UNITED STATES DISTRICT COURT
FOR THE WEESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HERNANDEZ SALAS, PLACIDO	§	
Petitioner,	§	
	§	Civ. No. 5:26-cv-00094 v. Bondi et al.
v.	§	
PAM BONDI, United States Attorney General;	§	DHS File Number:
KRISTI NOEM, Secretary of the United States Department of Homeland Security;	§	**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**
TODD M. LYONS, Director of United States Immigration and Customs Enforcement;	§	
SYLVESTER ORTEGA, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement; and	§	
Warden of the South Texas Detention Facility in Pearsall, Texas.	§	
Respondents.	§	

I. INTRODUCTION

1. Petitioner seeks the immediate release of Petitioner Placido Hernandez Salas ("Petitioner"), age 33, from unlawful detention in violation of his constitutional and statutory rights.

2. Petitioner was detained on December 31, 2025, by the ICE enforcement officers and was transferred and remains in civil detention at the South Texas Detention Facility at Pearsall, Texas.

3. Petitioner's detention is premised on DHS's assertion that, because he entered the United States without inspection, he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). DHS has affirmatively opposed any request for a custody redetermination hearing on that basis, taking the position that the Immigration Court lacks jurisdiction to conduct a bond hearing under 8 U.S.C. § 1226. Although proceedings remain pending before the Immigration Court, before Judge [ ], any request for bond would be futile. Under Matter of Yajure-Hurtado, 24 I. & N. Dec. 689 (BIA 2008), Immigration Judges lack authority to conduct bond hearings for individuals detained pursuant to § 1225(b)(2), and Immigration Courts routinely deny such requests where DHS asserts that provision. Accordingly, Petitioner has no meaningful administrative avenue to seek release, rendering judicial review appropriate.

4. The core question before this Court is whether the Department of Homeland Security has statutory authority to detain Petitioner without a bond hearing. If 8 U.S.C. § 1225(b)(2) does not apply to Petitioner—who was arrested in the interior of the United States and was not seeking admission—then his detention necessarily falls under 8 U.S.C. § 1226(a), which authorizes discretionary release.

5. Petitioner is eligible for Cancellation of Removal for Non-Permanent Residents (42-B).

6. Petitioner respectfully requests this Court grant the instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 and enjoin Respondent's continued detention of Petitioner to ensure his

due process rights. In the alternative, he respectfully requests the Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2243.

II. JURISDICTION AND VENUE

7. Petitioner is detained in civil immigration custody at the South Texas Detention Facility in Pearsall, Texas. *See* Exh. A - ICE Detainee Locator.

8. He has been detained since or about December 31, 2025.

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.

10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and where applicable Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.[1]

11. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1391(e), because Petitioner is detained at the South Texas Detention Facility at Pearsall, Texas, located 566 Veterans Drive, Pearsall, TX 78061, United States, which lies within this District.

12. The Warden of the South Texas Detention Facility is Petitioner's immediate physical custodian, rendering venue and jurisdiction proper in this Court.

13. Petitioner does not challenge the commencement of removal proceedings, the adjudication of removability, or the execution of a removal order. He challenges only the statutory authority for his continued civil detention. Courts in this District have repeatedly held that such detention-only

[1] See also Galdamez-Martinez v. Noem, 2025 WL 3471575, at *2–5 (W.D. Tex. Nov. 26, 2025) (rejecting DHS arguments that 8 U.S.C. §§ 1252(b)(9), 1252(g), 1252(e)(3), or 1225(b)(4) bar habeas jurisdiction over detention-only challenges).

challenges fall outside the jurisdiction-stripping provisions of 8 U.S.C. §§ 1252(g), 1252(b)(9), and 1225(b)(4), and are properly reviewed through habeas corpus.

III. REQUIREMENTS OF 28 U.S.C. § 2243, WRIT OF HABEAS CORPUS ISSUANCE, RETURN

14. The Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within three days" unless this Court permits additional time for good cause, which is not to exceed twenty days. 28 U.S.C. § 2243.

15. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963). The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time. Rhueark v. Wade, 540 F.2d 1282, 1283 (5th Cir. 1976); Jones v. Shell, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice.

