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10 **Pro Hac Vice Requested**

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18 *Local Counsel for Petitioner*

19 **UNITED STATES DISTRICT COURT**
20 **WESTERN DISTRICT OF TEXAS**
21 **SAN ANTONIO DIVISION**

22 KELY VILLATORO, ET AL.)

23 *Petitioner,*)

24 v.)

25 PAMELA JO BONDI, Attorney)
26 General; KRISTI NOEM Secretary,)
27 United States Department of Homeland)
28 Security; TODD M. LYONS, Acting)
Director, United States Immigration)
and Customs Enforcement; MIGUEL)
VERGARA, Acting Field Office)
Director, ICE San Antonio Field)
Office, United States Immigration and)


Case No. 5:26-00124

**PETITION FOR WRIT OF
HABEAS CORPUS,
PURSUANT TO 28 U.S.C. §
2241**

1 Customs Enforcement; and, JOSE)
2 RODRIGUEZ JR., Immediate)
3 Custodian, Warden for Immigration)
4 and Customs Enforcement at Dilley)
5 Detention Center)
6)


7 *Respondents.*

8 **PETITION FOR WRIT OF HABEAS CORPUS**

9 Kely Villatoro and her minor child,  Villatoro, petitions this Court for
10 a Writ of Habeas Corpus, pursuant to USC §2241 and the Administrative
11 Procedure Act, 5 U.S.C. § 701, et seq., to remedy his/her continued unlawful
12 detention by Respondents. Petitioners hereby request that an immediate hearing be
13 set on this matter. Petitioners also request that they be immediately released during
14 the pendency of this Petition. In support of this Petition, Petitioners allege as
15 follow:
16

17 **I.**


18 **INTRODUCTION**

19 1. Petitioner Kely Villatoro is a native and citizen of Guatemala. Her
20 minor child,  Villatoro, is also a native and citizen of Guatemala and is
21 currently 13 years old.
22

23 2. On or about December 22, 2016, Ms. Villatoro and her son entered
24 the United States and were paroled into the country by immigration authorities.
25 They were released from custody and placed on an Order of Supervision.
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1 3. From December 2016 until December 2025, Petitioners fully
2 complied with all terms of their Order of Supervision, including all reporting and
3 check-in requirements. At no point during this nearly nine-year period were
4 Petitioners alleged to have violated any condition of supervision.
5

6 4. Petitioners applied for asylum and related relief. After adverse
7 decisions, they timely appealed to the Board of Immigration Appeals and
8 subsequently filed a timely petition for review with the United States Court of
9 Appeals for the Ninth Circuit, which remains pending.
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11

12 5. Ms. Villatoro is married to Axel Villatoro, a lawful permanent
13 resident of the United States. She is the mother of three United States citizen
14 children, in addition to  is a minor child who has lived in the
15 United States since 2016 and depends on his mother for care and support.
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18 6. On December 4, 2025, Petitioners appeared for a routine ICE check-
19 in, consistent with their long history of compliance. Despite no change in
20 circumstances, no allegation of non-compliance, and no new violations,
21 Petitioners were detained, transported to Dilley, Texas, and have remained in
22 immigration detention since that date.
23
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25 7. Petitioners report that detention conditions are alarming and
26 unsuitable, particularly for a minor child. They report unsanitary conditions,
27 including worms found in food, raising serious health and safety concerns.
28

1 8. To Petitioners' knowledge, no material change in facts or law
2 occurred that would justify their re-arrest and detention after nearly nine years of
3 successful compliance under supervision. Petitioners have strong family ties, a
4 pending Ninth Circuit appeal, and a demonstrated record of compliance.
5

6 9. Petitioners seek immediate release from detention, as their continued
7 confinement is unjustified, punitive, and unsupported by any individualized
8 determination warranting re-detention, particularly given their longstanding
9 compliance and pending judicial review.
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12 II.

