

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

FILED

MAR 24 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
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WILSON DEMETRIO MÉNDEZ VÁSQUEZ, §

A-Number:  §

Petitioner, §

v. § Civil Action No. 5:26-cv-00103

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. §

**PETITIONER'S RESPONSE TO RESPONDENTS' RETURN AND REBUTTAL IN
SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION AND FRAMEWORK OF REVIEW

1. Petitioner has now been detained for **one hundred eighty-six (186) days** in civil immigration custody without a lawful basis that comports with the Constitution.
2. This case does not present a question of discretionary custody or routine statutory interpretation; it presents a **pure question of law**: whether continued civil detention without a constitutionally adequate basis remains permissible under the Fifth Amendment.
3. The material facts relevant to Petitioner's detention are not in dispute, and the legality of that detention turns solely on constitutional and statutory interpretation.
4. Accordingly, **no evidentiary development, factual supplementation, or additional briefing is necessary** for this Court to resolve the Petition.
5. Under 28 U.S.C. § 2243, this Court is required to act "forthwith" and to summarily determine the legality of detention where, as here, the issue presented is purely legal.
6. The Supreme Court has long recognized that **habeas corpus is the fundamental safeguard against unlawful executive detention**, and that federal courts must independently examine the legality of custody. *Fay v. Noia*, 372 U.S. 391, 400 (1963); *Boumediene v. Bush*, 553 U.S. 723, 745 (2008).
7. Civil immigration detention is constitutionally permissible only so long as it remains **authorized by statute and consistent with the Fifth Amendment's guarantee of due process**, and it cannot be imposed in an arbitrary or punitive manner. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).
8. Even where Congress has authorized detention, that authorization does not eliminate constitutional limits, and federal courts retain an independent duty to ensure that detention remains **reasonable and related to its lawful purpose**. *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018).
9. Respondents' position, if accepted, would permit **unchecked executive detention without meaningful judicial review**, a result the Supreme Court has repeatedly rejected. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001).
10. Petitioner's detention—now extending to 186 days—has been prolonged by government-caused delays, repeated rescheduling of proceedings, and coercive custodial practices, rendering it constitutionally infirm.

11. Under these circumstances, continued detention no longer serves a legitimate regulatory purpose and instead functions as **impermissible punishment in violation of the Fifth Amendment**. *United States v. Salerno*, 481 U.S. 739, 746–47 (1987).
12. This Court is therefore presented with a straightforward legal obligation: to determine whether the Constitution permits Respondents to continue detaining Petitioner under these conditions, and, if not, to grant the writ without delay.

RESPONDENTS' POSITION ELIMINATES ALL MEANINGFUL REVIEW OF DETENTION

13. Respondents' position rests on a set of legal assertions that, taken together, would eliminate any forum capable of reviewing the legality of Petitioner's detention.
14. Respondents assert that Petitioner is detained under 8 U.S.C. § 1225(b), which they interpret to mandate detention without bond and to remove immigration court jurisdiction over custody determinations.
15. Respondents further rely on that position to establish that no administrative mechanism exists through which Petitioner may obtain an individualized custody determination.
16. At the same time, Respondents ask this Court to deny habeas relief.
17. The combined effect of these positions is that **no tribunal—administrative or judicial—would be available to determine the legality of Petitioner's continued detention**.
18. The Constitution does not permit detention under such a framework.
19. The Supreme Court has made clear that **habeas corpus guarantees a meaningful opportunity for judicial review of executive detention**, and courts must not adopt constructions of law that eliminate all avenues for such review. *INS v. St. Cyr*, 533 U.S. 289, 300–01 (2001); *Boumediene v. Bush*, 553 U.S. 723, 745 (2008).
20. Where the Executive asserts detention authority while simultaneously foreclosing administrative review, **judicial review through habeas corpus is not discretionary—it is required to preserve the constitutional structure**. *Boumediene*, 553 U.S. at 765.
21. A construction of the immigration statutes that results in detention without any available forum to test its legality cannot be sustained.
22. Courts are obligated to avoid statutory interpretations that would render executive detention effectively unreviewable. *St. Cyr*, 533 U.S. at 300.

23. Because Respondents' position would produce precisely that result, it fails as a matter of law.

**EVEN IF 8 U.S.C. § 1225(b) APPLIES, DETENTION REMAINS SUBJECT TO
CONSTITUTIONAL LIMITS**

24. Respondents' primary defense rests on the assertion that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b).
25. Even assuming that assertion is correct, it does not resolve the constitutional question presented in this case.
26. Statutory authorization for detention does not eliminate the requirement that such detention comply with the Constitution.
27. The Supreme Court has made clear that **civil detention is permissible only where it remains reasonably related to its regulatory purpose and is not excessive in relation to that purpose.** *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
28. The Court has further held that **statutes must be construed to avoid constitutional violations where possible**, and that detention authority cannot be interpreted to permit indefinite or arbitrary confinement. *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018).
29. Accordingly, even where Congress has authorized detention, that authority is bounded by the Fifth Amendment and must be applied in a manner that remains non-punitive and constitutionally reasonable.
30. Respondents' position improperly treats § 1225(b) as if it authorizes detention without temporal or constitutional limitation.
31. It does not.
32. Civil detention that becomes prolonged, untethered from its regulatory purpose, or imposed without meaningful procedural safeguards violates due process. *Zadvydas*, 533 U.S. at 690; *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).
33. Here, Petitioner has been detained for 186 days, a period that has been extended by government-caused delays and repeated rescheduling of proceedings.
34. At that point, detention ceases to function as a regulatory measure tied to removal and instead becomes excessive in relation to its purpose.

