


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DEINIS MARIA MANJARRES  
NAVEDA,  
Petitioner,

v.


KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security;  
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;  
DAREN K., MARGOLIN, Director, Executive Office for Immigration Review, in his official capacity;  
MIGUEL VERGARA, in his official capacity as Acting Director of the San Antonio Field Office of ICE, Enforcement and Removal Operations; and  
JOSE RODRIGUEZ JR., Warden of the Dilly Immigration Processing Center, Respondents.

Civil Action No. 5:26-cv-18

Immigration No. 

**PETITIONER'S ORIGINAL  
VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS UNDER 28 U.S.C.  
§ 2241  
AND REQUEST FOR TEMPORARY  
RESTRAINING ORDER AND  
INJUNCTIVE RELIEF**

**I. INTRODUCTION**

1. Petitioner DEINIS MARIA MANJARRES NAVEDA () is a native and citizen of Venezuela who has resided in the United States for many years, most recently in the North Texas area. She was recently transferred to ICE custody in Texas and is currently detained at the Dilly Immigration Processing Center in Dilly, Texas. *See* Ex. A, Proof of Detention in ICE Custody.

2. Mrs. Manjarres-Nevada has been placed into removal proceedings under INA § 240, 8 U.S.C. § 1229a, following her recent arrest by ICE officers near her home in Carrollton, Texas. *See* Ex. B, Notice to Appear.

3. In recent months, immigration judges have routinely denied requests for a bond hearing to individuals in situations substantially similar to that of Mrs. Manjarres-Nevada, due to a perceived lack of jurisdiction. These denials have relied on recent Board of Immigration Appeals (“BIA”) precedent in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Ex. C, Recent BIA Decisions on Bond. However, numerous federal district court, including some from within the jurisdiction of the United States Court of Appeals for the Fifth Circuit, have made clear that noncitizens detained under INA § 236(a) are entitled to individualized bond hearings.

4. Despite this posture, immigration judges continue to refuse to provide noncitizens such as Mrs. Manjarres-Nevada with an individualized custody redetermination hearing, asserting a lack of jurisdiction based on erroneous Board of Immigration Appeals precedent. The refusal to provide such a hearing violates the INA, the Due Process Clause of the Fifth Amendment, and the APA, because detention in § 240 proceedings is governed by INA § 236(a), which clearly provides that noncitizens are entitled to bond hearings.

5. Mrs. Manjarres-Nevada therefore petitions this Court for habeas relief under 28 U.S.C. § 2241, and seeks immediate injunctive relief, including a Temporary Restraining Order (“TRO”) directing Respondents to provide him an individualized custody hearing or release him under reasonable conditions without delay.

## II. JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202. This Court also has jurisdiction under 28 U.S.C. § 2241, which grants federal district courts authority to hear habeas petitions filed by persons held in custody in violation of federal law or the Constitution. This action also invokes the Court’s authority under the All Writs Act, 28 U.S.C. § 1651.

7. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar this suit. Petitioner does not challenge a final order of removal, nor seek classwide relief. Detention-based habeas claims are not channeled by Section 1252(b)(9). *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839–42 (2018). Section 1252(g) is narrowly construed and does not foreclose review of unlawful custody or *ultra vires* attempts to switch a non-final INA § 240 case into expedited removal. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482–83 (1999) (hereinafter also referred to as “*Reno v. AADC*”). Individual injunctive relief is not barred by Section 1252(f)(1). *See Garland v. Aleman Gonzalez*, 142 S. Ct. 2057, 2065–66 (2022).

8. Venue is proper in this District, and in the San Antonio Division, because Petitioner is detained at the Dilly Immigration Processing Center in Dilly, Texas, within this Court’s jurisdiction, whereas Petitioner’s detention is controlled by the San Antonio Field Office of ICE – Enforcement and Removal Operations. *See Ex. A.*

## III. PARTIES

9. Petitioner, DEINIS MARIA MANJARRES NAVEDA (“Mrs. Manjarres-Nevada”), is a citizen and national of Venezuela who has lived in the United States for

more than four years. She was transferred to the Dilly Immigration Processing Center, where she remains detained, following her arrest by ICE near her home in Carrollton, Texas. Petitioner is currently in active removal proceedings under 8 U.S.C. § 1229a (INA § 240), for which she is currently scheduled to appear in person before the Judge Veronica Marie Segovia of the Pearsall Immigration Court, which is located within the detention center.<sup>1</sup> Petitioner's next scheduled hearing in his § 240 removal proceedings is an individual hearing currently set for January 9, 2026, at 1:00 p.m. *See* Ex. D, EOIR Automated Case Information System.

10. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security ("DHS"). She is sued in her official capacity.

11. Respondent TODD LYONS is the Acting Director of Immigration and Customs Enforcement ("ICE"), an executive branch agency within the Department of Homeland Security. He is sued in his official capacity.

12. Respondent DAREN K. MARGOLIN is the Director of the Executive Office for Immigration Review ("EOIR"), the component of the Department of Justice responsible for immigration court adjudications, including bond hearings for noncitizens in removal proceedings. He is sued in his official capacity because EOIR, through its Immigration Judges, exercises exclusive authority over the conduct and scheduling of bond hearings, and EOIR's refusal to provide Petitioner with a constitutionally adequate bond hearing is an underlying basis of the unlawful detention challenged in this habeas petition.

13. Respondent MIGUEL VERGARA is the Director of the San Antonio Field Office of ICE – Enforcement and Removal Operations ("ERO"), and therefore, he oversees the

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<sup>1</sup> The Immigration Court in Pearsall is now the administrative control docket due to ICE's transfer of Petitioner despite his lengthy residence in North Texas, likely an effort to engage in forum-shopping.

Pearsall Sub-Office of ERO, which has jurisdiction over Petitioner. He is sued in his official capacity as Petitioner's local custodian and DHS's local decisionmaker.

14. Respondent, Jose Rodriguez Jr., Warden of the DILLEY IMMIGRATION PROCESSING CENTER, is responsible for housing noncitizens from various regions of Texas in ICE custody pending the completion of their removal proceedings. The Dilly Immigration Processing Center is located at 300 El Rancho Way, Dilley, TX 78017. Respondent is sued in his official capacity as Petitioner's immediate physical custodian as of the filing of this petition.

15. Respondents Noem, Lyons, and Margolin who represent DHS, ICE, and EOIR are properly included herein as the executives of federal agencies within the meaning of the Administrative Procedure Act ("APA").

#### **IV. FACTUAL BACKGROUND**

1. Petitioner DEINIS MARIA MANJARRES NAVEDA is a forty-nine-years-old citizen of Venezuela who has made the United States her home for many years. She entered the United States without inspection on or about more than four years ago, and he has lived here continuously since that date.

2. Until his recent transfer into a remote immigration facility in Pearsall, Texas, Mrs. Manjarres-Nevada had lived and worked in the North Texas area for many years, where she developed close ties to her community. She has no history of violence, maintains steady and regular employment, was married here to a husband who also resides with her in North Texas, and has no disqualifying convictions that would justify treating her as a danger to society.

3. On or about October 15, 2025, ICE apprehended Mrs. Manjarres-Nevada at her regularly scheduled ICE check-in in Dallas County, Texas. Following this, the Department of Homeland Security (“DHS”) served Mrs. Manjarres-Nevada with a Notice to Appear (“NTA”), formally charging her as removable under INA § 212(a)(6)(A)(i) [8 U.S.C. § 1182(a)(6)(A)(i)] for entry without inspection, **despite her approved Temporary Protected Status (TPS), a valid Employment Authorization Document, and a pending asylum application.** See Ex. B, Documentation of Immigration History.

4. Critically, when Mrs. Manjarres-Nevada ’s case was filed with the immigration court and served upon her, it placed him into § 240 removal proceedings. As a result of this, Mrs. Manjarres-Nevada is entitled to the full panoply of due process guaranteed by the INA, including a hearing on relief from removal and a bond hearing under § 236(a), and not merely a summary expulsion—a natural result, in view of her lengthy history in this country.

5. Despite this posture, Mrs. Manjarres-Nevada has been treated for bond immigration purposes as though he were subject to the harshest form of “arriving alien” detention, even though he has been properly placed in § 240 proceedings. Instead of being allowed to seek release on bond before an immigration judge, ICE has categorically denied her any chance to demonstrate that he is neither a danger to the community nor a flight risk. This blanket denial is not based on any individualized finding, but on the government’s insistence on applying the Board of Immigration Appeals’ recent decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Those decisions—issued without notice-and-comment rulemaking,

and in direct tension with decisions issued by this Court—purport to strip immigration judges of authority to hold bond hearings for individuals like Mrs. Manjarres-Nevada.