IV. PARTIES

16. Placido Hernandez Salas is a 33-year-old Mexican citizen.

17. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. She is responsible for the administration of the Executive Office for Immigration Review ("EOIR"), including policies that bear on immigration judges' jurisdiction over custody.

18. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). DHS is the department charged with administering and enforcing

federal immigration laws. Secretary Noem is ultimately responsible for the actions of U.S. Immigration and Customs Enforcement ("ICE") and is a legal custodian of Petitioner.

19. Respondent Todd M. Lyons is named in his official capacity as Acting Director of ICE. He oversees ICE operations, including detention and removal, and is a legal custodian of Petitioner.

20. Respondent Sylvester Ortega is named in his official capacity as Field Office Director of the San Antonio ICE Field Office. He is responsible for ICE enforcement in this District and is a legal custodian of the Petitioner.

21. Respondent Warden of the South Texas Detention Facility in Pearsall, Texas, is named in his official capacity as Petitioner's immediate physical custodian.

22. Each Respondent is sued in his or her official capacity as a custodian and/or policymaker responsible for Petitioner's continued detention.

V. FACTUAL ALLEGATIONS

23. Petitioner entered the United States on or about May 9, 1992, when he was 2 years old, without inspection, and has resided here continuously since. See Exh. B – Notice to Appear.

24. On December 31, 2025, Petitioner was driving his 2005 Chevrolet Silverado pick-up truck when he was stopped by ICE enforcement officers in Uhland, Texas. The stop was conducted without individualized reasonable suspicion or probable cause, in violation of the Fourth Amendment. During the encounter, ICE officers acknowledged that they were stopping vehicles matching the general type of truck Petitioner was driving, rather than acting on any specific information related to Petitioner himself. On that same day, Petitioner was taken into custody and transferred to the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), where he has remained in civil detention. See Exh. A – ICE Detainee Locator.

25. ICE has held Petitioner without bond, asserting he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Removal proceedings are pending against Petitioner pursuant to a Notice to Appear charging him as inadmissible under 8 U.S.C. § 1182. The Notice to Appear does not designate Petitioner as an 'arriving alien. See Exh. C - Notice to Appear (Form I-862).

26. ICE's litigation stance reflects "interim guidance" issued July 8, 2025, reinterpreting detention authority to treat nearly all noncitizens present without admission as "arriving" and ineligible for bond. See Exh. C - DHS Interim Guidance (July 8, 2025 Lyons Memo).

27. For nearly three decades, DHS and EOIR treated individuals arrested in the interior and present without admission as detained under § 1226(a), subject to IJ bond hearings unless § 1225(b)(1), § 1226(c), or § 1231 applied.

28. Once the immigration judge denies bond for lack of jurisdiction, Petitioner will pursue an administrative appeal to the Board of Immigration Appeals ("BIA"). BIA bond appeals typically take months, during which detention continues, rendering administrative review an inadequate and delaying remedy in these circumstances.

29. Petitioner's detention has inflicted severe hardship on his family.

30. Petitioner's ongoing detention severely impedes his ability to defend against removal, including gathering evidence and coordinating with counsel and witnesses.

31. Petitioner remains detained solely because DHS misclassified his custody under § 1225(b) rather than § 1226(a), contrary to statutory text, constitutional principles, and historical practice.

VI. LEGAL FRAMEWORK: DUE PROCESS CLAUSE

32. The Fifth Amendment's Due Process Clause applies to "all persons" within the United States, including noncitizens. Zadvydas v. Davis, 533 U.S. 678, 693 (2001). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at

the heart of the liberty that the Clause protects." Id. at 690. In the immigration context, detention is constitutionally justified only to prevent flight or protect the community. Demore v. Kim, 538 U.S. 510, 528 (2003).

33. Congress created two distinct detention regimes. Section 235(b) governs inspection and limited mandatory detention of arriving aliens or those apprehended shortly after entry; § 236(a) governs interior arrests on warrant, authorizing detention pending a removal decision with discretionary release on bond. See Jennings v. Rodriguez, 583 U.S. 281, 297, 302–03 (2018) (describing § 235(b) as "primarily" for those seeking entry and § 236(a) as applying to aliens "already in the United States" and arrested "on warrant").