35. The Supreme Court has emphasized that **civil detention cannot be used as a tool of punishment or coercion**, and must remain narrowly confined to its lawful objective. *United States v. Salerno*, 481 U.S. 739, 746–47 (1987).
36. Where detention exceeds those limits, it violates the Fifth Amendment regardless of the statutory label attached to it.
37. Accordingly, even under Respondents' own statutory theory, continued detention in this case cannot be sustained as a matter of constitutional law.

RESPONDENTS MISAPPLY BORDER-ENTRY DOCTRINE AND CONTROLLING SUPREME COURT PRECEDENT

38. Respondents rely on cases addressing individuals at or near the border to argue that Petitioner is not entitled to meaningful constitutional protection in the context of his detention.
39. That reliance is misplaced.
40. The Supreme Court has consistently distinguished between individuals seeking initial entry and those who are physically present within the United States.
41. Petitioner is not a recent border entrant; he has been physically present in the United States for an extended period of time and is therefore entitled to the protections of the Fifth Amendment.
42. The Supreme Court has held that **noncitizens physically present within the United States are protected by the Due Process Clause**, regardless of their immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
43. Respondents' reliance on border-entry doctrine improperly attempts to extend limited principles applicable at the threshold of entry into the context of prolonged interior detention.
44. That extension is unsupported by Supreme Court precedent.
45. The decision in *Department of Homeland Security v. Thuraissigiam*, 591 U.S. ____ (2020), does not authorize the result Respondents seek.
46. *Thuraissigiam* addressed a narrowly defined context involving expedited removal of an individual apprehended shortly after crossing the border and seeking to expand habeas review beyond its traditional scope.

47. It did not address prolonged civil detention of an individual with significant physical presence in the United States.
48. Nor did it hold that the Executive may detain individuals within the United States without meaningful judicial review of the legality of that detention.
49. To the contrary, the Supreme Court has reaffirmed that **the writ of habeas corpus remains available to test the legality of executive detention**, even in the immigration context. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).
50. Respondents' interpretation of *Thuraissigiam* would effectively collapse this distinction and permit prolonged detention without meaningful review based solely on a statutory label.
51. That result is incompatible with the Fifth Amendment and the Supreme Court's longstanding recognition that **constitutional protections extend to all persons within the territorial jurisdiction of the United States**. *Zadvydas*, 533 U.S. at 693.
52. Accordingly, Respondents' reliance on border-entry doctrine and *Thuraissigiam* does not support continued detention in this case and fails as a matter of law.

PROLONGED DETENTION VIOLATES THE FIFTH AMENDMENT

53. Petitioner has now been detained for **one hundred eighty-six (186) days** in civil immigration custody without an individualized determination of the legality of that detention.
54. Civil immigration detention is constitutionally permissible only so long as it remains reasonably related to its regulatory purpose and does not become excessive in relation to that purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
55. The Supreme Court has emphasized that detention justified as regulatory must remain limited in duration and scope, and cannot be transformed into a prolonged or indefinite restraint on liberty. *Demore v. Kim*, 538 U.S. 510, 529 (2003).
56. When detention extends beyond its justified purpose, it raises serious constitutional concerns under the Fifth Amendment. *Zadvydas*, 533 U.S. at 690.
57. The Fifth Circuit has recognized that prolonged immigration detention, particularly where exacerbated by government-caused delay, raises serious constitutional concerns and requires judicial scrutiny.

58. Here, Petitioner's detention has been extended by repeated rescheduling of proceedings, transfers between facilities, and interruptions to the adjudicatory process.
59. These delays are attributable to the Government, not to any dilatory conduct by Petitioner.
60. As a result, Petitioner's detention has continued far beyond the period necessary to accomplish its regulatory purpose.
61. Under these circumstances, detention is no longer reasonably related to removal proceedings and instead becomes excessive in relation to that purpose.
62. The Constitution does not permit civil detention to continue where it ceases to serve a legitimate regulatory function. *Zadvydas*, 533 U.S. at 690.
63. Prolonged detention without a meaningful opportunity to challenge its legality violates the Fifth Amendment's guarantee of due process.
64. At 186 days and continuing, Petitioner's detention has crossed the constitutional line and cannot be sustained as a matter of law.

