



2. Petitioner was arrested during an interior ICE enforcement action, without a judicial warrant, without probable cause, and without lawful detention authority.
3. ICE asserts mandatory detention under INA §1225, relying on Matter of Yajure Hurtado to label Petitioner an “applicant for admission.”
4. That theory is statutorily incorrect, constitutionally infirm, and non-binding on this Court and the Fifth Circuit.
5. Because the arrest itself was unlawful, Petitioner seeks immediate injunctive relief and issuance of the writ.

## **II. JURISDICTION AND AUTHORITY**

6. Jurisdiction lies under 28 U.S.C. § 2241 and 28 U.S.C. § 1331.
7. The Fifth Circuit recognizes habeas jurisdiction over challenges to the fact and legality of immigration detention, including constitutional claims. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Pierre v. United States*, 525 F.2d 933 (5th Cir. 1976).
8. This Court has authority to issue a TRO to halt ongoing constitutional violations. *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012).

### III. STATEMENT OF FACTS

9. Petitioner Miguel Angel Caro Garcia is a native and citizen of Mexico. On or about April 23, 2024, Petitioner entered the United States near Sasabe, Arizona with his family and was apprehended by U.S. Border Patrol agents. *See attached*, Exhibit A (Form I-213, Record of Deportable/Inadmissible Alien).
10. On April 23, 2024, the Department of Homeland Security (“DHS”) issued Petitioner a Notice to Appear, charging him under INA § 212(a)(6)(A)(i) as a noncitizen present without admission or parole and placing him in removal proceedings before the Immigration Court in Houston, Texas. *See attached*, Exhibit B (Notice to Appear).
11. After initial processing, DHS released Petitioner from custody due to lack of detention space, and Petitioner was allowed to reside at his reported address in Channelview, Texas. Petitioner thereafter lived openly in the United States and fully complied with DHS supervision and reporting requirements while his removal proceedings remained pending. *See attached*, Exhibit A.
12. Petitioner appeared for scheduled Immigration Court proceedings and continued to pursue protection-based relief, including asylum and related relief, on January 10, 2025, while remaining under the jurisdiction of the Immigration Court. *See attached*, Exhibit C (I-589).

13. On or about November 20, 2025, while still in active removal proceedings and without any intervening criminal conduct, ICE re-arrested and detained Petitioner, transferring him to the Montgomery Processing Center in Conroe, Texas. Petitioner was subsequently transferred, on or about November 25, 2025, to the Joe Corley Processing Center. See attached, Exhibit D (ICE Notice to EOIR – Alien Address).
  
14. ICE arrested and detained Petitioner without a judicial warrant, and without alleging that Petitioner posed a danger to the community or a flight risk.
  
15. ICE asserts detention authority over Petitioner solely under INA § 1225, relying on Matter of Yajure-Hurtado, notwithstanding Petitioner’s prior release from custody, extended presence in the United States, and placement in full removal proceedings under INA § 240.
  
16. Following his re-detention, Petitioner requested a custody redetermination hearing before the Immigration Court. On December 22, 2025, the Immigration Judge denied the request, concluding that the court lacked jurisdiction to conduct a bond hearing due to ICE’s assertion of INA § 1225 detention authority. See attached, Exhibit E (Immigration Judge Bond Order dated December 22, 2025).
  
17. As a result, Petitioner has never received an individualized bond hearing, nor any neutral adjudication of whether his continued detention is authorized under the Immigration and Nationality Act or consistent with the Due Process Clause.

18. Petitioner remains detained solely at the discretion of ICE, without a statutory bond hearing under INA § 1226(a), without procedural safeguards, and without any finding that detention is necessary to serve a legitimate governmental purpose.

#### **IV. LEGAL STANDARD FOR TRO**

14. A TRO is warranted where the movant shows:

- likelihood of success on the merits,
- irreparable harm,
- balance of equities in the movant's favor,
- consistency with the public interest.

*See* Winter v. NRDC, 555 U.S. 7 (2008); Opulent Life Church, 697 F.3d at 295.

15. The Fifth Circuit holds that loss of liberty constitutes irreparable harm. *See* Texas v. United States, 809 F.3d 134, 155–56 (5th Cir. 2015).