34. The Laken Riley Act confirms Congress preserved § 236(a)'s discretionary bond regime for most inadmissible entrants arrested in the interior by adding a narrow new mandatory-detention category under § 236(c)(1)(E) (pairing inadmissibility under 8 U.S.C. § 1182(a)(6)(A), (6)(C), or (7) with specified crimes). If § 235(b) already mandated detention for all inadmissible entrants, § 236(c)(1)(E) would be redundant—an outcome courts must avoid. See Corley v. United States, 556 U.S. 303, 314 (2009); Van Buren v. United States, 593 U.S. 374, 393 (2021). Congress legislated against decades of agency practice applying § 236(a) to interior arrests, and courts presume amendments harmonize with that practice. Monsalvo v. Bondi, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025).

35. On September 5, 2025, the BIA in Matter of Yajure-Hurtado adopted DHS's position that immigration judges lack bond jurisdiction for noncitizens present without admission because they are "applicants for admission" detained under § 235(b)(2)(A) for the duration of proceedings. 29 I. & N. Dec. at 220 (relying on Jennings, 583 U.S. at 300). But Jennings construed statutory text and explicitly left open constitutional challenges. Id. at 303.

36. Moreover, the Supreme Court has since overruled Chevron deference; courts must independently interpret the INA rather than deferring to agency readings. Loper Bright Enters. v. Raimondo, 603 U.S. 369, 385–86 (2024).

37. Longstanding agency materials confirm that individuals encountered inside the country without admission were treated under § 236(a) and were "eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). DHS itself historically limited the "applicant for admission" designation to encounters within a short time and distance from the border. See Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 121, 130 n.2 (2020) (describing DHS's 2004 14-day/100-mile policy for expedited removal).

38. Arrest authority reinforces this divide: warrantless arrests are narrowly permitted under 8 U.S.C. § 1357(a) (INA § 287(a)); otherwise, interior arrests proceed on warrant (Form I-200) and fall under § 236(a). See Matter of Mariscal-Hernandez, 28 I. & N. Dec. 666, 668–71 (B.I.A. 2022) (equating "reason to believe" with probable cause; warrantless arrests are exceptional).

39. Statutes must be read "with a view to their place in the overall statutory scheme," giving effect to every clause and word. Gundy v. United States, 588 U.S. 128, 141 (2019) (quotation omitted); United States ex rel. Polansky v. Exec. Health Res., Inc., 599 U.S. 419, 432 (2023). DHS's view collapses §§ 235 and 236, nullifies § 236(c)(1)(E), and contradicts the INA's structure.

40. Federal courts addressing DHS's new theory have rejected it and ordered relief, concluding § 236(a) governs noncitizens "already in the country."[2] Even under DHS's classification,

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[2] *See,* Galdamez-Martinez v. Noem, Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *2, *6 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2267803, at *4–7 (S.D.N.Y. Aug. 8, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *4–7 (D. Mass. July 7, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850, at *11–16 (W.D. Wash. Apr. 24, 2025); *Pinchi v. Noem*, No. 25-cv-05632-RMI, 2025 WL 1853763, at *3 (N.D. Cal. July 4, 2025); *Valdez v. Joyce*, No. 25-cv-4627, 2025 WL 1707737, at *5 (S.D.N.Y. June 18, 2025); *Ercelik v. Hyde*, No. 1:25-cv-11007-AK, 2025 WL 1361543, at *15–16 (D. Mass. May 8, 2025); *Günaydin v. Trump*, No. 25-cv-01151,

constitutional avoidance and due process require habeas review of whether DHS has statutory authority to detain Petitioner at all, and courts must preserve habeas relief for unlawful civil confinement and where DHS lacks statutory authority to detain, immediate release—not remand or further administrative proceedings—is the appropriate habeas remedy.

41. The equities here underscore the Mathews v. Eldridge balance: (1) Petitioner's profound liberty and family interests; (2) the high risk of erroneous deprivation from DHS's categorical no-bond stance (and the value of individualized hearings); and (3) minimal governmental burden to provide the longstanding process Congress preserved. See 424 U.S. 319, 333, 335 (1976).

42. Mr. Hernandez Salas was not detained under 8 U.S.C. § 1225(b)(2) because he was arrested in the interior of the United States and is therefore subject to the detention framework outlined in 8 U.S.C. § 1226(a).

