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

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

ONIERIS MORELL CRUZ,
Petitioner, pro se,
by Next Friend ILIANA VIERA ALONSO
(Next Friend / Petitioner for Next Friend Standing)

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), et al.,
Respondents.

Case No.: 5:26-CV-0057-FB

**PETITIONER'S ULTRA-EXTENSIVE REPLY / OBJECTIONS TO RESPONDENTS' RESPONSE
TO PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)
AND REQUEST FOR CONSTITUTIONALLY REQUIRED INDIVIDUALIZED BOND HEARING
(OR, IN THE ALTERNATIVE, IMMEDIATE RELEASE UNDER APPROPRIATE CONDITIONS)**

I. PRELIMINARY STATEMENT

Petitioner Onieris Morell Cruz ("Mr. Cruz") respectfully submits this ultra-extensive Reply/Objections to Respondents' Response (Doc. 9, filed 02/26/2026). Respondents ask the Court to deny relief and argue (i) Next Friend standing fails; (ii) mandatory detention under 8 U.S.C. § 1225(b) is categorically constitutional; (iii) there is no viable procedural or substantive due process claim and no right to an individualized bond hearing; and (iv) any Fourth Amendment issue is not cognizable in habeas. Respondents' arguments are overbroad, incomplete, and improperly categorical. This Petition challenges the legality of Mr. Cruz's current civil detention and seeks the constitutionally required minimum: individualized review by a neutral decisionmaker once detention becomes prolonged, so the Government must justify continued confinement (rather than automatic detention).

incarceration by default) and demonstrate that less restrictive alternatives are inadequate.

II. PARTIES AND KEY FACTS (FROM THE RECORD AND RESPONDENTS' RESPONSE)

Petitioner (Detainee): Onieris Morell Cruz

Nationality: Cuban (Respondents' "Background" section)

Current Detention Facility:

Karnes County Immigration Processing Center, 409 FM 1144,
Karnes City, TX 78118 (Certificate of Service)

Immigration Posture:

Removal proceedings pending; IJ ordered removal 09/16/2025; BIA appeal filed 09/25/2025
(Respondents' "Background")

Next Friend:

Iliana Viera Alonso (long-term partner, see Declaration, Exhibit A)

Next Friend Address:

TX 78753 (Certificate of Service)

III. JURISDICTION, HABEAS SCOPE, AND BURDEN

This Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Cruz is "in custody" in this District and challenges the lawfulness and constitutionality of his current detention. Habeas is the traditional remedy to test the legality of custody. The core question is whether current detention is authorized by statute and consistent with the Constitution. Where the Government relies on a specific detention statute (e.g., § 1225(b), § 1226(a)/(c), or § 1231(a)), it must identify the operative statutory basis and produce the custody record showing why that statute applies. Respondents' Response repeatedly asserts § 1225(b) applies but does not provide the underlying custody documents needed to verify that claim. This Reply focuses on forward-looking custody relief. Mr. Cruz does not ask for damages or suppression. The Petition seeks an effective remedy for

unconstitutional civil detention: (1) an individualized bond hearing with meaningful standards and burden allocation; and/or (2) immediate release under conditions when detention is no longer constitutionally justified.

IV. NEXT FRIEND STANDING IS ESTABLISHED

Respondents argue Next Friend standing fails because Ms. Viera Alonso provided "no evidence" beyond her declaration. That is both factually and legally wrong.

The Next Friend doctrine is satisfied where (1) the detainee cannot litigate on his own behalf due to inaccessibility or other substantial impediment; and (2) the Next Friend has a significant relationship and is truly dedicated to the detainees best interests. See *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

A. Mr. Cruz is inaccessible and faces substantial impediments to self-litigation. Mr. Cruz is physically confined in ICE detention. That confinement imposes real-world barriers to pro se litigation: limited legal library access, limited printing, restricted phone/email access, mailing delays, limited ability to gather records, and heightened urgency because the injury is ongoing custody. These constraints are precisely why federal courts permit Next Friend filings in custody cases, particularly where prompt judicial review is necessary to prevent unlawful detention.