**DETENTION HAS BECOME COERCIVE AND PUNITIVE IN VIOLATION OF THE
FIFTH AMENDMENT**

65. Civil immigration detention is constitutionally permissible only as a regulatory measure and cannot be imposed for the purpose of punishment or coercion.
66. The Supreme Court has made clear that **detention that functions as punishment violates the Fifth Amendment**, regardless of the statutory label attached to it. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896); *United States v. Salerno*, 481 U.S. 739, 746-47 (1987).
67. Detention must therefore remain reasonably related to a legitimate governmental objective and must not be used to compel or pressure an individual into abandoning legal rights.
68. Here, Petitioner has been subjected to repeated custodial pressure to accept voluntary departure to countries unrelated to his nationality.
69. Such conduct is not regulatory in nature and bears no reasonable relationship to the lawful purposes of civil detention.
70. Instead, it reflects the use of continued detention as leverage to coerce Petitioner into relinquishing his right to pursue lawful adjudication.
71. The Constitution does not permit the Government to use detention as a tool of coercion.

72. When detention is employed to pressure an individual into surrendering legal rights, it ceases to be civil and becomes punitive as a matter of law.
73. Detention imposed for coercive purposes exceeds constitutional limits and cannot be justified under any civil immigration authority.
74. Under these circumstances, Petitioner's continued detention is punitive in nature and violates the Fifth Amendment.

PROCEDURAL AND SUBSTANTIVE DUE PROCESS VIOLATIONS REQUIRE HABEAS RELIEF

75. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law, and that protection applies to all individuals physically present within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
76. Respondents characterize Petitioner's claims as limited to procedural due process and contend that no additional process is required.
77. That characterization does not resolve the constitutional issues presented.
78. Petitioner's continued detention implicates both **substantive and procedural due process protections**, each of which independently requires constitutional compliance.
79. Substantive due process prohibits the Government from engaging in arbitrary detention that is not reasonably related to a legitimate governmental objective. *Zadvydas*, 533 U.S. at 690.
80. As demonstrated above, Petitioner's detention has become prolonged, excessive, and coercive, and therefore lacks a sufficient regulatory justification.
81. Detention under such circumstances is arbitrary and violates substantive due process.
82. Procedural due process, in turn, requires that an individual be afforded a meaningful opportunity to challenge the legality of his detention before a neutral decisionmaker. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
83. Here, Petitioner has been denied any meaningful opportunity to obtain an individualized determination of the legality of his custody.
84. Respondents' position forecloses bond proceedings while simultaneously seeking to limit habeas review, leaving Petitioner without any effective procedural mechanism to challenge his detention.

85. The absence of any meaningful review process violates procedural due process.
86. The Constitution does not permit the Government to maintain detention in the absence of both substantive justification and procedural safeguards.
87. Where detention violates both substantive and procedural due process, **the Court must grant habeas relief to remedy the unlawful restraint of liberty.**

THE COURT MUST ACT FORTHWITH UNDER 28 U.S.C. § 2243

88. This Court's authority and obligation in habeas proceedings are governed by 28 U.S.C. § 2243.
89. The statute provides that the Court shall "forthwith" determine the legality of detention and dispose of the matter as law and justice require.
90. The use of the term "forthwith" imposes a **mandatory duty of prompt judicial action**, not a discretionary option to defer resolution.
91. Where, as here, the material facts are not in dispute and the issue presented is purely legal, § 2243 requires **immediate determination without unnecessary delay or additional proceedings.**
92. The Supreme Court has long recognized that habeas corpus is intended to provide a **swift and imperative remedy in all cases of unlawful restraint of liberty**. *Fay v. Noia*, 372 U.S. 391, 400 (1963).
93. Delayed adjudication in the face of unlawful detention undermines the core purpose of the writ and permits continued deprivation of liberty without justification.
94. Respondents have already been afforded the opportunity to present their position, and no further factual development is required for this Court to resolve the constitutional issues presented.
95. Under these circumstances, continued briefing or delay would serve no legal purpose and would only prolong an already unconstitutional detention.
96. Section 2243 therefore requires this Court to act now to determine whether Petitioner's continued detention is lawful.
97. Because the detention at issue violates the Constitution, **the writ must issue without delay to terminate the unlawful restraint on Petitioner's liberty.**

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. assume jurisdiction over this matter and adjudicate the Petition forthwith pursuant to 28 U.S.C. § 2243;
- b. grant the Petition for Writ of Habeas Corpus and determine that Petitioner's continued detention violates the Constitution;
- c. order Respondents to **immediately release Petitioner from custody**;
- d. enjoin Respondents from re-detaining Petitioner absent lawful authority consistent with the Constitution;
- e. enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this matter remains pending; and
- f. grant such other relief as law and justice require.

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, that I have read the foregoing Response, and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on March 22, 2026, at **South Texas ICE Processing Center, 566 Veterans Drive, Pearsall, Texas 78061.**

W.D.M.

WILSON DEMETRIO MÉNDEZ VÁSQUEZ

A-Number: 

Petitioner, Pro Se

South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061