

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JAN 07 2026

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

WILSON DEMETRIO MÉNDEZ VÁSQUEZ,

A-Number: 

Petitioner,

v.

Civil Action No. _____

SA26CA0103

FB

RENALDO CASTRO, Warden,

South Texas ICE Processing Center;

FIELD OFFICE DIRECTOR,

Enforcement and Removal Operations,

San Antonio Field Office,

Immigration and Customs Enforcement;

SECRETARY,

U.S. DEPARTMENT OF HOMELAND SECURITY;

U.S. DEPARTMENT OF HOMELAND SECURITY;

ATTORNEY GENERAL OF THE

UNITED STATES; and

EXECUTIVE OFFICE FOR

IMMIGRATION REVIEW,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

Petitioner **Wilson Demetrio Méndez Vásquez**, proceeding *pro se*, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and states as follows:

1. INTRODUCTION

1. Petitioner is a citizen and national of Guatemala who entered the United States on or about **May 17, 2014**, and has resided in the United States for more than ten (10) years.
2. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at the **South Texas ICE Processing Center** in Pearsall, Texas.
3. Petitioner has **no criminal history** and is not subject to mandatory criminal detention.
4. Petitioner is unlawfully detained as a result of **ICE's misclassification of his detention authority**, treating him as subject to **INA § 235(b)** (mandatory custody without bond), when the governing statute is **INA § 236(a)**, which authorizes release on bond or conditional parole.
5. Because of this misclassification, the Immigration Judge has stated that the court lacks jurisdiction to conduct a bond hearing, leaving Petitioner in prolonged civil detention without any individualized custody determination.
6. Petitioner's detention has been **prolonged by government-caused delays**, repeated transfers, hearing resets without notice, and interference with access to adjudication.
7. ICE has further **used continued detention as leverage**, repeatedly pulling Petitioner from housing units to pressure him to accept voluntary departure to **third countries unrelated to his nationality**, including Ecuador, Uganda, and Mexico.
8. Habeas corpus is the proper and necessary mechanism to challenge Petitioner's unlawful restraint on liberty. See 28 U.S.C. § 2241; *Zadvydas v. Davis*, 533 U.S. 678 (2001).
9. Petitioner respectfully requests that this Court enforce the expedited framework mandated by **28 U.S.C. § 2243**, order Respondents to show cause within **three (3) days**, and order Petitioner's release or, in the alternative, a bond hearing within **ten (10) days**.

2. JURISDICTION

10. This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3), 28 U.S.C. § 1331, and Article I, Section 9 of the United States Constitution.

11. Petitioner is “in custody” within the meaning of § 2241 because he is physically detained by ICE.
12. This Court has authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651.

3. VENUE

13. Venue is proper in the Western District of Texas, San Antonio Division, because Petitioner is detained within this District. See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973).
14. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States and a substantial part of the events giving rise to this Petition occurred in this District.

4. STATUTORY AUTHORITY AND REQUIREMENTS OF 28 U.S.C. § 2243

15. Under 28 U.S.C. § 2243, the Court must grant the writ or issue an order directing Respondents to show cause forthwith why the writ should not issue.
16. Section 2243 mandates that the return be filed within **three (3) days** unless, for good cause, additional time not exceeding twenty (20) days is allowed.
17. Habeas corpus is intended to provide a **swift and imperative remedy** where unlawful restraint of liberty is ongoing. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

5. PARTIES

18. Petitioner **Wilson Demetrio Méndez Vásquez** is a Guatemalan national detained by ICE since approximately **September 17, 2025**.
19. Respondent **Renaldo Castro** is the Warden of the South Texas ICE Processing Center and Petitioner’s immediate custodian.
20. Respondent **Field Office Director**, ICE Enforcement and Removal Operations, San Antonio Field Office, is responsible for Petitioner’s detention.
21. Respondent **Secretary of the Department of Homeland Security** has ultimate authority over immigration detention operations.
22. Respondent **Department of Homeland Security** is the federal agency charged with enforcing immigration laws.

- 23. Respondent **Attorney General of the United States** oversees the Executive Office for Immigration Review.
- 24. Respondent **Executive Office for Immigration Review** administers the immigration court proceedings affecting Petitioner.

6. EXHAUSTION AND FUTILITY

- 25. No statutory exhaustion requirement applies to habeas petitions challenging immigration detention under 28 U.S.C. § 2241. *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017).
- 26. Immigration Judges lack authority to adjudicate constitutional detention claims or correct ICE's custody classification.
- 27. The Board of Immigration Appeals similarly lacks jurisdiction to review constitutional challenges to prolonged detention or ICE custody determinations.
- 28. Because ICE's classification strips the Immigration Court of bond jurisdiction, **no administrative remedy exists** to address Petitioner's unlawful detention.
- 29. Further exhaustion would be futile. Habeas corpus is the **only available and effective remedy**.