13 JURISDICTION AND VENUE


14 10. This Court has jurisdiction under 28 U.S.C. §2241 (habeas corpus)
15 and Article I, Section 9, Clause 2, of the United States Constitution (Suspension
16 Clause).
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19 11. Venue is proper in the United States District Court for the Western
20 District of Texas, pursuant to 28 U.S.C. §§ 1391(e)(1)(B) and 1391(e)(1)(C),
21 because officers of the ICE San Antonio Field Office in San Antonio, Texas have
22 maintained custodial control over the Petitioners at the Dilley Detention Facility
23 in Dilley, Texas. The Petitioners' current incarceration at Dilley Detention
24 Center, the San Antonio ICE Field Office, and the Dilley Detention Facility lie
25 within this Court's territorial jurisdiction. Pursuant to Braden v. 30th Judicial
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1 Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), venue lies in the
2 judicial district in which Petitioner is currently in custody.
3

4 **PARTIES**

5 12. Petitioner Kely Villatoro is a native and citizen of Guatemala who
6 has resided in the United States since December 22, 2016. She is currently
7 detained by U.S. Immigration and Customs Enforcement.
8

9 13. Petitioner  Villatoro is a minor child, age 13, and a native
10 and citizen of Guatemala. He entered the United States with his mother on
11 December 22, 2016, and is currently detained by U.S. Immigration and Customs
12 Enforcement and Customs
13 Enforcement.
14

15 14. Respondent Pamela Jo Bondi is the Attorney General of the United
16 States. She has a mandate, pursuant to 8 U.S.C. §§ 1101(b)(4) and 1103(g)(1)-
17 (2), to supervise the implementation and enforcement of the INA, including the
18 apprehension, detention, and deportation of removable noncitizens under sections
19 236(a) and 241(a) of the INA, 8 U.S.C. §§ 1226(a) and 1231(a). She is sued in
20 her official capacity.
21
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23 15. Respondent Kristi Noem is the Secretary of Homeland Security.
24 She is responsible for “[c]arrying out the immigration enforcement functions
25 vested by statute in, or performed by, the Commissioner of [the former]
26 Immigration and Naturalization (or any officer, employee, or component of the
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1 Immigration and Naturalization Service),” 6 U.S.C. § 202(3), and for
2 “[e]stablishing national immigration enforcement policies and priorities.” 6
3 U.S.C. § 202(5). She is sued in her official capacity.
4

5 16. Respondent Todd M. Lyons is the Acting director of United States
6 Immigration and Customs Enforcement. He has a mandate, pursuant to 6 U.S.C.
7 §§ 251(2) and 252(a)(3)(A)(ii) and 8 U.S.C. §§ 1103(a)(1) and 1103(g)(2), to
8 exercise any functions delegated to him by the Secretary of the United States
9 Department of Homeland Security, including the enforcement of the INA and all
10 other laws, regulations, and policies pertaining to the immigration and
11 naturalization of immigrants, and the apprehension and detention of noncitizens
12 for removal from the United States. He is sued in his official capacity.
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16 17. Respondent Miguel Vergara is the Field Office Director for the ICE
17 San Antonio Field Office, an office of United States Immigration and Customs
18 Enforcement in San Antonio, Texas. He has a duty, delegated to him by the
19 Secretary of the United States Department of Homeland Security and the Director
20 of United States Immigration and Customs Enforcement, to supervise the
21 apprehension, detention, and removal of noncitizens within the San Antonio,
22 Texas metropolitan area. He is sued in his official capacity.
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26 18. Respondent Jose Rodriguez Jr., Dilley Immigration Processing
27 Center Facility Administrator, the immediate custodian of Petitioner, who bears
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1 responsibility for detaining him pending removal proceedings. He is sued in his
2 official capacity.

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4 **III.**

5 **STATEMENT OF FACTS**

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7 19. Petitioner Kely Villatoro and her minor child  are
8 natives and citizens of Guatemala. They entered the United States on December
9 22, 2016, were paroled into the United States, and released from custody. They
10 were placed on an Order of Supervision and complied with all reporting and
11 supervision requirements for nearly nine years.

