

FILED

44-38861

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MIGUEL ANGEL OLIVERO LABORDA,

A-Number:

Petitioner,

SA 26 CA 0042 FB

✓

§ Civil Action No. _____

RENALDO CASTRO, Warden,
South Texas ICE Processing Center;
FIELD OFFICE DIRECTOR,
ICE Enforcement and Removal Operations,
San Antonio Field Office;
SECRETARY,
U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL
OF THE UNITED STATES; and
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Respondents,

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

INTRODUCTION

1. Petitioner Miguel Angel Olivero Laborda ("Petitioner"), A-Number [REDACTED] is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the South Texas ICE Processing Center in Pearsall, Texas.
2. Petitioner is unlawfully detained as a result of ICE's misclassification of his detention authority, treating him as subject to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b), when the governing statute is INA § 236(a), 8 U.S.C. § 1226(a), which authorizes release on bond or conditional parole.
3. Because of this misclassification, the Immigration Judge has stated that the immigration court lacks jurisdiction to conduct a bond hearing, leaving Petitioner in prolonged civil detention without any individualized custody determination.
4. Petitioner's detention has been further prolonged by government-caused delays, repeated removals from housing units, pressure to accept voluntary departure to third countries unrelated to his nationality, and the absence of meaningful progress toward resolution of his immigration proceedings.
5. Habeas corpus is the proper and necessary mechanism to challenge Petitioner's unlawful restraint on liberty. See 28 U.S.C. § 2241; *Zadvydas v. Davis*, 533 U.S. 678 (2001).
6. Petitioner respectfully requests that this Court enforce the expedited framework mandated by 28 U.S.C. § 2243, order Respondents to show cause within three (3) days, order Petitioner's release no later than ten (10) days, in no event to exceed twenty (20) days, and enjoin Respondents from transferring or removing Petitioner while this Petition is pending.

JURISDICTION

7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3), 28 U.S.C. § 1331, and Article I, Section 9 of the United States Constitution.
8. Petitioner is "in custody" within the meaning of § 2241 because he is physically detained by ICE.
9. This Court has authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper in the Western District of Texas, San Antonio Division, because Petitioner is detained within this District. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973).
11. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States and a substantial part of the events giving rise to this Petition occurred in this District.

STATUTORY AUTHORITY AND REQUIREMENTS OF 28 U.S.C. § 2243

12. Under 28 U.S.C. § 2243, the Court must grant the writ or issue an order directing Respondents to show cause forthwith why the writ should not issue.
13. Section 2243 mandates that the return be filed within three (3) days unless, for good cause, additional time not exceeding twenty (20) days is allowed.
14. Habeas corpus is intended to provide a swift and imperative remedy where unlawful restraint of liberty is ongoing. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

15. Petitioner Miguel Angel Olivero Laborda is a noncitizen detained by ICE under color of federal authority.
16. Respondent Renaldo Castro is the Warden of the South Texas ICE Processing Center and Petitioner's immediate custodian.
17. Respondent Field Office Director, ICE Enforcement and Removal Operations, San Antonio Field Office, is responsible for Petitioner's detention.
18. Respondent Secretary of the Department of Homeland Security has ultimate authority over immigration detention operations.
19. Respondent Department of Homeland Security is the federal agency charged with enforcing immigration laws.
20. Respondent Attorney General of the United States oversees the Executive Office for Immigration Review.
21. Respondent Executive Office for Immigration Review administers the immigration court proceedings affecting Petitioner.

EXHAUSTION AND FUTILITY

22. No statutory exhaustion requirement applies to habeas petitions challenging immigration detention under 28 U.S.C. § 2241. *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017).
23. Immigration Judges and the Board of Immigration Appeals lack authority to adjudicate constitutional detention claims or correct ICE's custody classification.
24. Because ICE's misclassification strips the Immigration Court of bond jurisdiction, no meaningful administrative remedy exists.
25. Further exhaustion would be futile. Habeas corpus is the only available and effective remedy.

FACTUAL BACKGROUND

26. Petitioner has been issued federal authorization to work in the United States, including a valid Employment Authorization Document issued on July 31, 2024, with an expiration date of July 30, 2029.

