

I. PARTIES & CUSTODY

1. Petitioner Marlon Bosveli Vasquez Gomez is currently detained at the Immigration and Customs Enforcement (“ICE”) Joe Corley Processing Center, located at 500 Hilbig Road, Conroe, TX 77301. He has been in ICE custody since December 3, 2025.
2. 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 that facility.
3. Respondent Raymond Thompson, in his official capacity as Co-Associate Warden of the ICE Joe Corley Processing Center, has refused to effect Petitioner’s release from unlawful custody at that facility.
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's only remedy is by way of this judicial action.
12. ICE has not provided Petitioner with any bond hearing or other administrative mechanism through which he could seek release from custody.

IV. FACTUAL AND PROCEDURAL BACKGROUND

13. Petitioner is a twenty-three-year-old male, a native and citizen of Guatemala, born on April 20, 2002.
14. Petitioner entered the United States without inspection in or about 2021. Since his entry, he has continuously resided in the United States for approximately four years.

15. Petitioner is the father of a ten-month-old child who resides in the United States. His prolonged presence in this country has allowed him to establish family ties and roots within the community.
16. Petitioner has not been placed into removal proceedings and has not received a Notice to Appear or any final order of removal.
17. Despite the absence of any removal proceedings, Petitioner is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Joe Corley Processing Center in Conroe, Texas. See attached, Exhibit A: ICE Detainee Locator Results.
18. The government has not been able to articulate any meaningful reason why the Petitioner should continue to remain in detention. Despite this, ICE continues to detain him without any bond hearing or any explanation of danger or flight risk.
19. 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

20. 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[.]”

21. 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.**

22. Petitioner alleges and incorporates by reference paragraphs 1 through 21 above.
23. Petitioner’s continued detention exceeds the authority granted under the Immigration and Nationality Act (“INA”). Respondents assert detention pursuant to 8 U.S.C. § 1231 (INA § 241), which governs post-order custody. However, detention under § 241 is strictly limited to the period “reasonably necessary” to effectuate removal.
24. Petitioner poses no risk of danger to the community. In the 4 years since Petitioner came to the United States, he has not demonstrated any conduct whatsoever indicating that he is a threat to the United States or otherwise eligible for deportation.
- a. Petitioner has never been issued a final order of removal and has not been placed in removal proceedings. Nevertheless, ICE detained Petitioner in 2025 and has continued to hold him in custody without providing any bond hearing or

individualized determination that he poses a danger to the community or a risk of flight. Petitioner's continued civil detention, in the absence of removal proceedings or meaningful procedural safeguards, exceeds the government's statutory authority and violates the Due Process Clause of the Fifth Amendment.

25. Therefore, Petitioner merits immediate release because he is being subjected to continued civil immigration detention without any statutory or constitutional basis. Petitioner has not been placed in removal proceedings, has not received a bond hearing, and has never been found to pose a danger to the community or a risk of flight. Respondents' continued detention of Petitioner without individualized process violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. Petitioner therefore respectfully requests immediate release, or in the alternative, a prompt bond hearing before an Immigration Judge.

COUNT TWO:

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

26. Petitioner alleges and incorporates by reference paragraphs 1 through 25 above.

27. Petitioner's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

28. 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.”).

29. The Fifth Amendment's Due Process Clause prohibits the government from detaining individuals without legal authority.

30. Petitioner has been detained since December 3, 2025, despite never having been placed into removal proceedings and never having received a Notice to Appear. Although Petitioner has fully cooperated with all requests made by ICE, the government has taken no steps to initiate removal proceedings or provide Petitioner with a bond hearing or any individualized determination regarding danger or flight risk.

31. Furthermore, under *Zadvydas*, a non-citizen petitioner is not barred from seeking a writ of habeas corpus as relief for indefinite detention when removal has not been effectuated in reasonable time nor is it reasonably foreseeable that it will be. *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. . . .”). Therefore, this petition is not barred.

32. 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 Marlon Bosveli Vasquez Gomez respectfully requests that this Honorable Court **IMMEDIATELY** issue a temporary restraining order:

1. **Directing Respondents to immediately release Petitioner from custody;**
2. In the alternative, if immediate release is not ordered, directing Respondents to provide Petitioner with a prompt, individualized bond hearing governed by INA § 236(a), 8 U.S.C. § 1226(a).
3. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
4. Directing Respondent to take all necessary steps to halt any removal preparations;
5. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
6. Set an expedited hearing on Petitioner's motion for preliminary injunction;
7. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
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 Gulfton Street
Houston, Texas 77081
Tel. (346) 205-4343
matt@mendezlawoffice.com

PETITIONER VERIFICATION

Petitioner 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

12/26/2025

Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Petitioner served a copy of the attached Petition 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 Immigration and Customs Enforcement (“ICE”) Joe Corley Processing Center, located at 500 Hilbig Rd, Conroe, TX 77301.

/s/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/26/2025

Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Petitioner served a copy of the attached Petition via USPS 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 (1) Office of the Warden, 500 Hilbig Road, Conroe, Texas 77301, 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

12/26/2025
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Petitioner served a copy of the attached Petition via USPS Certified 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

12/26/2026
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Petitioner served a copy of the attached Petition via USPS Certified 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

12/26/2025
Date

CERTIFICATE OF SERVICE

On December 26, 2025, Counsel for Petitioner 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 their Official Capacity as Attorney General of the United States**, at USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

12/26/2025
Date