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14 20. Petitioners applied for asylum, withholding of removal and
15 protection under the Convention Against Torture. On November 22, 2018, an
16 Immigration Judge in Los Angeles, California, denied their applications for
17 relief. Petitioners timely appealed to the Board of Immigration Appeals, which
18 issued a decision on February 11, 2021. Petitioners thereafter filed a timely
19 petition for review with the United States Court of Appeals for the Ninth Circuit,
20 where the matter remains pending. On November 13, 2021, the Ninth Circuit
21 issued a judicial administrative order in Petitioners' case. During this period, Ms.
22 Villatoro's husband became a lawful permanent resident, and the case was
23 administratively closed. Recently, the case was recalendared and remains
24 pending before the Ninth Circuit.
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1 21. Ms. Villatoro is married to Axel Villatoro, a lawful permanent
2 resident of the United States. Mr. and Mrs. Villatoro are parents to three United
3 States citizen children, in addition to , who is 13 years old and has resided
4 in the United States since 2016.
5

6 22. On December 4, 2025, Petitioners appeared for a routine ICE check-
7 in, consistent with their longstanding history of compliance with supervision
8 requirements. At the time, Petitioners had a petition for review pending before
9 the Ninth Circuit Court of Appeals and had been represented by prior counsel.
10 Although a judicial stay of removal had not yet been issued on the date of the
11 check-in, Petitioners obtained a temporary stay shortly thereafter, which remains
12 in effect to this day.
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16 23. Despite the absence of any allegation of noncompliance, violation of
17 supervision, or material change in circumstances, Petitioners were detained at the
18 check-in, transported to Dilley, Texas, and have remained in immigration
19 detention since that date. Petitioners had reported regularly to ICE since at least
20 2021 without a stay of removal in place. Notably, the temporary stay was
21 obtained the same day they were taken into custody
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25 24. Petitioners report that detention conditions are alarming and
26 unsuitable, particularly for a minor child, including unsanitary conditions and
27 worms found in food. To Petitioners' knowledge, there have been no material
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1 changes in fact or law that would justify their re-arrest and detention after nearly
2 nine years of compliance under supervision.

3
4 25. Petitioners seek immediate release, as their continued detention is
5 unsupported by any individualized justification and is inconsistent with their
6 longstanding compliance, strong family ties, and pending judicial review.
7

8 **IV.**

9 **STATUTORY AND REGULATORY REFERENCE**

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11 26. Due process requires that if DHS seeks to re-arrest a person like Ms.
12 Villatoro and her child— individuals who have lived in the United States without
13 incident after DHS first released them, submitted applications for protection from
14 removal, and otherwise complied with the terms of their releases—the
15 government must afford a hearing before a neutral decisionmaker to determine
16 whether any re-detention is justified, and whether the person is a flight risk or
17 danger to the community.
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21 27. “Freedom from imprisonment—from government custody,
22 detention, or other forms of physical restraint—lies at the heart of the liberty
23 protected by the Due Process Clause.” Zadvydas v. Davis, 533 U.S. 678, 690
24 (2001).
25

26 28. Ms. Villatoro and her minor child have resided peacefully in the
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1 United States since December 2016, without incident, and in full compliance
2 with all conditions of their Orders of Supervision. After entering the United
3 States without inspection, they were apprehended and detained, and ICE
4 exercised its discretion to parole them and issue Forms I-220A. Their re-
5 detention is not justified. They have now been re-detained without any material
6 change in circumstances and without the procedural protections required by the
7 Fifth Amendment.
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11 29. Individuals released on parole or other forms of conditional release
12 possess a constitutionally protected liberty interest in their continued freedom.
13 Morrissey v. Brewer, 408 U.S. 471, 482 (1972). Although conditional, that
14 liberty interest “includes many of the core values of unqualified liberty,”
15 including the ability to live with family and maintain employment, and its
16 termination inflicts a “grievous loss” on the released individual and others. Id.
17 The revocation of that liberty therefore triggers due process protections under the
18 Fifth Amendment.
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22 30. To guard against arbitrary re-detention, due process requires
23 “adequate procedural protections” that test whether the government’s asserted
24 justification for physical confinement outweighs the individual’s constitutionally
25 protected interest in avoiding restraint. Zadvydas v. Davis, 533 U.S. 678, 690
26 (2001). At a minimum, due process guarantees notice and an individualized
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1 hearing before a neutral decisionmaker prior to the revocation of release, at
2 which the government must assess whether detention is justified based on danger
3 or flight risk. Goldberg v. Kelly, 397 U.S. 254, 267 (1970). As the Supreme
4 Court has made clear, “the fundamental requisite of due process of law is the
5 opportunity to be heard . . . at a meaningful time and in a meaningful manner.”
6
7 Id. (citation modified).
8

