

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Bryant Stevens Guifarro Benitez)
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-00195

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 **Bryant Stevens Guifarro Benitez** respectfully submits this 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 **August 2017** and has continuously resided in this country since that time. He is lawfully married and is the father of **two United States citizen children**. Petitioner has **no criminal history**, presents no danger to the community, and poses no flight risk. Despite these substantial equities and a pending immigrant visa process through his family, Petitioner remains detained by Immigration and Customs Enforcement (“ICE”) without a constitutionally adequate custody determination.

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, at minimum, a prompt and constitutionally adequate custody hearing with the burden placed on the government.

II. JURISDICTION & VENUE

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.

Jurisdiction is also proper under **28 U.S.C. § 1331** and **28 U.S.C. §§ 2201–2202**.

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

Petitioner Bryant Stevens Guifarro Benitez is a noncitizen and native and citizen of **Honduras**, currently detained by ICE at the **South Texas Detention Complex in Pearsall, Texas**.

Respondent Miguel Vergara is the ICE Field Office Director responsible for detention operations in this District.

Respondent Bobby Thompson is the Warden of the South Texas Detention Complex and Petitioner's immediate custodian.

IV. STATEMENT OF FACTS

1. Petitioner entered the United States without inspection in or around **August 2017** and has continuously resided in the United States since that time.
2. Petitioner is **married**, and although his wife does not currently hold lawful status, the couple maintains a bona fide marital relationship.
3. Petitioner is the father of **two United States citizen children**, including one child whose paternity has been formally established.
4. Petitioner has **no criminal record** whatsoever and has never been convicted of any offense.

5. Petitioner has a **pending Form I-130 immigrant visa process** through his wife's sister, evidencing a viable pathway to lawful status.
6. Petitioner is currently detained pending removal proceedings. His Master Calendar Hearing is reflected in the Automated Case Information system.
7. Despite his lack of criminal history, strong family ties, and pending immigration relief, ICE continues to detain Petitioner without any individualized finding that he poses a danger or flight risk.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

Civil immigration detention under **INA § 236(a)**, **8 U.S.C. § 1226(a)** is discretionary and requires individualized determinations justifying continued detention.

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

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.

The futility doctrine excuses exhaustion where administrative remedies are unavailable, inadequate, or incapable of providing meaningful relief. Requiring Petitioner to pursue 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

Petitioner is detained under **INA § 236(a)**, which permits discretionary detention only when supported by individualized findings of danger or flight risk.

Petitioner has no criminal history, maintains strong family ties to U.S. citizen children, and has a pending immigrant visa process. ICE cannot justify continued detention based on speculation or generalized enforcement interests.

Detaining Petitioner without a constitutionally sufficient custody determination is arbitrary and violates the Fifth Amendment.

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

Petitioner presents overwhelming equities favoring release, including:

- Long-term residence in the United States since 2017
- Two United States citizen children
- A bona fide marriage
- A pending immigrant visa process
- No criminal history

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

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

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)

Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

A declaration is warranted that Petitioner’s continued detention 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

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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 01/15/2026

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