43. Courts in this District, including the Abilene Division, have rejected DHS's interpretation that 8 U.S.C. § 1225(b)(2) applies to noncitizens arrested in the interior who are not "seeking admission." In Galdamez-Martinez v. Noem, the court addressed detention at the Karnes County Immigration Processing Center under the same July 8, 2025 DHS "Interim Guidance Regarding Detention Authority for Applicants for Admission" and held that § 1225(b)(2) does not apply to individuals already present in the United States. Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, at *6–7 (W.D. Tex. Nov. 26, 2025). Because DHS asserted no alternative statutory basis

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2025 WL 1459154, at *10–11 (D. Minn. May 21, 2025); *Cuevas-Guzman v. Andrews*, No. 1:25-cv-00759, 2025 WL 2617256, at *7 (E.D. Cal. Aug. 2025); *Alvarez-Martinez v. Noem*, No. 5:25-cv-00876, 2025 WL 2598379, at *4–5 (W.D. Tex. Aug. 2025); *Pizarro Reyes v. Raycraft*, No. 2:25-cv-11641, 2025 WL 2609425, at *3 (E.D. Mich. Aug. 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157-DLR, 2025 WL 2337099, at *5–7 (D. Ariz. Aug. 11, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988, at *6–8 (D. Mass. Aug. 14, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411, at *4–6 (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 1:25-cv-11631-BEM, 2025 WL 2403827, at *3–5 (D. Mass. Aug. 19, 2025); *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS, slip op. at 3–5 (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at *8–10 (W.D. La. Aug. 27, 2025).

for detention, the court concluded that the petitioner's confinement was ultra vires and ordered habeas relief in the form of immediate release.

44. He is entitled to release. Where DHS lacks statutory authority to detain a noncitizen under § 1225(b)(2) and identifies no other lawful basis for confinement, courts have ordered immediate release rather than remanding for further proceedings. See Galdamez-Martinez v. Noem, Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, at *7 (W.D. Tex. Nov. 26, 2025). Courts in this District have therefore ordered release by date certain, subject to conditions no more restrictive than those in place prior to detention. See also Traore v. Bondi, No. SA-25-CV-01730-FB (W.D. Tex. Dec. 30, 2025) (ordering immediate release where § 1225 did not apply).

VII. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

45. Petitioner repeats and incorporates by reference all allegations above as though set forth fully herein.

46. The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty.

47. Mr. Hernandez Salas's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

48. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall…be deprived of life, liberty, or property without due process of law." As a noncitizen physically present in the United States, Mr. Hernandez Salas is entitled to the full protection of the Fifth Amendment's Due Process Clause. See Zadvydas, 533 U.S. at 693 ("[T]he Due Process

Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a "sufficiently strong special justification" to outweigh the significant deprivation of liberty. Id. at 690.

49. Respondents have deprived Mr. Hernandez Salas of his liberty interest protected by the Fifth Amendment by detaining him since December 31, 2025.

50. Mr. Hernandez Salas's detention is unlawful because Respondents lack statutory authority to detain him under 8 U.S.C. § 1225(b)(2), and no other provision of the Immigration and Nationality Act authorizes his continued civil confinement.

51. Respondents' actions in detaining Mr. Hernandez Salas without any legal justification violate the Fifth Amendment.

52. The government's detention of Petitioner is unjustified and unauthorized. Respondents have not identified any valid statutory basis permitting his continued detention, nor any constitutionally sufficient justification for ongoing confinement.

53. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

SECOND CAUSE OF ACTION
Violation of Immigration and Nationality Act

54. Petitioner re-alleges and incorporates by reference the paragraphs above.

55. Petitioner was detained pursuant to "authority contained in section 236" of the INA; section 236 is codified at 8 U.S.C. § 1226. Despite this, DHS finds that he is detained subject to 8 U.S.C. § 1225(b)(2) and the IJ lacks jurisdiction under Matter of Yajure Hurtado on the same basis.

56. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. Mandatory detention does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

57. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner, are subject to mandatory detention under § 1225(b)(2).

