

claims, the immigration courts have no jurisdiction. *See Matter of Fede*, 20 I&N Dec. 35, 36 (BIA 1989). Likewise, immigration courts are powerless to hear Mr. Orozco's Administrative Procedures Act claims.

Respondents' refusal to release Mr. Orozco on bond violates his substantive and procedural due process rights under the U.S. Constitution and represents an unlawful application of the statute at 8 USC § 1225(b).

Eugenio Orozco-Esparza sues Respondents and alleges the following:

PRELIMINARY STATEMENT AND JURISDICTION

1. Mr. Orozco is being held in the exclusive custody of the United States Immigration and Customs Enforcement (ICE) in violation of the Constitution and laws of the United States and remains under threat of such unlawful detention.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 2241(a). This action is a civil matter arising under the Constitution and the laws of the United States, challenging Mr. Orozco's custody under color of the authority of the United States. 28 U.S.C. 2241(c)(1). Mr. Orozco seeks corrective action by officers and employees of the United States in their official capacity.
3. Mr. Orozco challenges his mandatory detention as it violates the Constitution and laws of the United States. 28 U.S.C. §2241(c)(3). This Court has jurisdiction to grant this writ of habeas corpus. 28 U.S.C. §2241(a).
4. Mr. Orozco further seeks to challenge his unlawful detention under 28 U.S.C. §1651 (writs); 28 U.S.C. §1361 (mandamus); 28 U.S.C. §§2201 and 2202 (declaratory judgment and further relief); 28 U.S.C. §1367(a) (supplemental jurisdiction); and 5 U.S.C. §§ 701, 702, 704, and 706 (rights of review over agency actions and unlawful agency regulations).

5. This court does not lack jurisdiction to consider this petition under 8 USC § 1225(b)(4), as Petitioner's due process claims are clearly regarding his detention, not regarding the underlying removal proceedings, which as stated above are ongoing. This court does not lack jurisdiction under 8 USC § 1252(g), as Petitioner is not seeking review of any of the three discrete actions that the statute describes ("to commence proceedings, adjudicate cases, or execute removal orders"). 8 USC § 1252(g).

VENUE

6. Venue lies in the United States District Court for the Western District of Texas, the judicial district in which Respondents Rose Thompson, as the Warden of Karnes County Immigration Processing Center, and Miguel Vergara, as the San Antonio Field Office Director for Immigration and Customs Enforcement (ICE) are located and where Mr. Orozco is detained. 28 U.S.C. §1391(e).

PARTIES

7. Mr. Orozco is a citizen and national of Mexico who is currently in removal proceedings. He was first detained by DHS on or about June 26, 2018 but released on his own recognizance that same day. Mr. Orozco was arrested by DHS again on or about November 12, 2025 without notice and without a judicial warrant. He is currently detained at the Karnes County Immigrant Processing Center in Karnes City, Texas. Exhibit A.

8. Respondent Pam Bondi is Attorney General of the United States and exercises authority over immigration matters.

9. Respondent Kristi Noem is Secretary of DHS and has delegated her authority to administer the laws of the United States to ICE, a component of DHS.

10. Respondent Todd Lyons is Acting Director of ICE.
11. Respondent Miguel Vergara is the San Antonio Field Office Director for Detention and Removal within ICE and has had the legal custody of Mr. Orozco.
12. Respondent Rose Thompson is Warden of the Karnes County Immigrant Processing Center in Karnes City, Texas and has physical custody of Mr. Orozco.

STATEMENT OF FACTS

13. Mr. Orozco last entered the United States through Brownsville, Texas in approximately 1995. He has lived in the United States since that time.
14. Mr. Orozco was initially arrested by ICE, a component of DHS, in June 2018 and served with a Notice to Appear (NTA) before the Immigration Judge, charging him as a person who is present without admission or parole under 8 USC § 1182(A)(6)(a)(i).
Exhibit B.
15. On June 26, 2018, ICE issued an order of release on his own recognizance pursuant to 8 CFR §§236.1(c) and 1236.1(c). Exhibit B. This order set out certain terms of Mr. Orozco's release, including compliance with all appearances required before the Executive Office for Immigration Review (EOIR) and ICE. Mr. Orozco has not violated these conditions.
16. On July 8, 2025, DHS issued policy guidance instructing ICE employees to treat noncitizens charged with removability under 8 USC § 1182(a)(b)(A)(i) as subject to mandatory detention under 8 USC § 1225(b)(2)(A). Subsequently, the Board of Immigration Appeals (BIA) issued a precedent administrative decision, *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), adopting the same reasoning as the DHS policy and finding that immigration judges therefore have no jurisdiction to consider bond for any noncitizen employees to treat noncitizens charged with

removability under 8 USC § 1182(a)(b)(A)(i).

17. Mr. Orozco is not subject to mandatory detention under 8 USC § 1225(b)(2)(A). At no point in the removal proceedings has DHS taken the statutory and regulatory steps to initiate proceedings under 8 USC § 1225(b)(2)(A). To the contrary, Petitioner's NTA alleges that he is in removal proceedings pursuant to section 240 [8 USC § 1229a] of the INA and Petitioner's Order of Release on Recognizance Form I-220A states that he will be released in accordance with section 236 [8 USC § 1226] of the INA. Exhibits B and C.
18. The expedited removal process is primarily concerned with noncitizens seeking entry. *See Jennings v. Rodriguez*, 138 U.S. 830, 842 (2018). The statute itself is titled; "Inspections by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." 8 USC § 1225. The statute focuses on recent arrivals: subsection (b)(1) refers to noncitizens presently "arriving," while subsection (b)(1)(A)(iii)(II) specifically exempts from processing under § 1225 noncitizens who can show continuous physical presence for the 2 years immediately preceding the determination of inadmissibility. This 2-year physical presence exception is echoed in the regulations. *See* 8 CFR § 253.3(b)(1)(ii).
19. No documentation in the A-file supports the assertion that Petitioner is in expedited removal proceedings under 8 USC § 1225(b). There is no record of procedural regularity that the statute and regulations require. Under 8 CFR § 253.3(b)(2)(i), titled "Record of proceeding," the examining officer is required to record testimony of the noncitizen regarding the suspected ground of inadmissibility utilizing form I-867A, and issue form I-860, Notice of Order of Expedited Removal. None of these documents are present in Petitioner's A-file. The record is devoid of evidence that Petitioner's proceedings are pursuant to § 1225; all available evidence shows that Petitioner's proceedings were initiated under § 1226, such designation never having changed, and therefore not subject to mandatory detention.

20. Mr. Orozco was taken into ICE custody at his scheduled check-in with the agency, on November 12, 2025. At a bond hearing held on December 23, 2025, Immigration Judge Reid McKee found no jurisdiction to redetermine Mr. Orozco's custody status. Judge McKee, however, found in the alternative that, considering Mr. Orozco was not a flight risk or a danger to the community, he would set a minimum bond of \$1500 should a higher court find jurisdiction. Exhibit D.

21. Mr. Orozco has lived in the United States for 30 years and has four U.S. citizen children. He has significant family, employment, and property ties to the United States and has filed his applications for relief before the immigration court. He was awaiting a hearing on his application for relief when ICE took him into custody.

22. Mr. Orozco has no administrative remedies to exhaust. The Immigration Judge has already found that he has no jurisdiction to entertain a bond as per the administrative decision of the BIA.

23. There is no justification for Respondents to detain Mr. Orozco, and therefore the actions of Respondents are unsupported under the law, are capricious, and are unreasonable.

RELIEF SOUGHT

WHEREFORE, Petitioner, Eugenio Orozco-Esparza, respectfully requests that this Court:

- (1) Issue process to the respondents with an order to show cause why the writ should not be granted within three days as per 28 USC § 2243;
- (2) Order the respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;

- (3) Enjoin ICE from transferring Mr. Orozco outside of the Western District of Texas while this matter is pending;
- (4) Enjoin ICE from removing Mr. Orozco without a final order of removal;
- (5) Enjoin ICE from removing Mr. Orozco to a third country without a full and fair hearing;
- (6) Grant the writ of habeas corpus;
- (7) Order that ICE immediately release Mr. Orozco upon reasonable conditions of supervision;
- (8) Grant any other relief that this Court deems just and proper.

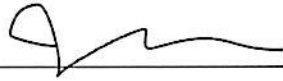
Respectfully submitted on 12th day of January 2026,



Jacqueline L. Watson
Bar No. 24013717
PO Box 140315
Austin, TX 78714
Phone: (512) 270-2916
jacqueline@posadawatson.law

VERIFICATION OF COUNSEL

I, Jacqueline L. Watson, hereby certify that I am familiar with the case of the named petitioner and that the facts stated above are true and correct to the best of my knowledge and belief.



LIST OF EXHIBITS

- | | |
|-----------|--------------------------------------|
| Exhibit A | Notice of Detention in Karnes County |
| Exhibit B | Notice to Appear |
| Exhibit C | Order of Release on Recognizance |
| Exhibit D | Order of the Immigration Judge |



Reminder

Please take some time to attach your Government ID and Licensing Document (if attorney) to your profile. This will then automatically attach these documents to any appointments you create in the future.