6. As a result, Mrs. Manjarres-Nevada now finds herself locked away at the Dilly Immigration Processing Center in Dilly, Texas, a remote facility hundreds of miles from her community North Texas. *See* Ex. A. She is held under conditions indistinguishable from those reserved for dangerous criminals, despite the absence of any criminal conviction that would bar his release under Section 236(c) of the INA. Each day of confinement exacerbates the harm—separating her from family and community support, impeding her ability to consult with counsel, and inflicting the psychological strain that prolonged and unnecessary detention inevitably produces.

7. In sum, Mrs. Manjarres-Nevada has deep roots in the United States, strong claims for humanitarian protection, and no disqualifying criminal record. She has been thrust into prolonged civil detention solely because of the government’s reliance on recent, non-binding BIA decisions that contravene the plain language of the INA and the decisions of the majority of courts in this circuit. Her detention, absent the possibility of an individualized bond hearing, is unlawful, arbitrary, and profoundly unjust.

## V. LEGAL FRAMEWORK

### A. Statutory Framework for Immigration Custody Determinations.

8. Immigration detention is governed primarily by two provisions of the INA: Section 235(b) [8 U.S.C. § 1225(b)] and Section 236(a) [8 U.S.C. § 1226(a)]. Whereas Section 236(a) of the INA authorizes the Attorney General to release noncitizens on bond pending removal proceedings, in contrast, Section 235(b) applies to certain categories of

“arriving aliens” and mandates detention pending completion of expedited or threshold screening.

9. Congress designed § 236(a) to govern the detention of individuals who, like Petitioner, are in regular removal proceedings under § 240. The statutory text expressly provides for release on bond, subject only to conditions ensuring appearance and protecting the community.

10. The Supreme Court has confirmed the distinction between these statutory schemes. *See Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (explaining differences between § 235(b) mandatory detention and § 236(a) discretionary custody). The Board of Immigration Appeals itself recognized for decades that individuals in § 240 proceedings after entry without inspection were eligible for custody redeterminations. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

11. Despite this clear statutory scheme, DHS has invoked recent BIA decisions (*i.e.*, *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)) to strip immigration judges of bond authority in cases such as those of Petitioner. Those decisions, however, cannot override the plain language of the statute.

12. In recent weeks, multiple district courts in 2025 have directly addressed the Government’s efforts to expand § 1225(b)(2)(A) beyond its intended scope by assessing habeas petitions for noncitizens in similar circumstances and have repeatedly concluded that the clear and unambiguous language of Section 236 of the INA permits noncitizens who arrived without inspection—persons in precisely the same legal circumstances as Mrs. Manjarres-Nevada—are eligible to request bond hearings before the immigration court.

13. For example, in *Santos v. Noem*, 2025 U.S. Dist. LEXIS 183412 (W.D. La. Sept. 15, 2025), the court emphasized that habeas relief is proper to correct statutory misclassification and to preserve the petitioner's due process rights. In *Kostak v. Trump*, 2025 U.S. Dist. LEXIS 167280 (W.D. La. Aug. 27, 2025), the court ordered bond eligibility under § 1226(a), rejecting the Government's assertion that § 1225(b) applied. Likewise, in *Salazar v. Dedos*, 2025 U.S. Dist. LEXIS 183335 (D.N.M. Sept. 17, 2025), the district court ordered an individualized bond hearing under § 1226(a) within seven days, holding that prolonged detention without such a hearing violates the Fifth Amendment's Due Process Clause.

14. Similarly, *Lopez-Arevelo v. Ripa*, 2025 U.S. Dist. LEXIS 188232 (W.D. Tex. 2025), further confirms that courts are rejecting agency efforts to apply § 1225(b)(2)(A) to individuals who are properly subject to § 1226(a).

15. These holdings reflect a growing consensus that district courts retain jurisdiction to intervene where detention rests on a statutory misapplication and results in ongoing constitutional harm. The cumulative weight of these decisions underscores that Mrs. Manjarres-Nevada is entitled to bond consideration under § 1226(a).

