UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION
CIVIL No. _____

CARLOS ALBERTO SCATEGUI ORTEGA Petitioner v. MICHAEL J. PITTS, in his official capacity as Warden of the Port Isabel Service Detention Center; MIGUEL VERGARA, in his official capacity as Field Office Director of ICE Enforcement and Removal Operations Harlingen Field Office; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; PAM BONDI, in her official capacity as Attorney General of the United States, Respondents.	§ § § §

2. Petitioner was detained during a traffic stop and was seized 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 is a 34 year old male native and citizen of Colombia. *See attached*, Exhibit A: Notice to Appear.

10. On September 15, 2022 Petitioner entered the United States at or near Lukeville, AZ. *See attached*, Exhibit A: *supra*.

11. Petitioner was living openly in the United States, complying with supervision, and pursuing pending relief before USCIS and/or the Immigration Court.

12. Petitioner was detained during a traffic stop on November 21, 2025. *See attached*, Exhibit A: *supra*.

13. On November 21, 2025, Petitioner was served with a Notice to Appear in front of the Port Isabel Immigration Court. *See attached* Exhibit A:*supra*.

14. Petitioner is currently detained at the Port Isabel Detention Center. *See attached* Exhibit B: ICE Locator.

15. On December 18, 2025, Petitioner filed a bond motion before the Port Isabel Immigration Court. *See attached* Exhibit C: Bond Motion

16. On December 22, 2025, the Immigration Judge denied Petitioner's Bond Motion. *See attached* Exhibit D: Order of the Immigration Judge.

17. ICE arrested Petitioner without a judicial warrant and without alleging danger or flight risk.

18. ICE asserts detention authority solely under INA §1225 and Matter of Yajure Hurtado.

19. ICE has provided no bond hearing under INA §1226a and no neutral adjudication of detention authority.

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 §1226a 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

Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff 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, Michael J. Pitts, in his official capacity as Warden of the Port Isabel Service Detention Center;** at the Immigration and Customs Enforcement ("ICE") Port Isabel Service Detention Center, located at 27991 Buena Vista Boulevard, Los Fresnos, TX 78566.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 31, 2025
Date

CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff 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, Miguel Vergara, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Harlingen Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Harlingen Field Office, 1717 Zoy Street, Harlingen, Texas 78552.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 31, 2025
Date

CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff 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.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 31, 2025
Date

CERTIFICATE OF SERVICE

On December 31, 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

December 31, 2025
Date