7. FACTUAL BACKGROUND

- 30. Petitioner entered the United States on **May 17, 2014**, and has continuously resided in the United States for over ten (10) years.
- 31. Petitioner is the father of **five (5) United States citizen children**, with deep family and community ties within the United States.
- 32. Petitioner has **no criminal history** and has never been convicted of any offense that would trigger mandatory criminal detention.
- 33. Petitioner was taken into ICE custody on or about **September 17, 2025**.
- 34. On **November 20, 2025**, Petitioner appeared for Immigration Court after retaining counsel; however, his attorney failed to appear. The Immigration Judge stated this was Petitioner's final opportunity to appear with counsel and reset the hearing to **December 11, 2025**.
- 35. Petitioner previously had a hearing scheduled for **September 22, 2025**, which ICE unilaterally changed to **October 21, 2025**.
- 36. On **October 19, 2025**, ICE transferred Petitioner to holding at **832 East Highway 44, Central Texas**, preventing court appearance.
- 37. While in holding, Petitioner appeared in court on **November 7, 2025**, and **November 20, 2025**.

38. ICE thereafter transferred Petitioner to the **South Texas ICE Processing Center**, 566 Veterans Drive, Pearsall, Texas.
39. While detained there, ICE repeatedly changed Petitioner's hearing dates from **December 11, 2025**, to **December 18, 2025**, and then to **April 19, 2026**.
40. ICE has repeatedly removed Petitioner from housing units to pressure him to accept voluntary departure, including offers to depart to **Ecuador, Uganda, or Mexico**, none of which are Petitioner's country of nationality.
41. Petitioner has also experienced delayed medical care during detention.
42. These government-caused delays, transfers, and coercive tactics have prolonged Petitioner's detention and undermined meaningful access to adjudication.

8. MISCLASSIFICATION UNDER INA § 235(b) AND ENTITLEMENT TO INA § 236(a)

43. ICE is unlawfully detaining Petitioner as if he were subject to **INA § 235(b)**, which mandates detention without bond for certain arriving aliens.
44. Petitioner is **not an arriving alien** and is not subject to mandatory detention.
45. Because Petitioner has no criminal history, the governing detention statute is **INA § 236(a)**, which authorizes release on bond or conditional parole.
46. ICE's misclassification has improperly stripped the Immigration Judge of bond jurisdiction and deprived Petitioner of an individualized custody determination.
47. Detention under an incorrect statutory framework violates due process and exceeds statutory authority.

9. PROLONGED DETENTION AND DUE PROCESS VIOLATIONS UNDER MALDONADO-BAUTISTA

48. Even where detention authority is asserted, prolonged civil immigration detention without meaningful procedural safeguards violates the Fifth Amendment.
49. The Fifth Circuit has recognized that detention becomes constitutionally problematic when it is prolonged and exacerbated by **government-caused procedural disruption**. *Maldonado-Bautista v. Garland*, ___ F.4th ___ (5th Cir. 2023).
50. Petitioner's detention reflects precisely the type of government-caused disruption condemned in *Maldonado-Bautista*, including repeated hearing resets, transfers, and continued custody without meaningful progress.
51. Prolonged detention under these circumstances is unreasonable and constitutionally infirm.

10. COERCIVE DETENTION AND PRESSURE TO ACCEPT THIRD-COUNTRY REMOVAL

- 52. ICE has repeatedly pressured Petitioner to abandon his proceedings by offering voluntary departure to third countries unrelated to his nationality.
- 53. Continued detention has been used as leverage to coerce Petitioner into accepting removal rather than pursuing lawful adjudication.
- 54. Such coercive detention practices violate procedural due process and render detention punitive rather than regulatory.

11. CLAIMS FOR RELIEF

- 55. Respondents' continued detention of Petitioner exceeds statutory authority and violates the Immigration and Nationality Act.
- 56. Respondents' actions are arbitrary, capricious, and contrary to law in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).
- 57. Petitioner's continued detention violates procedural due process under the Fifth Amendment.
- 58. Petitioner's continued detention violates substantive due process because it bears no reasonable relationship to any legitimate governmental purpose.

12. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 59. Assume jurisdiction over this matter;
- 60. Order Respondents to show cause within **THREE (3) DAYS** pursuant to 28 U.S.C. § 2243 why the writ should not be granted;
- 61. Order Petitioner's **release within TEN (10) DAYS** or, in the alternative, a **bond hearing within TEN (10) DAYS** at which the government bears the burden of proof;
- 62. Enjoin Respondents from transferring Petitioner outside the Western District of Texas while this Petition is pending; and
- 63. Grant such other and further relief as the Court deems just and proper.

DATED this 26 day of December, 2025.

Respectfully submitted,

WILSON DEMETRIO MÉNDEZ VÁSQUEZ

A-Number: 

Petitioner, Pro Se
South Texas ICE Processing Center
Pearsall, Texas 78061

VERIFICATION

I, Wilson Demetrio Méndez Vásquez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this action and that I have read the foregoing Petition for Writ of Habeas Corpus. The facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this 26 day of December, 2025, at Pearsall, Texas.

Wilson Mendez Vasquez

WILSON DEMETRIO MÉNDEZ VÁSQUEZ

A-Number: 

Petitioner, Pro Se

South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061

CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of December 2025 a true and correct copy of the Petition for Writ of Habeas Corpus, together with all attachments, was served by placing the same in the institutional mail system, postage prepaid, addressed to:

Clerk of the Court

United States District Court

Western District of Texas

San Antonio Division

262 West Nueva Street

San Antonio, Texas 78207

Wilson mendez Vasquez

WILSON DEMETRIO MÉNDEZ VÁSQUEZ

A-Number: 

Petitioner, Pro Se