B. Significant relationship and dedication to best interests are shown.

Ms. Viera Alonso is Mr. Cruz's long-term partner (Respondents themselves acknowledge this in the "Background" section). Her sworn declaration (Exhibit A) sets out the relationship history, ongoing communications, and her dedication to his best interests. This Reply attaches corroborating documentation (Exhibits B-F), such as relationship evidence, contact logs, support letters, and identity documents. In custody litigation, sworn declarations plus corroborating records are routinely sufficient.

C. Respondents' 'no evidence' argument fails under basic evidentiary practice. At the pleading stage of a habeas custody challenge, the Court may accept sworn declarations and documentary exhibits. If Respondents dispute standing, the proper remedy is to allow supplementation (as done here) or set a limited evidentiary hearing—not to deny jurisdiction where a close partner is acting to protect a detainee who is confined and practically inaccessible.

V. POINT-BY-POINT OBJECTIONS TO RESPONDENTS' ARGUMENTS

Respondents' Response is organized into several core claims. Mr. Cruz addresses each in turn and explains why the Court should reject Respondents' categorical approach and order individualized relief.

A. Respondents' reliance on *Buenrostro* does not resolve this case.

Respondents cite *Buenrostro v. Bondi*, No. 25-20496 (5th Cir. Feb. 4, 2026), as controlling. But Respondents' own footnote acknowledges that *Buenrostro* is an opinion that (at minimum) has been described as unpublished or otherwise not properly relied upon as binding precedent in all contexts. Even if persuasive, *Buenrostro* is distinguishable because habeas due process challenges are inherently fact-dependent and turn on (1) detention length, (2) the diligence and reasonableness of government processing, (3) the detainee's individualized circumstances (flight risk / danger / ties), and (4) availability of less restrictive

alternatives. A categorical 'no hearing ever' rule for prolonged detention is inconsistent with due process principles.

B. Mandatory detention cannot be treated as constitutionally limitless. Respondents argue that because § 1225(b) is 'mandatory,' due process can never require an individualized hearing. That conflates statutory command with constitutional permission. Congress can mandate detention as a starting point, but the Constitution still limits prolonged civil incarceration absent individualized justification. The Supreme Court has repeatedly recognized that civil detention implicates the core liberty interest and requires meaningful process. A statutory label cannot immunize prolonged confinement from constitutional review.

C. Respondents misread Jennings and Demore.

Jennings v. Rodriguez rejected a statutory construction that inserted periodic bond hearings into the text of certain INA detention provisions. Jennings did not foreclose as-applied constitutional challenges to prolonged detention; it remanded constitutional questions for consideration. Demore v. Kim upheld detention in a specific statutory context while emphasizing the detention's typically brief duration. Demore's reasoning does not grant a blank check for months or years of confinement without any individualized review.

D. Respondents' procedural due process framing is incorrect.

Respondents argue that because § 1225(b) does not require assessing danger or flight risk, a hearing about those factors is 'irrelevant.' That is exactly why due process is needed when detention becomes prolonged. The hearing is not to rewrite the statute; it is to determine whether continued physical confinement remains constitutionally justified as applied to this individual over time and whether release with conditions can satisfy the Government's interests.

E. Fourth Amendment references do not defeat a custody-based due process claim.

Respondents assert that Fourth Amendment claims are not cognizable in habeas. Mr. Cruz agrees that habeas is not a vehicle for suppression or damages. But his core claim is present unlawful custody (Fifth Amendment due process). Any discussion of arrest facts serves only to illustrate the risk of error and need for careful review; it is not the requested remedy.

VI. PROCEDURAL DUE PROCESS REQUIRES AN INDIVIDUALIZED BOND HEARING ONCE DETENTION IS PROLONGED

A. Liberty interest. Physical confinement is the most severe civil deprivation of liberty. Immigration detention, though civil in name, is incarceration in practice. Due process therefore requires meaningful safeguards when detention continues beyond a brief administrative period.

B. Risk of erroneous deprivation. Automatic detention creates a high risk of error when the Government's assumptions do not match the individual case. Over time, circumstances change: the detainee may have a stable sponsor, strong community ties, medical needs, and a history showing reliable appearance. Without individualized review, continued detention risks becoming needlessly punitive.