## **VI. CLAIMS FOR RELIEF**

### **Count I – Violation of INA § 236(a) [8 U.S.C. § 1226(a)]**

16. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

17. Respondents' refusal to provide Petitioner with an individualized custody redetermination hearing violates the INA and the decisions of most district courts in the United States Court of Appeals for the Fifth Circuit.

18. INA § 236(a), 8 U.S.C. § 1226(a), provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States,” and that the Attorney General “may continue to detain the arrested alien” or “may release the alien on—(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole.”

19. By its plain text, Section 236(a) applies to all noncitizens arrested and detained pending removal proceedings unless mandatory detention under § 236(c) applies.

20. In interpreting the plain language of Section 236(a), various federal district courts confirmed that noncitizens detained under Section 236(a) are statutorily eligible for individualized bond determinations before an immigration judge. Thus, the Attorney General must consider bond application by detained aliens pending the outcome of their removal proceedings, since immigration judges retain jurisdiction to conduct custody redetermination hearings under that provision.

21. Petitioner is now in removal proceedings under Section 240 of the INA [8 U.S.C. § 1229a], and her case has been placed on the detained docket of the Pearsall Immigration Court. Because Petitioner is detained in the context of ongoing removal proceedings, her custody is governed by § 236(a), not § 235(b).

22. By adopting a policy refusing to provide Petitioner with an individualized bond hearing that comports with INA § 236(a), Respondents have acted contrary to statutory authority requiring consideration of such bond application. This policy supports the conclusion that the filing of a bond application with the immigration courts is currently a

futile endeavor. Petitioner's continued detention without access to an individualized custody redetermination violates the INA and must be corrected through habeas relief.

23. Accordingly, this Court should grant the writ and order that Petitioner receive an individualized bond hearing under INA § 236(a), as repeatedly recognized by the majority of federal district courts in this Circuit.

#### **Count II – Fifth Amendment Due Process Violation**

24. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

25. Petitioner's continued detention without access to an individualized custody redetermination hearing also violates the Due Process Clause of the Fifth Amendment. Prolonged detention without bond review is arbitrary, punitive, and unconstitutional.

26. The Supreme Court has long recognized that “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Immigration detention is civil in nature, but it nonetheless implicates this fundamental liberty interest.

27. Because Petitioner is detained by ICE at the Dilly Immigration Processing Center, she is categorically barred from presenting evidence that he is not a danger to the community and that he poses no flight risk. The blanket denial of access to a bond hearing strips Petitioner of the individualized determination required by due process and by the plain language of Section 236(a).

28. Unlike noncitizens subject to mandatory detention for serious criminal offenses under Section 236(c) [8 U.S.C. § 1226(c)], Petitioner has no qualifying convictions that

justify a categorical denial of release. Her only arrest was conducted by ICE as a result of perceived alienage. The government has no legitimate basis to insist that Petitioner's detention be mandatory, yet she remains confined with no opportunity for release.

29. Denying Petitioner any access to a bond hearing deprives her of procedural protections guaranteed by the Due Process Clause. Moreover, prolonged detention without meaningful review violates the substantive limits of due process, as articulated in *Zadvydas* and *Demore v. Kim*, 538 U.S. 510 (2003).

30. Petitioner is a long-time resident of the United States, with over four years of continuous presence. She has strong family and community ties in North Texas. There has been no finding that she is a danger to the community or a flight risk. Yet, solely because of recent, erroneous BIA decisions—decisions in conflict with the most courts in this circuit—she has been categorically denied the process to which she is entitled. This amounts to an arbitrary deprivation of liberty in violation of the Fifth Amendment.

31. Accordingly, the Court should grant habeas relief on constitutional grounds and order that Petitioner be afforded an immediate bond hearing, or that she be released from custody pending the final outcome of his Section 240 removal proceedings.

### **Count III – Unlawful Agency Action (APA)**

32. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

33. Respondents' continued detention of Petitioner without affording her a bond hearing also constitutes unlawful agency action under the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706. The abrupt departure from longstanding precedent without reasoned explanation violates the Administrative Procedure Act.

