U.S. at 690 (civil detention must bear reasonable relation to removal purposes).

C. Reliance on *Matter of Hurtado* Misstates the Role of Federal Courts

The immigration judge cited *Matter of Hurtado*, 21 I&N Dec. 609 (BIA 1996) to deny bond. But *Hurtado* does not apply to federal habeas corpus authority. Federal courts have **independent jurisdiction** to grant release or require a custody hearing under § 2241. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011).

D. Due Process Requires a Prompt Hearing with the Burden on the Government

Petitioner has no criminal history, deep ties to the U.S., and has already been deemed statutorily eligible and meritorious of discretionary relief. His continued detention serves no legitimate government purpose.

The Fifth Amendment requires a prompt bond hearing where DHS bears the burden to prove dangerousness or flight risk by clear and convincing evidence. *See Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (N.D. Cal. 2019)

IV. CONCLUSION

For the reasons above, Petitioner respectfully requests that this Court:

- **Issue the writ of habeas corpus and order Petitioner's immediate release, or**
- **In the alternative, order a prompt, constitutionally adequate bond hearing, with the burden on the government to justify continued detention.**

Rodolfo Castillo

Respectfully submitted,

Rodolfo Castillo

Attorney for Petitioner

Texas Bar No. 24000489

Rudy Castillo Law Firm

2621 Rockgate Dr.

San Antonio, TX 78227

(210) 777-1111

Email: rc@rudycastillolaw.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jose Dagoberto LICONA-MEMBRENO)
Petitioner-Plaintiff,)
)
v.)
)
MIGUEL VERGARA,)
Field Office Director)
U.S. Immigration and Customs Enforcement;)
)
Bobby Thompson,)
South Texas Detention Complex, Facility Warden)
)
Respondents-Defendants.)
_____)

Civ. No. 5:25-cv-01845

DHS File Number: 

ORDER GRANTING WRIT OF HABEAS CORPUS AND ORDERING IMMEDIATE
RELEASE

Upon consideration of the **Emergency Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241**, and Complaint for Declaratory and Injunctive Relief filed by Petitioner **Jose Dagoberto Licona-Membreño**, and it appearing to the Court that Petitioner is in custody in violation of the Constitution or laws of the United States,

IT IS HEREBY ORDERED that:

1. The Petition for Writ of Habeas Corpus is GRANTED
2. The Respondents shall IMMEDIATELY RELEASE Petitioner from immigration custody, no later than _____, by _____;
3. Alternatively, Respondents may provide Petitioner a custody redetermination hearing before an immigration judge within 7 days of this Order, consistent with the requirements of Matter of Guerra;
4. Respondents are ENJOINED from detaining Petitioner under 8 U.S.C. § 1226 is determined by a neutral adjudicator.

IT IS SO ORDERED.

Signed this ____ day of _____, 2025.

Hon.
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December 2025, I electronically filed the foregoing **Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241** with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Warden, South Texas Detention Complex
566 Veterans Dr.
Pearsall, TX 78061

and

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

and

U.S. Attorney's Office
Western District of Texas – San Antonio Division
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Respectfully submitted,

Rodolfo Castillo

Rodolfo Castillo
Attorney for Petitioner
Texas Bar No. 24000489
Rudy Castillo Law Firm
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com