9
10 31. Form I-220A authorizes ICE to release a noncitizen without bond
11 when ICE determines the individual is not a flight risk and is likely to appear for
12 required proceedings. While individuals released on an I-220A do not obtain
13 lawful immigration status, they are permitted to live freely in the United States
14 while their removal proceedings are pending. That conditional freedom
15 constitutes a protected liberty interest. Its revocation, absent individualized
16 process, is tantamount to a 5th Amendment violation.
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20 32. Due process requires a pre-deprivation hearing before the revocation
21 of parole. See 2025 U.S. Dist. LEXIS 173694, [WL] at *9 (citing Young v.
22 Harper, 520 U.S. 143, 147-49, 117 S. Ct. 1148, 137 L. Ed. 2d 270 (1997)). By
23 statute and regulation, as interpreted by the Board of Immigration Appeals
24 (“BIA”), ICE may re-arrest a noncitizen and revoke an existing bond only upon a
25 change in circumstances arising after the individual’s release. See 8 U.S.C. §
26 1226(b); 8 C.F.R. § 236.1(c)(9); Matter of Sugay, 17 I&N Dec. 647, 650 (BIA
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1 1981). The government has further acknowledged in litigation that any such
2 change must be material. Saravia v. Barr, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
3 2017), aff'd sub nom. Saravia for A.H. v. Sessions, 905 F.3d 1137 (9th Cir.
4 2018).

5
6 33. This authority is further constrained by the Due Process Clause, as it
7 is well established that individuals released from custody possess a protected
8 liberty interest in their freedom. Accordingly, under the specific facts of
9 Petitioners' case, due process requires adequate notice and a meaningful
10 opportunity to be heard before that liberty interest may be curtailed.
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14 Multiple courts have recognized that in "the immigration context, once
15 released from immigration custody, noncitizens acquire "a protectable liberty
16 interest in remaining out of custody on bond." Lopez-Arevelo v. Ripa, No. EP-
17 25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232 (W.D. Tex. Sep. 21, 2025),
18 citing, Diaz v. Kaiser, No. 25-cv-5071, 2025 U.S. Dist. LEXIS 113566, 2025 WL
19 1676854, at *2 (N.D. Cal. June 14, 2025) (collecting cases); accord M.S.L., 2025
20 U.S. Dist. LEXIS 162519, 2025 WL 2430267, at *8 ("Just as people on
21 preparole, parole, and probation status have a liberty interest, so too does [a
22 noncitizen released from immigration detention] have a liberty interest in
23 remaining out of custody on bond." (quoting Ortega v. Bonnar, 415 F. Supp. 3d
24 963, 969 (N.D. Cal. 2019)); Rosado v. Figueroa, No. 25-cv-2157, 2025 U.S. Dist.

1 LEXIS 156344, 2025 WL 2337099, at *12 (D. Ariz. Aug. 11, 2025) . Here, the
2 appropriate relief is Petitioners' immediate release, as they have demonstrated a
3 consistent history of compliance with the terms of supervision. Petitioner is the
4 mother of three United States citizen children, and the minor child detained with
5 her is her thirteen-year-old child, whose continued detention is unnecessary and
6 unjustified. Petitioner is also married to a lawful permanent resident. These
7 compelling family and humanitarian factors, combined with Petitioners'
8 compliance and lack of any violation, strongly warrant immediate release.
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12 34. The Petitioners are also eligible for bond hearing. They entered the
13 United States without inspection and were subsequently detained. The INA
14 prescribes three basic forms of detention for the vast majority of noncitizens in
15 removal proceedings.
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18 35. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
19 standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in
20 § 1226(a) detention are generally entitled to a bond hearing at the outset of their
21 detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have
22 been arrested, charged with, or convicted of certain crimes are subject to
23 mandatory detention, see 8 U.S.C. § 1226(c).
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1 36. Second, the INA provides for mandatory detention of noncitizens
2 subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
3 arrivals seeking admission referred to under § 1225(b)(2).
4

