

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Miguel Angel Villa Solis
Petitioner-Plaintiff,

v.

MIGUEL VERGARA,
Field Office Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Karnes County Immigration Processing Center,
Facility Warden

Respondents-Defendants

Civ. No. 5:26-cv-00213

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 Miguel Angel Villa Solis is a citizen of Mexico who has been detained by U.S. Immigration and Customs Enforcement (ICE) since October 31, 2025, at the Karnes County Immigration Processing Center in Karnes City, Texas.

Mr. Villa Solis entered the United States lawfully on a B2 visa in 2015. He has two United States citizen children and extensive ties to the U.S.

He has no criminal history and has filed an application for asylum that is pending. A Master Calendar Hearing is currently scheduled for January 22, 2026.

On November 13, 2025, Petitioner sought release on bond, but the Immigration Judge denied the motion.

Petitioner's prolonged detention violates the U.S. Constitution's Due Process Clause and the Immigration and Nationality Act because he has not been provided with a constitutionally adequate bond hearing.

II. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Fifth Amendment to the United States Constitution.
2. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–2202.
3. Venue is proper in this District because Petitioner is detained within this District and Respondents exercise custody over her here.

III. PARTIES

4. **Petitioner Miguel Angel Villa Solis** is a noncitizen currently detained by ICE at **Karnes County Detention Facility**, within this Court's jurisdiction.
5. **Miguel Vergara**, ICE Field Office Director (San Antonio)
6. **Rose Thompson**, Warden, Karnes County Detention Center

IV. FACTUAL BACKGROUND

A. DHS Charges

7. Mr. Villa entered the U.S. lawfully with a B2 visa on December 30, 2015, and has lived continuously in Texas since that time and resides with his U.S. citizen children.
8. Petitioner as resided in the United States for almost **ten (10) years** and has **no criminal history**.
9. He previously retained an attorney and the attorney filed for a bond; the bond was denied.
10. Mr. Villa is not subject to mandatory detention. He has a pending asylum application before the immigration court.

B. Custody Classification

11. Petitioner is detained pursuant to INA § 236(a), not § 235(b). Petitioner entered the United States lawfully on a B-2 visa on December 30, 2015, and was inspected and admitted. DHS has not alleged that Petitioner is subject to mandatory detention, nor has DHS charged Petitioner as an arriving alien under INA § 235(b).

V. CLAIMS FOR RELIEF

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

12. Petitioner incorporates all prior allegations.
13. Respondents lack lawful authority to continue detaining Petitioner absent constitutionally adequate, individualized custody determination consistent with due process.

**COUNT II - Fifth Amendment Due Process Violation
(Arbitrary and Unreasoned Bond Denial)**

14. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.
15. Petitioner is detained pursuant to INA § 236(a), a discretionary civil detention statute. Because detention under § 236(a) is civil and regulatory rather than punitive, the Fifth Amendment's Due Process Clause requires fundamentally fair procedures and an individualized custody determination.
16. In bond proceedings, the noncitizen bears the burden of establishing that they are not a danger to the community and not a flight risk. Even where the noncitizen bears that burden, due process requires that the Immigration Judge meaningfully evaluate the evidence presented, apply the governing legal framework, and issue a reasoned, individualized decision sufficient to permit judicial review.
17. Petitioner requested a custody redetermination hearing and presented extensive, probative evidence addressing all relevant bond factors, including lawful admission, length of residence, family ties to United States citizen children, fixed residence, employment history, eligibility for relief, and the complete absence of any criminal history.
18. On November 13, 2025, the Immigration Judge denied bond in a written order stating only that the request was "Denied, because high flight risk," without identifying any factual findings, evidentiary basis, or analysis supporting that conclusion. *See Exhibit XX*
19. The Immigration Judge's order contains no explanation of:
 - which facts allegedly demonstrate flight risk;
 - why the evidence presented by Petitioner was insufficient to meet his burden; or
 - how the relevant bond factors were weighed or considered.

