

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

MAR 05 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

ARLENYS MARTÍNEZ VALDÉS,

§ A# ,

Petitioner, Pro Se,

§ Civil Action No. 5:26-cv-00031

v.

§

KRISTI NOEM, Secretary, U.S.

§

Department of Homeland Security, et al.,

§

Respondents.

PETITIONER'S REPLY TO RESPONSE

I, **Arlenys Martínez Valdés**, respectfully submit this Reply following the Government's Response and accompanying exhibits. I file this Reply to clarify the constitutional scope of my Petition and to reaffirm that this action challenges only my continued physical detention.

I do not seek review of my immigration proceedings or any determination currently pending before the Board of Immigration Appeals ("BIA"). My immigration appeal remains within the administrative system. This action concerns solely whether my continued civil detention remains lawful under the Constitution of the United States.

The core purpose of this habeas action is to obtain relief from present physical confinement resulting from prolonged civil detention inside the United States, a form of custody historically reviewable through habeas corpus jurisdiction.

I. FEDERAL COURTS POSSESS HABEAS JURISDICTION TO REVIEW EXECUTIVE DETENTION

This Court possesses jurisdiction to review my continued detention through the writ of habeas corpus, a protection expressly guaranteed by the United States Constitution.

Article I, Section 9, Clause 2 preserves the privilege of the writ of habeas corpus to ensure that no person may be deprived of liberty without meaningful judicial review.

The Supreme Court has repeatedly confirmed that federal courts retain jurisdiction to examine the legality of executive detention.

In *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004)¹, the Court explained that habeas corpus is the traditional mechanism for challenging present physical confinement and that federal courts possess authority to review such custody.

In *INS v. St. Cyr*, 533 U.S. 289, 301 (2001)², the Supreme Court reaffirmed that habeas jurisdiction remains available in immigration cases absent a clear statement from Congress eliminating judicial review. Habeas corpus historically extends to executive detention, including immigration custody.

¹ *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) — Federal courts possess jurisdiction to review challenges to present physical confinement through habeas corpus.

² *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) — Habeas historically extends to review of executive detention even in immigration contexts.

The Court further emphasized in **Boumediene v. Bush**, 553 U.S. 723, 739 (2008)³ that habeas corpus functions as a structural constitutional safeguard ensuring that executive detention remains subject to independent judicial oversight and that liberty does not depend solely upon executive discretion.

Because I challenge only my present physical detention, not immigration determinations, jurisdiction under 28 U.S.C. §2241 is firmly established.

II. THIS ACTION CHALLENGES DETENTION, NOT IMMIGRATION PROCEEDINGS

My immigration case, including my appeal before the BIA, remains pending within the immigration system.

I do not ask this Court to reconsider asylum eligibility, review a removal order, or interfere with immigration adjudication. The sole issue presented is whether my continued confinement remains constitutionally permissible.

Habeas corpus traditionally tests the legality of custody itself. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

III. PENDING BIA REVIEW RESULTS IN DETENTION OF UNCERTAIN DURATION

After the immigration judge issued a decision, I exercised my lawful right to appeal before the Board of Immigration Appeals.

³ *Boumediene v. Bush*, 553 U.S. 723, 745 (2008) — Habeas corpus functions as a fundamental mechanism ensuring judicial review of executive detention and preventing arbitrary imprisonment.

While appellate review remains pending, removal cannot occur immediately. My continued detention therefore depends upon administrative timelines outside my control.

Courts have recognized that detention prolonged by the exercise of lawful legal rights raises serious constitutional concerns because civil detention may not become punitive in effect. **Hechavarria v. Sessions**, 891 F.3d 49 (2d Cir. 2018).

The exercise of legal rights cannot itself justify extended confinement.

IV. CIVIL DETENTION REMAINS SUBJECT TO THE FIFTH AMENDMENT

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

Immigration detention is civil rather than punitive and must remain reasonably related to legitimate regulatory purposes.

In **Foucha v. Louisiana**, 504 U.S. 71, 79 (1992)⁴, the Supreme Court held that civil detention becomes unconstitutional when it no longer bears a reasonable relation to its original purpose.

Thus, even if detention was initially authorized, continued confinement requires ongoing constitutional justification.

V. STATUTORY AUTHORITY DOES NOT ELIMINATE CONSTITUTIONAL REVIEW

Even where Congress authorizes detention, constitutional limits remain.

⁴ **Foucha v. Louisiana**, 504 U.S. 71, 80 (1992) — Civil detention violates due process when no longer justified by its regulatory objective.

In **Jennings v. Rodriguez**, 583 U.S. 281 (2018)⁵, the Supreme Court interpreted immigration detention statutes but expressly left open constitutional challenges to prolonged detention, thereby preserving habeas corpus as the proper mechanism for judicial review.

Statutory classification alone cannot eliminate constitutional scrutiny.

Effect of Buenrostro on Constitutional Habeas Review

The existence of statutory detention authority likewise does not eliminate constitutional review of continued confinement. In **Buenrostro v. DHS**, the court examined the statutory framework governing immigration detention and related custody procedures under the immigration laws. However, that decision addressed the government's authority to detain under statute and did not resolve the distinct constitutional question presented here, whether prolonged civil detention remains permissible under the Due Process Clause as applied over time.