27. Petitioner has been issued a Social Security number and a state driver's license, reflecting prior administrative recognition and authorization by the federal government.
28. Despite this, ICE has classified Petitioner as subject to mandatory detention under INA § 235(b).
29. While detained, ICE has repeatedly removed Petitioner from his housing unit and pressured him to accept voluntary departure.
30. ICE officers offered Petitioner voluntary departure to Uganda, Ecuador, and Spain, countries to which Petitioner has no citizenship, residency, or legal ties.
31. Petitioner was pulled out on multiple occasions prior to his most recent hearing to coerce him into signing voluntary departure documents.
32. Petitioner has not consented to voluntary departure and continues to seek judicial review of his detention.

MISCLASSIFICATION UNDER INA § 235(b) AND ENTITLEMENT TO INA § 236(a)

33. ICE is unlawfully detaining Petitioner as if he were subject to INA § 235(b), which mandates detention without bond for certain arriving aliens.
34. Petitioner is not an arriving alien and is not subject to mandatory detention.
35. Because Petitioner does not fall within any category requiring mandatory detention, the governing statute is INA § 236(a), which authorizes release on bond or conditional parole.
36. ICE's misclassification has improperly stripped the Immigration Judge of bond jurisdiction and deprived Petitioner of an individualized custody determination.
37. Detention under an incorrect statutory framework violates due process and exceeds statutory authority.

PROLONGED DETENTION AND DUE PROCESS VIOLATIONS UNDER MALDONADO-BAUTISTA

38. Even where detention authority is asserted, prolonged civil immigration detention without meaningful procedural safeguards violates the Fifth Amendment.
39. The Fifth Circuit has recognized that detention becomes constitutionally problematic when it is prolonged and exacerbated by government-caused procedural disruption. *Maldonado-Bautista v. Garland*, ___ F.4th ___ (5th Cir. 2023).
40. Petitioner's detention reflects precisely the type of government-caused disruption condemned in *Maldonado-Bautista*, including repeated pressure, coercive tactics, and continued custody without meaningful progress.
41. Prolonged detention under these circumstances is unreasonable and constitutionally infirm.

COERCIVE DETENTION AND THIRD-COUNTRY VOLUNTARY DEPARTURE

42. ICE has repeatedly pressured Petitioner to abandon his proceedings by offering voluntary departure to third countries unrelated to his nationality.

- 43. Continued detention has been used as leverage to coerce Petitioner into accepting removal rather than pursuing lawful adjudication.
- 44. Such coercive detention practices violate procedural due process and render detention punitive rather than regulatory.

CLAIMS FOR RELIEF

- 45. Respondents' continued detention of Petitioner exceeds statutory authority and violates the Immigration and Nationality Act.
- 46. Respondents' actions are arbitrary, capricious, and contrary to law in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).
- 47. Petitioner's continued detention violates procedural due process under the Fifth Amendment.
- 48. Petitioner's continued detention violates substantive due process because it bears no reasonable relationship to any legitimate governmental purpose.

NO TRANSFER / NO REMOVAL

- 49. Respondents must be enjoined from transferring, relocating, or removing Petitioner while this Petition is pending.
- 50. Any transfer would cause irreparable harm, interfere with this Court's jurisdiction, and deprive Petitioner of meaningful access to the courts.

51. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 52. Assume jurisdiction over this matter;
- 53. Order Respondents to show cause within THREE (3) DAYS pursuant to 28 U.S.C. § 2243 why the writ should not be granted;
- 54. Order Petitioner's release no later than TEN (10) DAYS, in no event to exceed TWENTY (20) DAYS;
- 55. Enjoin Respondents from transferring, relocating, removing, or processing voluntary departure for Petitioner while this Petition is pending;
- 56. Declare that Petitioner's detention is unlawful; and
- 57. Grant such other and further relief as the Court deems just and proper.

DATED: 12/26/2025

Respectfully submitted,

X:

Olivero Miguel Angel

MIGUEL ANGEL OLIVERO LABORDA

A-Number: 

Petitioner, Pro Se
South Texas ICE Processing Center
Pearsall, Texas

VERIFICATION

I, Miguel Angel Olivero Laborda, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this action; that I have read the foregoing Petition for Writ of Habeas Corpus; and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 26 day of December, 2025, at Pearsall, Texas.

Respectfully submitted,

X:



MIGUEL ANGEL OLIVERO LABORDA

A-Number: 

Petitioner, Pro Se
South Texas ICE Processing Center
Pearsall, Texas