

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.)

I. (a) PLAINTIFFS
Angel Dario Rangel Garcia
(b) County of Residence of First Listed Plaintiff Pearsall, TX
(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Office of Rudy Castillo, 2621 Rockgate, San Antonio, TX 78227

DEFENDANTS
Warden, South Texas Detention Facility
County of Residence of First Listed Defendant Pearsall, TX
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):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 01/14/2026 SIGNATURE OF ATTORNEY OF RECORD /s/ Rodolfo 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

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- 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

Angel Dario Rangel Garcia)
Petitioner-Plaintiff,)
)
v.)
)
Miguel Vergara,)
Field Office Director)
U.S. Immigration and Customs Enforcement;)
)
Bobby Thompson,)
Facility Warden)
South Texas Detention Facility,)
)
Respondents-Defendants)
_____)

Civ. No. 5:26-cv-170

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 **Angel Dario Rangel Garcia** respectfully submits this Memorandum of Law in support of his Emergency Petition for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, seeking immediate release from immigration detention or, in the alternative, a prompt custody hearing that comports with due process.

Petitioner entered the United States without inspection in or around the year **2022** and has continuously resided in this country since that time. He is lawfully married to a **United States citizen**, who has filed a **Form I-130 Petition for Alien Relative** on his behalf. That petition is currently **pending** before U.S. Citizenship and Immigration Services.

Additionally, Petitioner was granted **Temporary Protected Status (“TPS”)**, valid from **November 19, 2024, through April 2, 2025**, authorizing his lawful presence in the United States during this period. Petitioner no longer held lawful immigration status in the United States upon the expiration of his TPS.

Petitioner has no criminal history aside from a **Class A Misdemeanor**, which was subsequently **dismissed**, resulting in no conviction, sentence, or finding of guilt. Petitioner has also complied with his tax obligations and has deep family and community ties in the United States, including his United States citizen wife. Despite these significant equities, Petitioner remains detained by Immigration and Customs Enforcement (“ICE”).

Requesting a bond hearing before the Immigration Court would be **futile**. Immigration Judges in this jurisdiction routinely deny custody review for similarly situated detainees based on asserted jurisdictional limitations, resulting in prolonged detention without meaningful review. Petitioner therefore seeks immediate release or, in the alternative, a prompt and constitutionally adequate custody hearing with the burden 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 custody and control over him here.

III. PARTIES

1. **Petitioner Jorge Carcamo** is a noncitizen and native and citizen of Mexico currently detained by ICE at the Karnes County Immigration Processing Center in Karnes City, Texas.
2. **Respondent Miguel Vergara** is the **ICE Field Office Director** responsible for detention operations in this District.
3. **Respondent Bobby Thompson** is the Warden of the South Texas Detention Facility and Petitioner’s immediate custodian.

IV. STATEMENT OF FACTS

1. Petitioner entered the United States in **2022** and has continuously resided in this country since that time.
2. Petitioner is married to a **United States citizen**, who has filed a **Form I-130 Petition for Alien Relative** on his behalf. The petition remains pending and has not been denied or withdrawn.
3. On **November 19, 2024**, Petitioner was granted **Temporary Protected Status**, authorizing his lawful presence in the United States through **April 2, 2025**.
4. Petitioner has **no criminal convictions**. The sole criminal charge ever alleged against him, **Discharge of a Firearm**, was **dismissed**.
5. Petitioner is currently detained pending removal proceedings. His next Master Calendar Hearing is anticipated to take place on or about **February 12, 2026**.
6. Petitioner is **statutorily eligible** to apply for **Asylum, Withholding of Removal, and Protection under the Convention Against Torture pursuant to INA § 208(a), 8 U.S.C. § 1158(a) (asylum); INA § 241(b)(3), 8 U.S.C. § 1231(b)(3) (withholding of removal); and 8 C.F.R. §§ 1208.16–18 (CAT)**. Petitioner seeks asylum and withholding of removal based on past persecution and a well-founded fear of future persecution on account of protected grounds, including membership in a particular social group and imputed political opinion. Petitioner further seeks protection under the Convention Against Torture based on a likelihood of torture with the acquiescence of public officials if returned to his country of nationality.
7. Despite these significant equities, ICE continues to detain Petitioner **without** any individualized determination that he poses a **danger or flight risk**.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

1. Civil immigration detention under INA § 236(a), 8 U.S.C. § 1226(a), is discretionary and requires individualized determinations justifying continued detention.
2. Prolonged civil detention is constrained by the Due Process Clause of the Fifth Amendment, which prohibits detention that is excessive, arbitrary, or punitive in nature. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VI. ARGUMENT

A. Requesting a Bond Hearing Before the Immigration Court Would Be Futile

1. Immigration Judges in this jurisdiction routinely deny bond jurisdiction for similarly situated detainees based on asserted statutory and jurisdictional limitations, resulting in automatic and prolonged detention without meaningful custody review.
2. The futility doctrine excuses exhaustion where administrative remedies are unavailable, inadequate, or incapable of providing meaningful relief. Requiring Petitioner to seek a bond hearing that is functionally foreclosed would serve no purpose and would only prolong unconstitutional detention.

B. Petitioner's Continued Detention is Unlawful Under INA § 236(a) and Violates Due Process

1. Petitioner is detained under INA § 236(a), which permits discretionary detention only when supported by **individualized findings of danger or flight risk**.
2. Petitioner was lawfully present in the United States under **Temporary Protected Status** and has a **pending immigrant visa petition** through his U.S. citizen spouse.
3. He has **no criminal convictions**, and ICE cannot justify continued detention based on speculation or dismissed allegations.
4. Detaining Petitioner without a constitutionally sufficient custody determination is arbitrary and violates the Fifth Amendment.

C. The Dismissed Criminal Charge Cannot Justify Continued Detention

1. The government may not rely on dismissed criminal charges to establish dangerousness or justify prolonged civil detention.
2. Petitioner's charge for **Discharge of a Firearm** was **dismissed**, and there has been no finding that he poses a danger to the community.
3. Reliance on a dismissed charge to justify detention is fundamentally unfair and constitutionally infirm.

D. Detention Is Unreasonable Given Petitioner's Pending Relief and Equities

Petitioner presents substantial equities favoring release, including:

1. Lawful presence under TPS
2. A pending I-130 petition filed by a U.S. citizen spouse
3. No criminal convictions
4. Eligibility for continued immigration relief

Under these circumstances, continued detention serves no legitimate governmental purpose and violates due process.

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

1. Where detention is not justified, this Court may order immediate release. In the alternative, due process requires a prompt custody hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary.

VII. CONCLUSION

Petitioner's ongoing detention is unlawful, unconstitutional, and unsupported by the facts or the law. Immediate release is warranted. At minimum, Petitioner is entitled to a prompt and meaningful custody hearing that complies with due process.

VIII. CLAIMS FOR RELIEF

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

1. Petitioner incorporates all preceding paragraphs.
2. Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

1. A declaration is warranted that Petitioner's continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Grant** the Petition for Writ of Habeas Corpus and order Petitioner's **immediate release**;
2. In the alternative, **order a prompt, individualized custody hearing** that complies with due process;
3. **Enjoin** Respondents from continuing Petitioner's unlawful detention; and
4. **Grant** such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo

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

X. SIGNATURE & VERIFICATION

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

Executed on 01/14/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of January 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Warden, South Texas Detention Complex
566 Veterans Dr.
Pearsall, TX 78061

and

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

and

U.S. Attorney's Office
Western District of Texas – San Antonio Division
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Respectfully submitted,

/s/ Rodolfo Castillo
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