#### **V. LIKELIHOOD OF SUCCESS ON THE MERITS**

##### **A. Fourth Amendment — Unlawful Seizure**

16. The Fourth Amendment applies to civil immigration arrests inside the United States.

17. Warrantless seizures are unreasonable absent probable cause and lawful statutory authority. *See* *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975); *Melendres v. Arpaio*, 695 F.3d 990, 1000–01 (9th Cir. 2012).
18. The Fifth Circuit recognizes that civil detention unsupported by statutory authority violates the Fourth Amendment. *See* *Vega v. United States*, 881 F.3d 1146, 1153 (5th Cir. 2018).
19. Because INA §1225 does not apply, ICE lacked lawful authority—rendering the seizure *per se* unreasonable.

**B. INA §1225 Does Not Apply to Interior Residents**

20. Section 1225 governs inspection and detention of arriving aliens.
21. Congress separately addressed interior detention under INA §1226, confirming §1225’s limited scope.
22. The Fifth Circuit has repeatedly distinguished arriving aliens from those already present in the United States. *See* *Gisbert v. U.S. Attorney General*, 988 F.2d 1437, 1441–42 (5th Cir. 1993).
23. Petitioner was not seeking admission and therefore cannot be detained under §1225.

### **C. Matter of Yajure Hurtado Is Not Binding**

24. Yajure Hurtado is a BIA decision.

25. The Fifth Circuit holds that agency interpretations do not bind Article III courts, particularly where constitutional rights are implicated. *See Texas v. United States*, 787 F.3d 733, 749–50 (5th Cir. 2015).

26. No Fifth Circuit precedent adopts Yajure’s expansion of §1225 to interior arrests.

27. ICE cannot rely on a non-binding agency opinion to justify warrantless detention.

### **D. Fifth Amendment — Procedural and Substantive Due Process**

28. Civil detention must be accompanied by meaningful process. *See Zadvydas*, 533 U.S. at 690; *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

29. The Fifth Circuit recognizes that prolonged detention without a hearing raises serious due-process concerns. *See Hernandez v. Gonzales*, 424 F.3d 42, 42–43 (5th Cir. 2005).

30. Detention based on an incorrect statutory classification is arbitrary and punitive, violating substantive due process.

## **VI. IRREPARABLE HARM**

31. Each day of unlawful detention inflicts irreparable constitutional injury.
32. The Fifth Circuit recognizes that constitutional deprivations cannot be remedied by money damages. *See* *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

## **VII. BALANCE OF EQUITIES & PUBLIC INTEREST**

33. The government has no legitimate interest in unlawful detention.
34. The Fifth Circuit holds that the public interest favors constitutional compliance. *See* *Jackson Women's Health Org. v. Currier*, 760 F.3d 448, 458 (5th Cir. 2014).

## **VIII. REQUEST FOR RELIEF**

Petitioner respectfully requests that the Court:

- A. Grant a Temporary Restraining Order ordering immediate release;
- B. Enjoin Respondents from enforcing INA §1225 against Petitioner;
- C. Alternatively, order a bond hearing under INA §1226(a) within 7 days;
- D. Issue the writ of habeas corpus;
- E. Grant all other just relief.

## VII. VERIFICATION

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

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](mailto:matt@mendezlawoffice.com)

Attorney for Petitioner

## CERTIFICATE OF SERVICE

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Grant Dickey, in his Official Capacity as Warden of the Houston Contract Facility**, at the Immigration and Customs Enforcement (“ICE”) Joe Corley Detention Center, located at 500 Hilbig Road, Conroe, TX 77301.

/s/ Matthew Mendez

Matthew Mendez

Attorney for Petitioner

December 30, 2025

Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff 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 Warden of the Houston Contract Facility,** at the Immigration and Customs Enforcement (“ICE”) Joe Corley Processing Center, located at 500 Hilbig Road, Conroe, TX 77301.

/s/ Matthew Mendez  
Matthew Mendez  
Attorney for Petitioner

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition 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

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff served a copy of the attached Petition 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

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 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

December 30, 2025  
Date