ERO eFile Notifications
ERO eFile Notifications
Date of Notification
2026-01-10 16:55:16
Client First Name
EUGENIO
Client Last Name
OROZCO-ESPARZA
G-28 Number
AOR
SNA
Notification Type
Detainee Transfer
Detention Location
KARNES COUNTY IMMIGRATION PROCESSING CENTER
Representative Email
jacqueline@jlw.law
Representative Name
Jacqueline Lee Watson

4

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: EUGENIO OBZCO-ESPARZA

currently residing at:

(Number, street, city and ZIP code)

(512) 2 (Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

EXHIBIT NO 1

JUL 21 2022

C. McCULLOUGH
Immigration Judge

The Department of Homeland Security alleges that you:

- A- 1. You are not a citizen or national of the United States;
- A- 2. You are a native of MEXICO and a citizen of MEXICO; *ct*
- A- 3. You arrived in the United States at an unknown place, on an unknown date;
- A- 4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
800 DOLOROSA STREET-SUITE 300 San Antonio TX 78207. EOIR San Antonio, TX

(Complete Address of Immigration Court, including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

S 4698 KEMERLING SDDO

(Signature and Title of Issuing Officer)

Date: June 26, 2018

AUSTIN, TX

(City and State)

Ask Service

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on June 26, 2018, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person (checked)
by certified mail, returned receipt requested
by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services. (checked)

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

S 7581 MEADE

(Signature and Title of officer)
Deportation Officer

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ORDER OF RELEASE ON RECOGNIZANCE

Event Number: [REDACTED]

File No.: [REDACTED]

Date: [REDACTED]

Name: OROZCO-ESPARZA, EUGENIO

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in (writing) (person) to Duty officer at See I-831 on 08/08/2018 09:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State or Federal laws or ordinances.
- You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the Department of Homeland Security. Electronic monitoring is a requirement and a curfew may be imposed. Failure to comply with the conditions of your release or the requirements of the ATD program may result in a redetermination of your release conditions or your arrest and detention.*
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

KEMERLING, S 4698
ICE Official

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the ENGLISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

		06/26/2018
(Signature of ICE Official serving order)	(Signature of Alien)	Date

I hereby cancel this order of release because:

- The alien failed to comply with the conditions of release.
- The alien was taken into custody for removal.

(Signature of ICE Official canceling order)	Date

EOIR 142 of 159



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

OROZCO-ESPARZA, EUGENIO

To:

Watson, Jacqueline Lee
PO BOX 202050
Austin, TX 78759

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/23/2025

Unable to forward - no address provided.

Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.

Other:



Date: 12/23/2025

A handwritten signature in black ink, appearing to read "Reid McKee". The signature is written in a cursive style with a large "M" and "K" in the second name.

Immigration Judge: McKee, R. Reid 12/23/2025

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service | Address Unavailable

To: Alien | Alien c/o custodial officer | Alien atty/rep. | DHS

Respondent Name : OROZCO-ESPARZA, EUGENIO | A-Number : 

Riders:

Date: 12/23/2025 By: McKee, R. Reid, Immigration Judge



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

OROZCO-ESPARZA, EUGENIO

To:

Watson, Jacqueline Lee
PO BOX 202050
Austin, TX 78759

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/23/2025

ORDER OF THE IMMIGRATION JUDGE

A request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 1236, and the Court having considered the representations of the Department of Homeland Security (DHS) and the respondent, IT IS HEREBY ORDERED that the request for a change in the custody status of the respondent be DENIED for the following reason(s):

*Pursuant to INA Section 235(b)(2)(A), the Court lacks jurisdiction to consider the respondent's request for redetermination of custody status because the respondent is present in the United States without admission. Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).

*ALTERNATIVELY, and only in the event the Court is held to have bond jurisdiction, a request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 1236, and the Court having considered the representations of the Department of Homeland Security (DHS) and the respondent, IT IS HEREBY ORDERED that:

1. The request for a change in the custody status of the respondent be GRANTED and the respondent be released from custody upon posting a monetary bond of \$1,500.00; and
2. The conditions of the bond are changed: (a) to require the respondent to present a valid, government-issued identification document or documents to DHS/ICE, prior to or upon posting bond; (b) to prohibit the respondent from operating a motor vehicle within the United States during the pendency of the respondent's removal proceedings, except with proper licensure; and (c) to require the respondent to refrain from engaging in unauthorized employment in the United States.

Order:

The respondent's request for redetermination of custody status is hereby DENIED for lack of jurisdiction.



Immigration Judge: McKee, R. Reid 12/23/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 01/22/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : OROZCO-ESPARZA, EUGENIO | A-Number : 

Riders:

Date: 12/23/2025 By: McKee, R. Reid, Immigration Judge