58. The unlawful application of § 1225(b)(2) to Petitioner violates the INA.

THIRD CAUSE OF ACTION
Fifth Amendment – Due Process
Denial of Opportunity to Contest Mis-Inclusion in Mandatory Category of Detention

59. Petitioner re-alleges and incorporates by reference the paragraphs above.

60. Mr. Hernandez Salas has a substantial liberty interest in continuing to pursue his pending protection claims in immigration court and before the Board of Immigration Appeals and in doing so without unnecessary civil confinement. He has a substantial liberty interest in pursuing his pending protection claims without unlawful civil confinement, where DHS lacks statutory authority to detain him.

61. For all of the above reasons, Respondents' attempts to detain Petitioner without a meaningful opportunity to be heard violate his Procedural Due Process rights under the Fifth Amendment.

FOURTH CAUSE OF ACTION
ADMINISTRATIVE PROCEDURE ACT

62. Petitioner re-alleges and incorporates by reference the paragraphs above. Petitioner asserts this claim in the alternative, and the Court need not reach it to grant habeas relief.

63. Respondents' continued detention of Petitioner without statutory authority violates the INA, the Administrative Procedure Act, and the Constitution.

64. As set forth in Count Two and Three, federal regulations and case law provide the procedure for a respondent in removal proceedings like him to seek a bond redetermination by an IJ.

65. Respondents' refusal to provide any mechanism for custody review prevents Mr. Hernandez Salas from meaningfully pursuing his ongoing immigration proceedings, including access to counsel, evidence, and witnesses, in a non-detained setting. This "no-review" system—where neither DHS nor the immigration court provides a process or timeline to examine the legality of his detention—violates procedural and substantive due process and lacks statutory support. At the same time, Petitioner's removal case continues to move forward, further underscoring the inadequacy of any administrative remedy while he remains unlawfully detained.

66. The actions by Respondents would improperly alter the substantive rules concerning mandatory custody status without the required notice-and-comment period and would be in violation of the INA and its regulations. These actions by Respondents violate the APA. Under the APA, this Court may hold unlawful and set aside an agency action which is "contrary to constitutional right, power, privilege or immunity." 5 U.S.C. § 706(2)(B). The regulations at 8 C.F.R. §§ 1003.19(h)(1)(B) and 1003.19(h)(2)(B) providing no review of DHS custody decision for arriving aliens in removal proceedings are in violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United States Constitution. It is ultra vires because it exceeds the authority granted ICE by Congress at 8 U.S.C. § 1226(a). For these reasons, this Honorable Court should hold that Petitioner is detained under § 236(a), not § 235(b), and order his immediate release. Any contrary reliance on Matter of Yajure-Hurtado would unlawfully misapply the statute and deprive Petitioner of his rights under the INA, the APA, and the Due

Process Clause. Because Respondents lack statutory authority to detain Petitioner, immediate release is required regardless of any APA violation.

VIII. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this action pursuant to 28 U.S.C. §2241 and Article III of the United States Constitution;

(2) Declare that ICE's December 31, 2025, apprehension and continued detention of Mr. Hernandez Salas is unlawful, as Respondents lack statutory authority to detain him and his continued confinement violates the Immigration and Nationality Act and the Due Process Clause;

(3) Issue an Order to Show Cause directing Respondents to justify the legality of Mr. Hernandez Salas's detention;

(4) Enjoin Respondents from transferring Mr. Hernandez Salas outside the Western District of Texas while this habeas action is pending, in order to preserve this Court's jurisdiction and Petitioner's access to counsel;

(5) Grant the writ of habeas corpus and order Mr. Hernandez Salas's immediate release, either on his own recognizance, parole, or reasonable conditions of supervision, as continued detention is not authorized by statute and violates due process;

(6) In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days, at which the Department of Homeland Security bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community, or by a

preponderance of the evidence that he presents a risk of flight, and that no conditions of release could reasonably mitigate such risk.

(7) Grant such other and further relief as the Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his U.S. citizen children, depriving them of their father's care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.

Respectfully submitted,

Grace G. Garcia

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Placido Hernandez Salas, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 9th January 2026.

Respectfully submitted,

Grace G. Garcia

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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

United States Attorney's Office – Western District of Texas
Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600,
San Antonio, Texas 78216

Warden, South Texas Detention Facility
566 VETERANS DRIVE
NA
PEARSALL, TX 78061
Visitor Information: (830) 334-2939

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Warden as Petitioner's immediate custodian.

Dated this 9th January 2026.

Respectfully submitted,

Grace G. Garcia

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