I do not challenge the government's initial authority to detain under immigration statutes. Instead, I challenge whether continued detention, prolonged without meaningful individualized review and while removal is not immediately executable, remains constitutionally justified.

Accordingly, **Buenrostro** does not foreclose habeas corpus review where a petitioner raises an independent constitutional challenge to the duration and continued justification of civil detention.

The constitutional inquiry therefore focuses not on the existence of statutory authority alone, but on whether continued confinement maintains a reasonable relationship to a legitimate regulatory purpose.

⁵ See **Jennings v. Rodriguez**, 138 S.Ct. 830, 851 (2018) — Constitutional challenges to detention remain available through habeas corpus.

VI. PROLONGED DETENTION REQUIRES REVIEW UNDER ZADVYDAS

Freedom from physical restraint lies at the core of liberty protected by due process. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)⁶.

The constitutionality of civil detention depends not only on its initial authorization but on its duration and present purpose.

My detention has continued despite:

- absence of criminal conduct,
- prior compliance under release,
- pending appellate proceedings preventing immediate removal.

Under *Zadvydas*, continued detention requires judicial examination.

VII. DEMORE v. KIM DOES NOT AUTHORIZE EXTENDED DETENTION

In *Demore v. Kim*, 538 U.S. 510 (2003)⁷, detention was upheld only because it was expected to be brief.

Where detention extends beyond those expectations or becomes dependent on prolonged administrative timelines, renewed constitutional scrutiny is required.

VIII. CIVIL DETENTION MAY NOT BECOME PUNITIVE

⁶ *Zadvydas*, 533 U.S. at 701 — Government must justify continued detention consistent with due process

⁷ *Demore v. Kim*, 538 U.S. 510, 529 (2003) — Upheld detention based on its expected brevity.

Civil confinement must remain regulatory rather than punitive.

The Supreme Court explained in **United States v. Salerno, 481 U.S. 739, 747 (1987)** that non-criminal detention is permissible only when carefully limited and not excessive in relation to its purpose.

I committed no crime and previously complied with immigration supervision after release under Form I-220A. These facts demonstrate that continued detention is unnecessary to achieve regulatory goals.

When confinement continues despite proven compliance and available alternatives, detention risks becoming punishment, which the Constitution forbids.

IX. MEDICAL CONDITIONS HEIGHTEN CONSTITUTIONAL CONCERNS

I suffer from serious medical conditions requiring consistent care, including celiac disease and worsening vision impairment.

Civil detention administered under conditions that threaten health strengthens the constitutional concern arising from prolonged confinement and supports judicial review.

X. HABEAS CORPUS REMAINS THE APPROPRIATE REMEDY

I seek only relief from unconstitutional physical detention or, alternatively, an individualized custody determination.

This request does not interfere with immigration adjudication and falls squarely within the historic function of habeas corpus , testing the legality of executive detention.

XI. CONCLUSION

For the foregoing reasons, I respectfully request that this Court:

1. Deny dismissal of the Petition;
2. Grant habeas relief and order my release; or
3. Alternatively, order an individualized custody determination consistent with the Fifth Amendment Due Process Clause.

Final Constitutional Statement

The United States Constitution expressly protects the privilege of the writ of habeas corpus, ensuring that no person may be subjected to executive detention without meaningful judicial review. U.S. Const. art. I, §9, cl. 2. Even where Congress authorizes immigration detention, constitutional safeguards independently limit executive confinement and preserve liberty through judicial oversight.

Respectfully submitted,

Arlenys Martínez Valdés

Pro se

A# 

Date: 03/2/2026

Signature:  _____

**MOTION REQUESTING COURT ASSISTANCE WITH SERVICE
AND REQUEST THAT COPIES BE SENT TO RESPONDENTS**

I, **Arlenys Martínez Valdés**, respectfully move this Honorable Court to direct that copies of my filed pleadings be transmitted to Respondents.

I am currently detained at the Karnes County Immigration Processing Center and am proceeding *pro se* without legal representation. Due to the limitations inherent in immigration detention, including restricted access to mailing resources and the inability to reliably serve multiple federal respondents, I face substantial practical difficulty ensuring proper service of filings upon all parties.

Habeas corpus proceedings traditionally permit court-assisted service where a detained petitioner lacks the practical ability to complete service independently. Courts routinely facilitate service in §2241 actions to ensure that the matter proceeds efficiently and that all parties receive timely notice.

I respectfully request that the Court direct the Clerk of Court to transmit copies of my filings, including this Reply and any future pleadings, to Respondents or to the United States Attorney's Office as appropriate so that service requirements may be satisfied.

This request is made solely to ensure proper notice, promote judicial efficiency, and allow the case to proceed on the merits.

PRAYER FOR RELIEF

WHEREFORE, I respectfully request that the Court:

Direct the Clerk of Court to send copies of my filings to Respondents or their counsel of record

Respectfully submitted,

Arlenys Martínez Valdés

A# 

Date: 03/02/2026

Signature:  _____

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, I served a true and correct copy of the foregoing document by placing it in the institutional legal mail system for delivery to the following:

United States District Court

Attn: Clerk of Court

Western District of Texas

262 W. Nueva Street, Suite 400

San Antonio, Texas 78207

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

Date: 03/02/2026

Signature: 

Arlenys Martínez Valdés

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