

I. PARTIES & CUSTODY

1. Petitioner Marcos Abel Bustillo Cruz is currently detained at the Joe Corley Processing Center, operated under contract with ICE, located at 500 Hilbig Rd, Conroe, TX 77301. He has been in ICE custody since November 3, 2025.
2. Respondent Raymond Thompson, in his official capacity as Co-Associate Warden of the Joe Corley Processing Center, has refused to effect Petitioner's release from unlawful custody at the Joe Corley Processing Center.
3. Respondent Grant Dickey, in his official capacity as Co-Associate Warden of the Joe Corley Processing Center, has refused to effect Petitioner's release from unlawful custody at the Joe Corley Processing Center.
4. Respondent Bret Bradford, in his official capacity as Director of the Houston Field Office of ICE Enforcement and Removal Operations, has refused to effect Petitioner's release from unlawful custody at the Joe Corley Processing Center.
5. Respondent Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, has refused to exercise her authority to oversee her department's ICE Enforcement and Removal Operations and thereby effect Petitioner's release from unlawful custody at the Joe Corley Processing Center.
6. Respondent Pam Bondi, in her official capacity as Attorney General of the United States, has refused to exercise her authority to oversee her department's ICE Enforcement and

Removal Operations and thereby effect Petitioner's release from unlawful custody at the Joe Corley Processing Center.

II. JURISDICTION & VENUE

7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to issue writs of habeas corpus when the petitioner is in custody in violation of the Constitution or laws of the United States.
8. Venue is proper in this district because Petitioner is detained within this district.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Petitioner has exhausted his administrative remedies to the extent required by law.
10. Petitioner has fully cooperated with Respondents and has not delayed or obstructed his detention.
11. Petitioner will request a custody and bond redetermination from the Conroe Immigration Court. However, requiring Petitioner to await this hearing would be futile, as Immigration Courts routinely deny bond requests for individuals in Petitioner's custody posture pursuant to Matter of Yajure-Hurtado, on the ground that they lack jurisdiction to grant bond.
12. Petitioner's only remedy is by way of this judicial action.

IV. FACTUAL AND PROCEDURAL BACKGROUND

13. Petitioner is a thirty-five-year-old male native and citizen of Honduras. *See attached, Exhibit A: Petitioner's Identification.* He fled Honduras on March 29, 2020, due to persecution and threats of violence against him and his family based on their membership in a particular social group, and because he faces a substantial risk of torture if returned to Honduras.
14. On March 29, 2020, Petitioner entered the United States without inspection.
15. On November 3, 2025, Petitioner was detained by ICE officers and charged with being an alien present in the United States without being admitted or paroled. *See attached, Exhibit B: Notice to Appear.*
16. Following his arrest, Petitioner was processed and held at the Joe Corley Processing Center, located at 500 Hilbig Rd, Conroe, TX 77301. *See attached, Exhibit C, Form I-830E (Notice to EOIR: Alien Address).*
17. Petitioner's removal proceedings are currently pending before the Conroe Immigration Court, where he is scheduled for a hearing on January 21, 2026. *See attached, Exhibit D, Case Notice.*
18. Petitioner states that he intends to submit an application for asylum at the earliest practicable time.
19. The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention pending the outcome of his removal proceedings.

20. Petitioner, through Counsel, now submits the present Petition for Writ of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order Respondents to effect his immediate release.

V. LEGAL FRAMEWORK FOR RELIEF SOUGHT

21. Under U.S. Code 28 § 2241, writs of habeas corpus may be granted by the district courts on behalf of a prisoner in several instances, including when they are (1) “in custody under or by the authority of the United States or is committed for trial before some court thereof,” (3) “in custody in violation of the Constitution or laws and treaties of the United States,” and (4) when they, “being a citizen of a foreign state and domiciled therein [are] in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations[.]”

22. Courts have consistently recognized “habeas corpus as an appropriate vehicle through which noncitizens may challenge the fact of their civil immigration detention.” *Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330, 336 (S.D. Tex. 2020) (citing *Zadvydas v. Davis*, 533 U.S. at 688 (ruling on merits of habeas petition challenging validity of indefinite mandatory detention)).