34. For decades, immigration judges exercised bond jurisdiction over individuals detained under INA § 236(a), including those who entered without inspection. *See Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006); *see also* Ex. E, Pre-2025 Unpublished BIA Bond Decisions. That framework allowed for individualized custody determinations consistent with both statutory text and constitutional principles. These cases include, without limitation, the following:

- *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006) (establishing criteria of danger to community and flight risk as factors for immigration bond requests);
- *In re L-E-V-H-*, AXXX-XXX-504 (BIA, Dec. 21, 2018) (despite noncitizen’s testimony he had “turned himself in to officials at the border,” held noncitizen had entered without inspection and was therefore not “arriving alien”);
- *In re A-R-S-*, AXXX-XXX-161 (BIA, June 25, 2020) (remanding to develop record where noncitizen who had DACA alleged he had entered without inspection but had been misclassified as “arriving alien”);
- *In re M-D-M-*, AXXX-XXX-797 (BIA, Aug. 24, 2020) (despite recent arrest, granted bond to noncitizen who had lived in the U.S. for over 20 years); and
- *In re F-P-J-*, AXXX-XXX-699 (BIA, Oct. 22, 2020) (where noncitizen had a pending circuit court appeal and IJ failed to consider alternatives to detention, granted bond to noncitizen who had lived in the U.S. for over 17 years).

35. In 2025, the BIA issued *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which held that certain noncitizens who entered without inspection are subject to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b). These decisions abruptly stripped immigration judges of bond

authority for a large class of detainees, including Petitioner, without notice-and-comment rulemaking and without reasoned explanation for abandoning prior precedent.

36. The APA requires agencies to engage in reasoned decision-making and prohibits arbitrary or capricious action. 5 U.S.C. § 706(2)(A). The BIA's reversal of decades of established law without acknowledging or adequately explaining its departure is the very definition of arbitrary and capricious action. *See Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221–22 (2016).

37. Although Petitioner has not filed a bond application since entering ICE custody on or about October 15, 2025, doing so would be futile, as immigration judges refuse to exercise jurisdiction, expressly relying on this recent BIA policy shift. *See Ex. F, Sample IJ Bond Decision*. By treating individuals such as Petitioner as subject to mandatory detention under Section 235(b), Respondents have applied an unlawful, arbitrary interpretation of the statute that is inconsistent with the plain language of Section 236(a) and unsupported by reasoned analysis.

38. Accordingly, Respondents' refusal to provide Petitioner an individualized custody redetermination hearing constitutes unlawful agency action under the APA, and this Court should grant habeas relief to remedy the violation.

#### **VII. REQUEST FOR INJUNCTIVE RELIEF (INCLUDING TRO)**

39. Petitioner respectfully requests that this Court issue a Temporary Restraining Order directing Respondents to provide him an immediate individualized custody redetermination hearing under INA § 236(a) within seven (7) days, or, in the alternative, to release her under reasonable conditions of supervision. Petitioner further requests preliminary and permanent injunctive relief as appropriate.

40. The Supreme Court has made clear that such extraordinary relief depends on a four-factor test: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009). As explained below, Petitioner satisfies each of these factors.

**A. Mrs. Manjarres-Nevada Is Likely to Succeed on the Merits of His Petition.**

41. Mrs. Manjarres-Nevada has a strong likelihood of success on the merits of his claims. As explained more fully hereinabove, numerous district courts including some from within the Fifth Circuit, have already determined that noncitizens in circumstances substantially similar to that of Mrs. Manjarres-Nevada, who are detained under Section 236(a), are entitled to individualized bond hearings before an immigration judge.

42. Current BIA policy prohibiting immigration judges from exercising jurisdiction over any immigration bond request that Mrs. Manjarres-Nevada might file—due to the Board of Immigration Appeals’ recent decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—cannot override the clear and unambiguous language of Section 236(a).

43. Additionally, Mrs. Manjarres-Nevada raises a constitutional claim under the Fifth Amendment, as prolonged detention without any opportunity for individualized custody review violates due process.

44. Taken together, these statutory and constitutional grounds present not merely a plausible claim, but a compelling one. Under *Nken v. Holder*, 556 U.S. 418, 434 (2009), likelihood of success is the most critical factor in evaluating interim relief. Here, Petitioner’s claim is exceptionally strong.

**B. Mrs. Manjarres-Nevada Will Suffer Irreparable Harm If a TRO Does Not Issue.**

45. If this Court does not grant immediate relief, Mrs. Manjarres-Nevada will continue to suffer irreparable harm. The Supreme Court has recognized that “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Everyday Mrs. Manjarres-Nevada remains confined without access to the procedures guaranteed by law constitutes a grave and irreversible injury.

