

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Case No.

ANTONIO SANDEKLI-YATIM, (File A No. )

Petitioner,

V.

1. JIMMY JOHNSON

Facility Administrator, Prairieland Detention Center

2. TODD LYONS

Acting Director of Immigration and Customs Enforcement

3. KRISTI NOEM

Secretary, U.S. Department of Homeland Security

4. PAMELA BONDI

U.S. Attorney General

Respondents.

INTRODUCTION

1. Petitioner, Antonio Sandekli Yatim, has been in the custody of Immigration and Customs Enforcement (“ICE”) since November 7, 2025, approximately 2 months. Petitioner’s continued detention is unconstitutional and unlawful because his removal is not reasonably foreseeable. Petitioner has been pursuing relief from removal and has requested a custody redetermination hearing, which was denied on December 15, 2025. *See* Exh 1. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
2. Absent an order from this Court, Petitioner will continue to be detained for an unknown and unreasonable amount of time by ICE.
3. Petitioner asks this Court to find that his continued detention is unconstitutional and order the Petitioner released pending his immigration proceedings.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C § 1101 *et seq.*
5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question, and Article I, §9, cl. 2 of the United States Constitution (suspension clause).
6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgement Act, 28, U.S.C. § 2201 *et seq.* and the All Writs Act, 28 U.S.C § 1651.

VENUE

7. Venue is proper because Petitioner is detained at Prairieland Detention Center in Alvarado, Texas, which lies within the jurisdiction of the Northern District of Texas.
8. Venue is also proper because Respondent is an officer, employee, or agent of the United States and a substantial part of the events giving rise to this petition occurred in this District, 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed” *Id.* (emphasis added).
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Wit has been referred to as “perhaps the most important writ known to the constitutional law of England, 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) (emphasis added).

PARTIES

11. Petitioner is a 41 year old native and citizen of Venezuela. Petitioner has resided in the United States since on or about November 18, 2021. *See* Exh 2. Petitioner is currently being held at the Prairieland Detention Center in Alvarado, Texas and is in the custody and direct control of Respondent and Respondent’s agents.
12. Respondent is the Facility Administrator of Prairieland Detention Center, Jimmy Johnson, and they have immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

13. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Lyons is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
15. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

STATEMENT OF FACTS

16. Petitioner is a native and citizen of Venezuela. Petitioner is forty-one (41) years old. Petitioner has resided in the United States since approximately November 2021, a period of more than four (4) years, and has established deep community ties and a long-standing presence in this country.
17. Petitioner entered the United States without inspection on or about November 2021. Petitioner has no criminal convictions and has lived a peaceful, law-abiding life during his more than four (4) years in this country. Petitioner has significant equities and strong incentive to appear for all future immigration proceedings. After entering the United States, Petitioner applied for and was approved for Temporary Protected Status. Petitioner also previously applied for Asylum, Withholding of Removal, and Protection under the Convention Against Torture however the Immigration Judge terminated removal proceedings due to a failure to prosecute. *See* Exh. 3. On or about December 30, 2025, Department of Homeland Security ("DHS") re-filed a Notice to Appear. *See* Exh. 4. Respondent is currently scheduled for a master hearing on January 16, 2026 before the Houston Greenpoint Park Immigration Court.
18. On or about November 7, Petitioner was detained by Immigration and Customs Enforcement ("ICE") and has remained in continuous detention since that date. On or about December 15, 2025, Petitioner appeared before the Immigration Court and requested a Custody Redetermination Hearing ("Bond Hearing"). Despite Petitioner's eligibility for bond, the Immigration Judge refused to grant Petitioner a bond hearing, effectively depriving him of the opportunity to demonstrate that he is neither a danger to the community nor a flight risk. Petitioner's request for bond was therefore denied without the procedural protections required by the Due Process Clause and federal case law.
19. Petitioner remains in detention at Prairieland Detention Center in Alvarado, Texas. Petitioner has been working with Samper Law, LLC, located in Woburn, Massachusetts, since on or about November 13, 2025. Petitioner's family resides in Texas.

20. Petitioner's family and close community contacts have suffered undue emotional and financial hardship due to his continued detention. Petitioner's prolonged detention, coupled with the refusal to provide him with a bond hearing, has caused significant instability for those who rely on him.
21. Petitioner is eligible for relief from removal and intends to pursue all available avenues of protection. Petitioner and his spouse, Rolandv Frankenberger, are [REDACTED]
[REDACTED]
[REDACTED] Petitioner's longstanding residence in the United States, absence of criminal history, and substantial community ties weigh heavily against his continued detention and demonstrate that release on reasonable conditions is appropriate.

CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM

22. Petitioner alleges and incorporates by reference paragraphs 1 through 21 above.
23. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO

STATUTORY CLAIM

24. Petitioner alleges and incorporates by reference paragraphs 1 through 23 above.
25. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

26. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Issue an Order prohibiting the Petitioner's transfer to another jurisdiction away from his family and counsel;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Lidice Samper
Counsel for Petitioner
Lidice Samper
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Woburn, MA 01801
Tel: 781-321-3700
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/s/ Carrie Nguyen
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Local Counsel for Petitioner

/s/ Stephen O'Connor
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O'Connor & Associates, PLLC
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(512) 617-9600
steve@oconnorimmigration.com
Local Counsel for Petitioner

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

I represent Petitioner, Antono Sandekli Yatim, 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.

Respectfully submitted,

/s/ Lidice Samper
Counsel for Petitioner
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Local Counsel for Petitioner

EXHIBIT 1



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
HOUSTON - GREENSPPOINT PARK
IMMIGRATION COURT

Respondent Name:

SANDEKLI-YATIM, ANTONIO

To:

Paz, Andreana
300 Unicorn Park Drive
Ste 402
Woburn, MA 01801

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/15/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
The Court has no jurisdiction under Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: Guidry, Monica 12/15/2025

Appeal:	Department of Homeland Security:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved
	Respondent:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved


Appeal Due: 01/14/2026

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 : SANDEKLI-YATIM, ANTONIO | 

Riders:

Date: 12/15/2025 By: GONZALEZ, AMY, Court Staff

EXHIBIT 2

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: ANTONIO SANDEKLI-YATIM currently residing at:
Respondent: [REDACTED] +1 [REDACTED]
(Number, street, city, state and ZIP code) (Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near BROWNSVILLE, TX , on or about November 18, 2021 ;
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 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1100 Commerce Street, Room 1060 Dallas TX US 75242

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

on November 06, 2023 at 01:00 PM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above. JAIME TREVINO Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer) (Sign in Ink)

Date: November 25, 2021 Falfurrias, Texas
(City and State)

EXHIBIT 3

[Back to Cases](#)

A-Number: XXXXXXXXXX, SANDEKLI-YATIM, ANTONIO

Court Information

Select a case to view details and file attachments

Removal	Charging Doc. Date: 12/29/2025	View Details
Removal	Charging Doc. Date: 11/07/2025	View Details
Removal	Charging Doc. Date: 11/25/2021	View Details
Bond	Charging Doc. Date: -- N/A -- Bond Request Date: 12/11/2025	View Details
Bond	Charging Doc. Date: -- N/A -- Bond Request Date: 12/08/2025	View Details

End of list. Please file a Form EOIR-27 or EOIR-28 using the "Appearances" link in the header to view additional cases.

Case Type:	Removal
Charging Doc. Date:	11/07/2025
Alien Name:	SANDEKLI-YATIM, ANTONIO
Hearing Location:	--NA-- Immigration Court: 16800 GREENSPPOINT PRK DR, 2 FL HOUSTON, TX 77060
Next Case Hearing:	--NA-- U: 12/05/2025 Decision Date: U: The Immigration Judge closed the case due to a failure to prosecute.
Hearing Medium:	--NA--

Court Actions

You do not have permission to view this case. For cases on appeal at the BIA, only representatives with a Form EOIR-27 on file may view the eROP. For information about the FOIA process, please visit <https://www.justice.gov/eoir/freedom-information-act-foia>. Please note that FOIA requests must be filed in accordance with the EOIR Policy Manual.

EXHIBIT 4

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

In the Matter of:

Respondent: ANTONIO SANDEKLI-YATIM

currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act:

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:

See Continuation Page Made a Part Hereof

- 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 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration judge of the United States Department of Justice at:

16800 GREENSPPOINT PRK DR, 2ND FL, HOUSTON, TEXAS 77060. HOUSTON GREENSPPOINT PARK
(Complete Address of Immigration Court, including Room Number, if any)

on January 16, 2026 at 8:30 am to show why you should not be removed from the United States based on the

charge(s) set forth above.

J. Agudelo
#4938
J4938 AGUDELO - SDDO
(Signature and Title of Issuing Officer)

Date: December 29, 2025

ALVARADO, TEXAS
(City and State)

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 in 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 1003.15. 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 that 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, including that you are inadmissible or removable. 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 voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS 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 your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 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 your 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 Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____ (Signature of Respondent)

 (Signature and Title of Immigration Officer) Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on 12/30/25, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person 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.

The alien was provided oral notice in the SPANISH 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.

Refused to sign _____ DO [Signature] _____
 (Signature of Respondent if Personally Served) (Signature and Title of officer)

EOIR - 2 of 3

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.