C. Value of additional safeguards. A bond hearing is a narrow, administrable

safeguard: it tests whether the Government can justify continued detention and whether conditions of release can satisfy the Government's interests. Such hearings occur daily in immigration courts under other detention provisions, demonstrating feasibility.

D. Government interest and alternatives. The Government has legitimate interests in ensuring appearance and protecting public safety. But those interests can often be served through alternatives to detention: bond, reporting, electronic monitoring, curfews, third-party custodians, and other conditions. Due process requires considering these alternatives before continuing prolonged incarceration.

E. Mathews v. Eldridge balancing. Applying Mathews, the private interest is extremely strong; the risk of error under automatic detention is significant; and the Government's burden in providing a hearing is modest. Therefore, due process requires an individualized bond hearing once detention becomes prolonged.

VII. SUBSTANTIVE DUE PROCESS: PROLONGED CIVIL DETENTION WITHOUT INDIVIDUALIZED JUSTIFICATION FAILS AS APPLIED

Even under deferential review, continued detention must remain rationally related to legitimate governmental interests. When detention extends for many months while appeals are pending, and when the Government cannot show individualized necessity, continued incarceration can cease to be rationally related and become excessive. Civil detention that is excessive in relation to its purpose violates substantive due process.

VIII. RESPONDENTS HAVE NOT SHOWN THE CORRECT DETENTION STATUTE OR PRODUCED THE CUSTODY RECORD

Respondents' Response asserts § 1225(b) applies but does not attach the custody classification documents needed for the Court to verify (1) whether Mr. Cruz is treated as an 'arriving alien/applicant for admission,' (2) whether parole was granted or denied, (3) whether any change in custody authority occurred, and (4) whether any custody reviews occurred. The Court should order Respondents to file the complete custody record (including charging documents, custody determinations, parole decisions, and review notes). If Respondents cannot substantiate § 1225(b), the proper authority may be § 1226(a), triggering a bond process, or § 1231(a), triggering different constitutional limits.

IX. THURAISSIGIAM DOES NOT BAR THIS COURT FROM GRANTING CUSTODY RELIEF

Respondents cite DHS v. Thuraissigiam to suggest limited protections. That case addressed the scope of habeas review in expedited removal and did not authorize prolonged detention without constitutional process. Mr. Cruz does not ask this Court to decide asylum merits or overturn the removal order; he challenges ongoing custody and seeks the traditional habeas remedy: release or constitutionally adequate process.

X. SPECIFIC RELIEF REQUESTED (WITH PROTECTIVE ALTERNATIVES)

Petitioner respectfully requests the Court:

1. Order an individualized bond hearing within 7–14 days before a neutral decisionmaker, at which the Government bears the burden to prove by clear and

convincing evidence that continued detention is necessary to prevent flight or danger, and that no less restrictive conditions will suffice;

2. Alternatively, order immediate release under appropriate conditions (e.g., bond amount set by the Court, GPS monitoring, weekly check-ins, travel restrictions, third-party custodian/sponsor, and any other conditions the Court deems appropriate);

3. Order Respondents to file the complete custody record and identify the precise statutory authority (and any changes over time) for Mr. Cruz's detention;

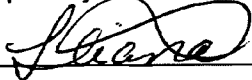
4. Order expedited consideration due to ongoing unlawful custody; and

5. Grant any other relief the Court deems just and proper.

XI. CONCLUSION

Respondents' Response asks for a categorical denial without individualized assessment. The Constitution requires more. Prolonged civil detention cannot continue by default without meaningful process. Mr. Cruz therefore respectfully requests that the Court deny Respondents' request to dismiss, recognize Next Friend standing, and order an individualized bond hearing or immediate release under appropriate conditions.

Respectfully submitted,



Iliana Viera Alonso, Next Friend for
Onieris Morell Cruz (Petitioner, pro se)

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Date: March 4, 2026

CERTIFICATE OF SERVICE

I certify that on March 4, 2026, I served a true and correct copy of this Reply/Objections on Respondents' counsel by CM/ECF if available, and/or U.S. Mail, addressed as follows:

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