5 37. Last, the INA also provides for detention of noncitizens who have
6 been ordered removed, including individuals in withholding-only proceedings,
7 see 8 U.S.C. § 1231(a)–(b).
8

9 38. This case concerns the detention provisions at §§ 1226(a) and
10 1225(b)(2).
11

12 39. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted
13 as part of the Illegal Immigration Reform and Immigrant Responsibility Act
14 (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546,
15 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended
16
17 earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
18

19 40. Following the enactment of the IIRIRA, EOIR drafted new
20 regulations explaining that, in general, people who entered the country without
21 inspection were not considered detained under § 1225 and that they were instead
22 detained under § 1226(a). See *Inspection and Expedited Removal of Aliens;*
23
24 *Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum*
25 *Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
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1 41. Thus, in the decades that followed, most people who entered without
2 inspection and were placed in standard removal proceedings received bond
3 hearings, unless their criminal history rendered them ineligible. That practice was
4 consistent with many more decades of prior practice, in which noncitizens who
5 were not deemed “arriving” were entitled to a custody hearing before an IJ or
6 other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-
7 469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
8 authority previously found at § 1252(a)).
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12 42. As this court is familiar with, on July 8, 2025, ICE in coordination
13 with the Department of Justice (DOJ) announced a new policy that rejected well-
14 established understanding of the statutory framework and reversed decades of
15 practice.
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17

18 43. The policy, entitled “Interim Guidance Regarding Detention
19 Authority for Applicants for Admission,” claims that all persons who entered the
20 United States without inspection shall now be deemed “applicants for admission”
21 under 8 U.S.C. § 1225, and therefore are subject to mandatory detention
22 provision under § 1225(b)(2)(A). The policy applies regardless of when a person
23 is apprehended, and affects those who have resided in the United States for
24 months, years, and even decades.
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1 44. On September 5, 2025, Matter of Yujare Hurtado became binding
2 precedent. In that decision, the Board of Immigration Appeals held that, based on
3 the plain language of INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A),
4 Immigration Judges lack authority to conduct bond hearings or grant bond to
5 noncitizens present in the United States without admission. Matter of Yujare
6 Hurtado, 29 I. & N. Dec. 216 (BIA 2025).
7

9 45. On November 20, 2025, Honorable Judge Sykes, from the Central
10 District of CA, granted partial summary judgment on behalf of individual
11 plaintiffs and on November 25, 2025, certified a nationwide class and extended
12 declaratory judgment to the certified class. Maldonado Bautista v. Santacruz, No.
13 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D.
14 Cal. Nov. 20, 2025) (order granting partial summary judgment to named
15 Plaintiffs-Petitioners); Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-
16 SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25,
17 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
18 Class, incorporating and extending declaratory judgment from Order Granting
19 Petitioners' Motion for Partial Summary Judgment).
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25 46. The declaratory judgment held that the Bond Denial Class members
26 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration
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28

1 for release on bond under § 1225(b)(2)(A). Maldonado Bautista, 2025 WL
2 3289861, at *11.

3
4 47. On December 18, 2025, a Federal District Court Judge further found
5 that in in spite of Yajure Hurtado, those similarly situated to the plaintiffs in
6 Maldonado Bautista, are not “applicants for admission,” and therefore not subject
7 to mandatory detention under § 1225. [MSJ Order at 12–17]. See Loper Bright
8 Enters. v. Raimondo, 603 U.S. 369, 398–99 (2024) (requiring courts “to ignore,
9 not follow, ‘the reading the court would have reached’ had it exercised its
10 independent judgment). In its most recent MSJ Order, Honorable Judge Sykes
11 clarifies that although her order does not grant vacatur of Yajure Hurtado under
12 the APA, Yajure Hurtado is no longer controlling; the legal conclusion
13 underlying the decision is no longer tenable.
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18 48. Petitioners argue that Section 1226(a) applies by default to all persons
19 “pending a decision on whether the [noncitizen] is to be removed from the United
20 States.” These removal hearings are held under § 1229a, to “decid[e] the
21 inadmissibility or deportability of a[] [noncitizen].”
22

23
24 49. Section 1226 therefore leaves no doubt that it applies to people who
25 face charges of being inadmissible to the United States, including those who are
26 present without admission or parole.
27
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1 50. By contrast, § 1225(b) applies to people arriving at U.S. ports of
2 entry or who recently entered the United States. The statute’s entire framework is
3 premised on inspections at the border of people who are “seeking admission” to
4 the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has
5 explained that this mandatory detention scheme applies “at the Nation’s borders
6 and ports of entry, where the Government must determine whether a[]
7 [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*,
8 583 U.S. 281, 287 (2018).
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12 51. Accordingly, the mandatory detention provision of § 1225(b)(2)
13 does not apply to people like Petitioner, who have already entered and were
14 residing in the United States at the time they were apprehended. Should the court
15 not order release and restore the conditions of their Order of Supervision,
16 Petitioners request that the court direct the government to schedule an
17 individualized custody determination within seven days.
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20

21 **V.**

22 **CLAIMS FOR RELIEF**

23 **FIRST CLAIM FOR RELIEF**

24 **HABEAS CORPUS**

25
26 52. As set forth above, Respondents are holding Petitioner in federal
27 custody, in violation of the U.S. Constitution.
28

1 53. Accordingly, Petitioners seek a writ of habeas corpus compelling
2 Respondents to release them from continued detention.
3

4 **SECOND CLAIM FOR RELIEF**

5 **AS TO PETITIONERS' DETENTION—VIOLATION OF THE DUE**
6 **PROCESS CLAUSE**

7 54. The Petitioner repeat, re-allege, and incorporate by reference each
8 and every allegation in the preceding paragraphs as if fully set forth herein.
9

10 55. The government may not deprive a person of life, liberty, or
11 property without due process of law. U.S. Const. amend. V. "Freedom from
12 imprisonment, from government custody, detention, or other forms of physical
13 restraint, lies at the heart of the liberty that the Clause protects." Zadvydas v.
14 Davis, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
15
16

17 56. Petitioners have a fundamental interest in liberty and being free from
18 official restraint.
19

20 57. The government's detention of Petitioners without notice or a
21 change in material circumstances violate their right to due process.
22

23 **THIRD CLAIM FOR RELIEF**

24 **VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

25 58. The Petitioners' repeat, re-allege, and incorporate by reference each
26 and every allegation in the preceding paragraphs as if fully set forth herein.
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1 59. Petitioners are aggrieved by Respondents' actions in detaining them
2 and refusing to consider their release. Respondents' continued detainment and
3 failure to release the petitioner constitutes final agency action, within the
4 meaning of 5 U.S.C. § 704.
5

6 60. Respondents' detention further violates Petitioner's rights under the
7 Fourth Amendment and the Fifth Amendment as Petitioner remains confined
8 without lawful authority and without individualized consideration.
9
10

11 61. Petitioners have no recourse to judicial review other than by this action.
12

13 **Prayer for Relief**

14 WHEREFORE, Petitioners respectfully request that the Court:

15 (1) Assume jurisdiction over this matter;

16 (2) Issue an Order to Show Cause ordering Respondents to show cause
17 why this Petition should not be granted within three days.
18

19 (3) Declare that Petitioners' detention violates the Due Process Clause
20 of the Fifth Amendment, U.S. Const. amend. V.;

21 (4) Issue a Writ of Habeas Corpus ordering Respondents to release
22 Petitioners immediately; in the alternative, order the Government to schedule an
23 individualized bond hearing within seven days.
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1 (5) Award Petitioners' attorney's fees and costs under the Equal Access
2 to Justice Act, as amended, 28 U.S.C § 2412, and on any other basis justified
3 under law; and
4

5 (6) Grant any further relief this Court deems just and proper.
6

7 Dated: January 12, 2026
8

9 Respectfully Submitted,

10 S/Roxana V. Muro

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28 Local Counsel for Petitioner

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

1
2 I represent Petitioner, and I submit this verification on his behalf. Because
3
4 Petitioner is detained at the Dilley Detention Center and immediate relief is sought,
5
6 counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby
7
8 verify that the factual statements made in the foregoing Petition for Writ of Habeas
9
10 Corpus are true and correct to the best of my knowledge.

11
12 Dated this 12th day of January, 2026.

13
14 /s/Roxana V. Muro

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.

Dated: January 12, 2026

/s/Roxana V. Muro
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