46. Even if Mrs. Manjarres-Nevada were eventually granted a bond hearing after protracted litigation, the harm inflicted by the period of unlawful detention—loss of liberty, disruption of family life, psychological strain, and reputational damage—could never be undone. As *Nken* instructs, irreparable harm cannot be speculative; it must be actual and concrete. 556 U.S. at 435. Mrs. Manjarres-Nevada’s ongoing imprisonment without a lawful hearing meets that standard.

**C. Balance of Equities Weighs in Mrs. Manjarres-Nevada’s Favor.**

47. The balance of equities tips decisively in Petitioner’s favor. On her side lies the interest in safeguarding one of the most fundamental rights recognized in our legal system—the right not to be arbitrarily detained without process. On the government’s side, the only asserted interest is administrative convenience in applying the BIA’s recent, nonbinding precedents.

48. There is no evidence that Petitioner poses a danger to the community or presents a risk of flight. To the contrary, Petitioner has affirmatively complied with DHS requirements by obtaining Temporary Protected Status, maintaining a valid Employment

Authorization Document, pursuing asylum protection through a pending application, and consistently appearing for required ICE check-ins. She has lived and worked lawfully in her community and taken concrete steps to regularize her status and remain in full compliance with immigration authorities. By contrast, each additional day of detention imposes substantial and irreparable harm on Petitioner, and when these equities are weighed, they overwhelmingly favor immediate relief.

49. Additionally, the undersigned Counsel for Petitioner has undertaken to contact Counsel for the Department of Homeland Security by emailing the Office of Principal Legal Advisor for Dilly, Texas, as well as Assistant U.S. Attorney Lacy McAndrews, in a good faith effort to notify Respondents of Petitioner's intent to obtain a hearing on this TRO request as soon as practicable.

**D. There Is Strong Public Interest In Maintaining the Pre-2025 Status Quo.**

50. Finally, the public interest strongly supports the issuance of a TRO. The Supreme Court in *Nken* explained that when the government is the opposing party, the balance of equities and the public interest merge. 556 U.S. at 435. The public has no interest in perpetuating unlawful detention; rather, the public's interest is served by ensuring that government agencies act within the bounds of statutory and constitutional authority.

51. Granting Petitioner an individualized bond hearing promotes confidence in the integrity of the immigration system, reinforces respect for the rule of law, and prevents the arbitrary deprivation of liberty. Protecting fundamental due process rights is not just in Petitioner's interest, but in the interest of the public at large.

52. Each factor of the equitable test weighs heavily in Mrs. Manjarres-Nevada's favor. She has shown a substantial likelihood of prevailing on the merits based on the

interpretation of Section 236(a) by various federal district courts and the Due Process Clause; she faces irreparable harm each day she remains detained without lawful process; the equities tilt overwhelmingly toward protecting her liberty; and the public interest is best served by ensuring that immigration detention is consistent with statutory and constitutional limits.

53. For these reasons, this Court should issue a Temporary Restraining Order at the earliest possible opportunity, requiring Respondents to provide Mrs. Manjarres-Nevada an immediate bond hearing or release.

#### **VIII. PRAYER FOR RELIEF**

54. For the above and foregoing reasons, Petitioner respectfully requests that this Court take the following actions:

- a. Issue a writ of habeas corpus ordering Respondents to provide Petitioner with an individualized bond hearing under INA § 236(a), 8 U.S.C. § 1226(a) within seven (7) days of the Court's order;
- b. Petitioner intends to file a separate Motion for Temporary Restraining Order. Upon filing of that motion, Petitioner respectfully requests that the Court grant a TRO and preliminary injunction requiring an individualized bond hearing or, alternatively, Petitioner's immediate release;
- c. Issue a declaration that DHS may not initiate or pursue expedited removal against Mrs. Manjarres-Nevada while her § 240 removal proceedings remain non-final and while she seeks relief from removal before an Immigration Judge;

- d. Issue a declaration that the plain language of INA § 236(a) permits immigration judges to consider bond requests of noncitizens who are present without admission and are not classified as arriving aliens;
- e. Grant permanent injunctive relief as appropriate;
- f. Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 552(a)(4)(E), and any other applicable provision of law; and
- g. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

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