

INTRODUCTION

1. Petitioner Wilder Jafet Borge-Téllez (“Petitioner”) is a native and citizen of Nicaragua who has been physically present in the United States since July 27, 2022.
2. Petitioner is currently detained by Immigration and Customs Enforcement (“ICE”) at the South Texas ICE Processing Center in Pearsall, Texas.
3. ICE asserts that Petitioner is subject to mandatory detention under Immigration and Nationality Act (“INA”) § 235(b), 8 U.S.C. § 1225(b), and that neither ICE nor the Immigration Court has jurisdiction to consider release on bond.
4. Based on this classification, the Immigration Judge has no jurisdiction to grant a bond hearing, and ICE has refused to exercise any discretionary release authority.
5. As a result, Petitioner is being held in prolonged civil detention without any meaningful opportunity to challenge the statutory basis of his confinement.
6. Petitioner is not an “arriving alien” within the meaning of § 1225(b). He entered the United States in 2022 and has resided continuously in the interior of the country since that time.
7. Respondents’ continued detention of Petitioner under § 1225(b) violates the INA, the Administrative Procedure Act (“APA”), and the Due Process Clause of the Fifth Amendment.
8. Because no adequate administrative remedy exists, Petitioner seeks relief under 28 U.S.C. § 2241 requiring Respondents to justify his detention forthwith, or release him.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this District in violation of federal statutory and constitutional law.
10. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States.
11. Jurisdiction is further authorized by the Suspension Clause, Article I, Section 9, Clause 2 of the United States Constitution.
12. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201, 2202, and 28 U.S.C. § 1651.
13. Venue is proper in the Western District of Texas pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District.
14. Venue is also proper under 28 U.S.C. § 1391(e).

PARTIES

15. Petitioner WILDER JAFET BORGE-TÉLLEZ, A# [REDACTED] is a citizen of Nicaragua currently detained at the South Texas ICE Processing Center in Pearsall, Texas.
16. Respondent Renaldo Castro is the Warden of the South Texas ICE Processing Center and has immediate custody of Petitioner.
17. Respondent Sylvester Ortega is the Field Office Director for ICE Enforcement and Removal Operations in San Antonio, Texas.
18. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.
19. Respondent U.S. Department of Homeland Security is the federal agency responsible for Petitioner's detention.
20. Respondent Pamela Bondi is the Attorney General of the United States.
21. Respondent Executive Office for Immigration Review is responsible for immigration court proceedings.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Petitioner has no adequate administrative remedy to challenge the legality of his detention.
23. The Immigration Judge lacks jurisdiction to review custody because ICE classifies Petitioner under § 235(b).
24. No bond determination exists, and therefore no appeal to the BIA is available.
25. ICE provides no administrative mechanism to challenge statutory misclassification.
26. Exhaustion is not required for constitutional or pure questions of law.
27. Accordingly, exhaustion is excused.

FACTUAL BACKGROUND

28. Petitioner entered the United States on or about July 27, 2022 and has remained continuously present since that date.
29. On December 2, 2025, Petitioner was detained by ICE in San Antonio, Texas.
30. Petitioner has no criminal history.
31. Petitioner has a pending application for asylum.
32. ICE has refused to provide Petitioner with a bond hearing or discretionary release.
33. Petitioner has remained detained at the South Texas ICE Processing Center since his arrest.
34. While detained, Petitioner was placed in solitary confinement from December 12, 2025 through December 17, 2025 after reporting illness.
35. ICE has offered Petitioner removal to countries of which he is not a national.
36. Petitioner has been detained for a prolonged period without any custody review.

LEGAL FRAMEWORK

37. Congress created distinct detention schemes under 8 U.S.C. §§ 1225 and 1226.

38. Section 1225(b) applies to arriving aliens seeking admission at the border.
39. Section 1226(a) applies to noncitizens already present in the United States pending removal proceedings.
40. Petitioner, who entered in 2022 and resided in the interior, falls under § 1226(a).
41. Respondents' reliance on § 1225(b) is legally erroneous and inconsistent with Supreme Court precedent.
42. Federal courts have rejected the expansion of § 1225(b) to interior detainees.

CLAIM ONE: UNLAWFUL DETENTION (INA)

43. Petitioner incorporates all prior paragraphs.
44. Respondents unlawfully detain Petitioner under § 1225(b).
45. Petitioner is not an arriving alien.
46. Continued detention violates the INA.

CLAIM TWO: APA VIOLATIONS

47. Petitioner incorporates all prior paragraphs.
48. Respondents' actions are arbitrary, capricious, and contrary to law.
49. The detention decision must be set aside under 5 U.S.C. § 706.

CLAIM THREE: PROCEDURAL DUE PROCESS

50. Petitioner incorporates all prior paragraphs.
51. Petitioner has a fundamental liberty interest.
52. Detention without custody review violates due process.

CLAIM FOUR: SUBSTANTIVE DUE PROCESS

53. Petitioner incorporates all prior paragraphs.
54. Detention bears no reasonable relationship to any legitimate government purpose.

IRREPARABLE HARM

55. Prolonged detention without review constitutes irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this action;
- b. Issue an Order to Show Cause requiring Respondents to justify Petitioner's detention within three (3) days pursuant to 28 U.S.C. § 2243;
- c. Enjoin Respondents from transferring Petitioner outside the Western District of Texas

while this Petition is pending;

d. Order Respondents to release Petitioner or provide appropriate relief within seven (7) days;

e. Limit any extension of time to respond to no more than twenty (20) days for good cause shown;

f. Grant any other and further relief the Court deems just and proper.

VERIFICATION

I, Wilder Jafet Borge-Téllez, declare under penalty of perjury that the foregoing Petition for Writ of Habeas Corpus is true and correct to the best of my knowledge.

Executed this 2nd day of January, 2026.

/s/ Wilder Jafet Borge-Téllez

Wilder Jafet Borge-Téllez

A# 

South Texas ICE Processing Center

566 Veteran Dr.

Pearsall, Texas 78061