

JS 44 (Rev. 03/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Javier Torres Lara</p> <p>(b) County of Residence of First Listed Plaintiff Karnes, TX <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Law Office of Rudy Castillo, 2621 Rockgate, San Antonio, TX 78227</p>	<p>DEFENDANTS Warden, Karnes county immigration processing center</p> <p>County of Residence of First Listed Defendant Karnes, TX <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
--	---

<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>				Click here for: Nature of Suit Code Descriptions.			
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	PROPERTY RIGHTS	LABOR	SOCIAL SECURITY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities' Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS				
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609				

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. § 2241

Brief description of cause:
Petition for Writ of Habeas Corpus challenging unlawful and prolonged immigration detention.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE NONE DOCKET NUMBER

DATE: 01/09/2026 SIGNATURE OF ATTORNEY OF RECORD: /s/ Rodolfo A. Castillo

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Javier TORRES-LARA
Petitioner-Plaintiff,

v.

MIGUEL VERGARA,
Field Office Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Facility Warden
Karnes County Immigration Processing Center,

Respondents-Defendants

Civ. No. 5:26-cv-00091

DHS File Number: 

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

Petitioner **Javier Torres-Lara** has been unlawfully detained by the Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) despite his eligibility for relief from removal and despite the absence of any criminal history, danger, or flight risk. Petitioner entered the United States without inspection in **2001** and has continuously resided in this country for approximately **twenty-four (24) years**. He is currently detained at the **Karnes County Immigration Processing Center**, located at **409 FM 1144, Karnes City, Texas**.

On **December 15, 2025**, Petitioner requested a bond hearing, which was conducted on **December 22, 2025**. The Immigration Judge denied bond, asserting a lack of jurisdiction and rejecting Petitioner’s reliance on *Bautista v. Santaacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), on the grounds that the decision was issued in the Ninth Circuit and does not constitute a nationwide injunction. Petitioner remains detained without individualized findings, despite having no criminal record, long duration of residence in the U.S., and seeking **Cancellation of Removal for Certain**

Non-Permanent Residents under INA § 240A(b) (42B) and having a **United States citizen son** who qualifies as a statutory qualifying relative. This Petition challenges Petitioner's prolonged, unnecessary, and unconstitutional civil detention and seeks immediate release or, in the alternative, a prompt and constitutionally adequate custody hearing with the burden of proof on the government.

II. JURISDICTION & VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. Jurisdiction is also proper under **28 U.S.C. § 1331** and **28 U.S.C. §§ 2201–2202**.
3. Venue lies in this District pursuant to **28 U.S.C. § 1391(e)** and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise control over him here.

III. PARTIES

4. **Javier Torres-Lara** is a noncitizen currently detained by Immigration and Customs Enforcement (ICE) at **Karnes County Immigration Processing Center**.
5. **Miguel Vergara** is responsible for ICE detention operations in this District.
6. **Rose Thompson** is the immediate custodian of Petitioner.

IV. FACTUAL BACKGROUND

7. Petitioner entered the United States for approximately twenty-four (24) years and has no criminal history.
8. Petitioner is the father of a **United States citizen son**, who qualifies as a statutory qualifying relative for purposes of **INA § 240A(b)**.
9. Petitioner is currently pursuing **Cancellation of Removal (42B)** and has demonstrated statutory eligibility, including continuous physical presence and qualifying hardship.
10. Petitioner is the beneficiary of an approved Form I-130, Petition for Alien Relative, filed by his United States Citizen sister, Angelica Torres Lara, which remains valid and reflects additional equities weighing strongly in favor of release.

11. On **December 15, 2025**, Petitioner's request for a bond hearing was denied by an immigration judge asserting a lack of jurisdiction and relying on the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*.
12. The Immigration Judge rejected Petitioner's reliance on *Bautista v. Santacruz*, stating that the decision was issued in the Ninth Circuit and did not constitute a nationwide injunction or vacatur of BIA precedent.
13. Petitioner remains detained **without any individualized finding of danger or flight risk**.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

14. Civil immigration detention is governed primarily by **INA § 236(a)**, **8 U.S.C. § 1226(a)**, which permits discretionary detention only when justified by individualized findings.
15. Prolonged civil detention is subject to the Due Process Clause of the Fifth Amendment and must be **justified by individualized findings** of danger or flight risk. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

VI. ARGUMENT

A. Petitioner's Continued Detention Is Unlawful Under § 1226(a) and Violates Due Process

16. Petitioner has no criminal history, strong community ties, and is eligible for relief yet remains detained without a finding of danger or flight risk.
17. The Due Process Clause prohibits prolonged detention unless the government shows, by clear and convincing evidence, that such detention is justified. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005). Where detention is no longer reasonably related to its purported purpose, it becomes punitive and unconstitutional.
18. ICE has failed to make any individualized findings justifying continued detention. Continued confinement without such findings exceeds statutory authority under **INA § 236(a)**.

B. Immigration Court Jurisdictional Limits Do Not Bar Federal Habeas Relief

19. *Matter of Hurtado*, 21 I&N Dec. 609 (BIA 1996), is limited to immigration courts' jurisdiction over bond, not federal habeas courts' power to review the legality of detention.
20. The federal district court has independent habeas corpus jurisdiction under 28 U.S.C. § 2241, regardless of immigration court limitations. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008).
21. Continued reliance on *Matter of Hurtado* to deny Petitioner relief violates basic due process principles, leading to indefinite detention without review. See also *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Judulang v. Holder*, 565 U.S. 42 (2011) (agency decisions must be lawful and reasonable).

C. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Hearing

22. If immediate release is not granted, due process requires a bond hearing where DHS bears the burden of proof. See *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (N.D. Cal. 2019).

VII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

23. Petitioner incorporates all preceding paragraphs.
24. Respondents are detaining Petitioner in violation of the Fifth Amendment.

COUNT II – Declaratory Relief

25. A declaration is warranted that Petitioner's continued detention is unlawful, without statutory authority, and violated Due Process.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;

2. Order Respondents to **immediately release** Petitioner; or
3. In the alternative, order a **prompt, constitutionally adequate custody hearing** with the burden on DHS;
4. Declare that Petitioner's detention violates the Constitution; and
5. Grant any other relief the Court deems just and proper.

Respectfully submitted,

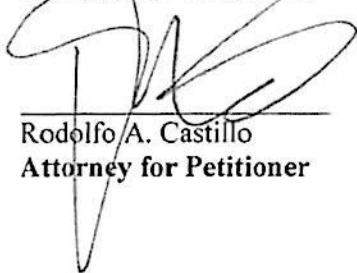


Rodolfo Castillo
Attorney for Petitioner
Texas Bar No. 24000489
Rudy Castillo Law Firm
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com

IX. SIGNATURE & VERIFICATION

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

Executed on 01/09/2026



Rodolfo A. Castillo
Attorney for Petitioner