VI. CLAIMS FOR RELIEF

COUNT ONE:

RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER
IN VIOLATION OF THE IMMIGRATION AND NATURALIZATION ACT.

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.
24. Petitioner is currently in removal proceedings before the Conroe Immigration Court, and there has been no final order of removal issued against him. Respondents lack statutory authority to detain him while his removal proceedings are pending, and no removal order has been issued.
25. Petitioner poses no risk of danger to the community. In the five years since Petitioner came to the United States, he has never been charged with a crime, nor has he demonstrated any conduct whatsoever indicating that he is a threat to the United States or otherwise eligible for deportation.
26. Therefore, **Petitioner merits immediate release** because there has been no final order of removal issued against him, and the government cannot articulate any meaningful reason why he should continue to remain in detention while his removal proceedings are pending.

COUNT TWO:

**RESPONDENTS HAVE UNLAWFULLY DETAINED PETITIONER
IN VIOLATION OF CONSTITUTIONAL DUE PROCESS**

27. Petitioner alleges and incorporates by reference paragraphs 1 through 26 above.
28. Petitioner's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

29. Petitioner is unlawfully in custody pursuant to INA § 241(a)(6), 8 U.S.C. § 1231(a)(6) (2018) (“Section 241”). Under *Zadvydas*, that provision prohibits the indefinite detention of noncitizens who (i) cannot be repatriated in the reasonably foreseeable future, and (ii) pose no threat to the community. Any such detention is unconstitutional. *See Zadvydas*, 533 U.S. at 689, emphasis added (“In our view, the statute [Section 241], read in light of the Constitution's demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States. It does not permit indefinite detention.”).
30. The Fifth Amendment's Due Process Clause prohibits the government from detaining individuals without legal authority.
31. Under 8 U.S.C. § 1231(a)(1), detention during the removal period is only authorized after a removal order becomes "final."
32. As stated above, Petitioner's removal proceedings remain pending. The removal order is not final and cannot serve as a basis for continued detention.
33. Furthermore, under *Zadvydas*, a non-citizen petitioner is not barred from seeking a writ of habeas corpus as relief for indefinite detention when there has been no final order issued. *See Zadvydas*, 533 U.S. at 688 (“The aliens here, however, do not seek review of the Attorney General's exercise of discretion; rather, they challenge the extent of the Attorney General's authority under the post-removal-period detention statute. And the extent of that authority is not a matter of discretion . . . [therefore we] conclude habeas corpus proceedings remain available. . . .”).

34. Therefore, this petition is not barred, as the Petitioner is not seeking to collaterally attack the final removal order, because there is no final order yet issued by the Court.

35. Petitioner's continued detention lacks statutory authority and violates his right to substantive due process under the Constitution. Therefore, he should be immediately released from custody.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court **IMMEDIATELY** issue a temporary restraining order:

1. **Directing Respondents to immediately release Petitioner from custody;**
2. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
3. Directing Respondent to take all necessary steps to halt any removal preparations;
4. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
5. Set an expedited hearing on Petitioner's motion for preliminary injunction;
6. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
7. Petitioner requests that this Court order the Immigration Judge to conduct a bond hearing within 7 days governed under INA §1226(a) in the alternative, if immediate release is not possible.
8. Waive or set security in a nominal amount;
9. Award attorney's fees and costs; and

10. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfon Street
Houston, Texas 77081
Tel. (346) 205-4343
matt@mendezlawoffice.com

PETITIONER VERIFICATION

Petitioner, Marcos Abel Bustillo Cruz, is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on his behalf, that the facts stated therein are true and correct to the best of his knowledge and belief.

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Grant Dickey, in his official capacity as Co-Associate Warden of the Joe Corley Processing Center ;** at the Joe Corley Processing Center , 500 Hilbig Rd, Conroe, TX 77301

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Raymond Thompson , in his official capacity as Co-Associate Warden of the Joe Corley Processing Center ;** at the Joe Corley Processing Center , 500 Hilbig Rd, Conroe, TX 77301

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the

Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney’s Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Plaintiff served a copy of the attached Exhibits via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney’s Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Plaintiff served a copy of the attached petition via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States, at USATXS.CivilNotice@usdoj.gov.

/S/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/25
Date