20. A conclusory bond denial consisting of a single checkbox and the phrase “high flight risk,” without articulated reasoning or reference to the record, is arbitrary and fails to satisfy the minimum requirements of procedural due process.
21. Such an order deprives Petitioner of a meaningful custody determination and deprives this Court of the ability to conduct meaningful judicial review, rendering continued detention unconstitutional.
22. Because Petitioner’s ongoing detention flows directly from this unreasoned and constitutionally deficient bond determination, his continued confinement violates the Fifth Amendment’s Due Process Clause.
23. Habeas relief is therefore warranted.

COUNT III – Excessive and Punitive Civil Detention

24. Petitioner incorporates all prior allegations.
25. Petitioner’s continued detention, following a constitutionally deficient bond denial, is excessive and not reasonable under these circumstances violates substantive due process.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

Grant this Petition for Writ of Habeas Corpus and order his immediate release, or in the alternative, order an individualized bond hearing before a different Immigration Judge, at which the Government bears the burden of proving by clear and convincing evidence that continued detention is necessary to prevent flight or danger, and requiring written findings sufficient to permit judicial review, and grant any other and further relief the Court deems just and proper.

Respectfully submitted,

/s/ 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

VII. SIGNATURE & VERIFICATION

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

Executed on 01/16/26

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

EXHIBITS

- **Exhibit A** – IJ Bond Denial
- **Exhibit B** – Asylum Application
- **Exhibit C** – Proof of Lawful Entry
- **Exhibit D** – Birth Certificates (USC kids)
- **Exhibit E** – Detainee ICE Locator print out
- **Exhibit F** – Attorney Declaration Authenticating Exhibits A–E

EXHIBIT

A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

VILLA-SOLIS, MIGUEL ANGEL

To:

Elizondo, Juan A
8100 Roughrider Dr
Suite 201
San Antonio, TX 78239

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/13/2025

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
high flight risk.
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:

M. Meredith Tyrakoski

Immigration Judge: Tyrakoski, Meredith

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 12/15/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [P] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : VILLA-SOLIS, MIGUEL ANGEL | A-Number : 

Riders:

Date: 11/13/2025 By: Elam, Diane, Court Staff

EXHIBIT

C

 For: **MIGUEL ANGEL VILLA SOLIS**



U.S. Customs and Border Protection

Securing America's Borders

Most Recent I-94

Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: 

Arrival/Issued Date: 2015 December 30

Class of Admission: B2

Admit Until Date: 2016 June 29

Details provided on the I-94 Information form:

Last/Surname: VILLA SOLIS

First (Given) Name: MIGUEL ANGEL

Birth Date: 1988 

Document Number: 

Country of Citizenship: Mexico

-
- ▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94/I-95. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
 - ▶ What to do if someone requests your admission info: If an employer, local, state or federal agency requests admission information, present your admission (I-94/I-95) number along with any additional required documents requested by that employer or agency.
 - ▶ For security, close your browser after retrieving your I-94/I-95 number.

OMB No. 1651-0111
Expiration Date: 01/31/2026

EXHIBIT

E



Report

Main Menu

[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

MIGUEL ANGEL VILLA-SOLIS

Country of Birth: Mexico

A-Number: 

Current Detention Facility:

KARNES COUNTY IMMIGRATION PROCESSING CENTER

409 FM 1144

NA

KARNES CITY, TX 78118

Visitor Information: (830) 254-2000

[MORE INFORMATION >](#)



ERO Office Information

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EXHIBIT

F

**ATTORNEY DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS**

I, **Rodolfo Castillo** declare as follows:

1. I am counsel for Petitioner Miguel Angel Villa Solis.
2. I have reviewed the Petitioner's immigration records.
3. Petitioner entered the United States lawfully and has no criminal history.
4. He has two United States citizen children and strong community ties.
5. Attached hereto are true and correct copies of relevant documents.

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

Executed on **01/16/26** at **San Antonio, TX**.

/s/ Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner