

FILED

JAN 05 2026

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

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

JOSÉ DE JESÚS MORÁN GONZÁLEZ,
A-Number: ,
Petitioner,

§
§

v.

SA26CA0053

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RENALDO CASTRO, Warden,
Karnes County Immigration Processing Center;
FIELD OFFICE DIRECTOR,
ICE Enforcement and Removal Operations,
San Antonio Field Office;
SECRETARY,
U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES; and
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

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Respondents.

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CIVIL ACTION NO. _____

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PETITION FOR WRIT (W-R-I-T) OF HABEAS CORPUS
(28 U.S.C. § 2241)

INTRODUCTION

1. Petitioner **José de Jesús Morán González** (“Petitioner” or “Mr. Morán”) is a citizen and national of Mexico who entered the United States as a minor child and has resided continuously in this country for approximately **seventeen to eighteen (17–18) years**. He has no criminal history. He is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the **Karnes County Immigration Processing Center** in Karnes City, Texas.
2. Mr. Morán is being subjected to **unlawful civil immigration detention** as a result of Respondents’ misapplication of the Immigration and Nationality Act (“INA”), prolonged detention without meaningful procedural safeguards, and repeated government-caused delays that have rendered his confinement **punitive rather than regulatory**.
3. Since his detention on or about **August 29, 2025**, Mr. Morán has been **transferred multiple times between ICE detention facilities** and has endured **serial immigration court hearing resets**, many of which were initiated by the government and not attributable to him. The frequency and volume of these resets have become so excessive that Mr. Morán has **lost track of how many times his hearings have been rescheduled**, leaving him in prolonged custody without resolution or individualized custody review.
4. Habeas corpus is the historic and constitutionally protected mechanism to challenge unlawful restraints on liberty. See U.S. Const. art. I, § 9, cl. 2; **28 U.S.C. § 2241**; *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). When the Executive Branch exceeds its statutory authority and deprives a person of liberty without due process, the federal courts serve as the essential check.
5. Mr. Morán does not seek extraordinary relief. He seeks only what Congress, the Constitution, and longstanding precedent require: **lawful detention authority, an individualized custody determination, and an end to prolonged detention driven by government delay**.
6. This Petition challenges Respondents’ actions on multiple, independent grounds, including violations of the INA, the Administrative Procedure Act (“APA”), and the Due Process Clause of the Fifth Amendment. Each ground independently warrants relief.
7. Petitioner respectfully requests that this Court **enforce the expedited framework mandated by 28 U.S.C. § 2243**, issue an **Order to Show Cause forthwith**, prohibit Respondents from transferring or removing him while this action is pending, and order his **release or, in the alternative, an individualized bond hearing within seven (7) days**.

JURISDICTION

8. This Court has jurisdiction over this Petition pursuant to **28 U.S.C. § 2241(c)(3)**, which authorizes federal courts to grant writs of habeas corpus to individuals “in custody in violation of the Constitution or laws or treaties of the United States.”
9. This Court also has jurisdiction under **28 U.S.C. § 1331** because this action arises under the Constitution and laws of the United States, including the INA, the APA, and the Fifth Amendment.
10. Jurisdiction is further grounded in the **Suspension Clause** of the United States Constitution, which guarantees the availability of habeas corpus to test the legality of executive detention. U.S. Const. art. I, § 9, cl. 2.

11. Petitioner is “in custody” within the meaning of § 2241 because he is physically confined by ICE within the Western District of Texas and is subject to Respondents’ immediate control and restraint.

VENUE

12. Venue is proper in the **Western District of Texas, San Antonio Division**, because Petitioner is detained within this District and his immediate custodian—the Warden of the Karnes County Immigration Processing Center—is located here.
13. Venue is also proper pursuant to **28 U.S.C. § 1391(e)** because Respondents are officers and agencies of the United States and a substantial part of the events and omissions giving rise to this action occurred within this District.
14. Under *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), a habeas petition may be brought in the district where the petitioner is confined and where the custodian exercises control over the detention.

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

15. Section 2243 governs the procedure applicable to petitions for writs of habeas corpus and mandates expedited judicial review.
16. Upon receipt of a habeas petition, the Court must either grant the writ or **issue an order directing the respondent to show cause forthwith** why the writ should not be granted. **28 U.S.C. § 2243.**
17. If an order to show cause is issued, the statute requires that the return be made **within three (3) days**, unless the Court, for good cause, allows additional time **not exceeding twenty (20) days**. *Id.*
18. Habeas corpus is intended to be a “swift and imperative remedy” in cases of unlawful restraint. *Fay v. Noia*, 372 U.S. 391, 400 (1963).
19. Because Petitioner alleges ongoing unlawful detention, strict enforcement of § 2243’s timing requirements is necessary to prevent continued irreparable harm.

PARTIES

20. **Petitioner** José de Jesús Morán González is a noncitizen detained by ICE under color of federal authority at the Karnes County Immigration Processing Center in Karnes City, Texas.
21. **Respondent Renaldo Castro** is the Warden of the Karnes County Immigration Processing Center and Petitioner’s immediate physical custodian. He is sued in his official capacity.
22. **Respondent Field Office Director, ICE Enforcement and Removal Operations, San Antonio Field Office**, is responsible for overseeing ICE detention operations in this District and for Petitioner’s continued detention. He or she is sued in an official capacity.

23. **Respondent Secretary of the U.S. Department of Homeland Security** is responsible for the administration and enforcement of the INA and oversees ICE. The Secretary is sued in an official capacity.
24. **Respondent U.S. Department of Homeland Security** is the federal agency charged with enforcing immigration laws, including detention and removal authority.
25. **Respondent Attorney General of the United States** oversees the Department of Justice, including the Executive Office for Immigration Review ("EOIR"), and is sued in an official capacity.
26. **Respondent Executive Office for Immigration Review** is responsible for immigration court proceedings, including custody determinations and bond hearings.

EXHAUSTION AND FUTILITY

27. No statutory exhaustion requirement applies to habeas petitions challenging immigration detention under **28 U.S.C. § 2241**. See, e.g., *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017).
28. Immigration Judges and the Board of Immigration Appeals lack jurisdiction to adjudicate constitutional challenges to detention or to correct unlawful custody classifications imposed by ICE.
29. Further administrative exhaustion would be **futile**, as Petitioner has been denied access to an individualized custody determination and cannot obtain constitutional relief in immigration court.

FACTUAL BACKGROUND

30. Petitioner is a citizen and national of Mexico who entered the United States as a minor child and has lived continuously in this country since approximately **April 2008**.
31. The United States is the only stable home Petitioner has known throughout his formative childhood, adolescence, and adult life.
32. Petitioner has **no criminal history**, has never been ordered removed or deported, and has never been granted or violated voluntary departure.
33. On or about **August 29, 2025**, ICE officers detained Petitioner at his residence in Dallas, Texas.
34. Since his arrest, Petitioner has been transferred between multiple ICE detention facilities, including facilities in Pearsall, LaSalle County, and Karnes County, Texas.
35. Petitioner's immigration court proceedings have been **repeatedly reset**, including hearings scheduled for **November 14, December 16, January 7, January 30, and January 9**, among others.
36. These repeated resets were not caused by Petitioner and have resulted in prolonged detention without meaningful progress toward resolution of his case.
37. Petitioner has requested a bond hearing or custody redetermination but has **never received an individualized bond hearing**.

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

38. Respondents are unlawfully detaining Petitioner under **INA § 235(b), 8 U.S.C. § 1225(b)**, a statute that applies only to noncitizens who are **arriving at the border or seeking admission** to the United States.
39. Petitioner is **not an arriving alien**. He entered the United States as a minor child and has lived continuously in this country for nearly two decades before being apprehended in the interior of the United States.
40. The detention statute that governs Petitioner's custody is **INA § 236(a), 8 U.S.C. § 1226(a)**, which authorizes **discretionary detention** and expressly provides for release on bond or conditional parole following an individualized custody determination by an Immigration Judge.
41. **By misclassifying Petitioner as subject to mandatory detention under INA § 235(b) instead of INA § 236(a), Respondents have unlawfully stripped the Immigration Court of bond jurisdiction, exceeded their statutory authority, and deprived Petitioner of his Fifth Amendment right to due process.**
42. This misclassification is not a mere technical error. It is the **direct cause** of Petitioner's prolonged detention without any opportunity for individualized review.

LEGAL FRAMEWORK GOVERNING IMMIGRATION DETENTION AUTHORITY

43. Congress created **distinct detention frameworks** under the INA, carefully differentiating between arriving noncitizens and those apprehended within the interior of the United States.
44. Section 235(b) governs inspection and detention at or near ports of entry and applies to individuals who are actively seeking admission.
45. Section 236(a), by contrast, governs detention of noncitizens who are already present in the United States and are placed in removal proceedings under INA § 240.
46. For decades following the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, DHS and its predecessor agencies consistently treated long-term interior residents as subject to **§ 236(a)** detention, with access to bond hearings.
47. Respondents' attempt to reclassify Petitioner under § 235(b) represents a **dramatic departure from settled statutory interpretation and historical practice**, unsupported by congressional intent.

ARBITRARY AND CAPRICIOUS AGENCY ACTION

(Administrative Procedure Act)

48. Respondents' detention determination constitutes final agency action subject to judicial review under the **Administrative Procedure Act, 5 U.S.C. § 706**.

49. Agency action must be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).
50. Respondents’ categorical denial of bond eligibility to Petitioner, without individualized analysis and in contradiction to decades of precedent, is arbitrary and capricious.
51. The agency has failed to provide a reasoned explanation for abandoning its longstanding interpretation of detention authority as applied to interior noncitizens like Petitioner.

IMPROPER RETROACTIVE APPLICATION OF MATTER OF YAJURE HURTADO

52. Respondents rely on **Matter of Yajure Hurtado** to justify Petitioner’s detention under § 235(b).
53. Even if that decision were valid, its application to Petitioner is **impermissibly retroactive**.
54. Retroactive application of new agency interpretations that impose new burdens on past conduct violates fundamental principles of due process, including fair notice and reasonable reliance.
55. Petitioner entered and lived in the United States for nearly two decades under a legal regime in which individuals in his position were detained under § 236(a) and eligible for bond hearings.
56. Applying a newly announced interpretation to Petitioner’s longstanding presence in the United States unlawfully disrupts settled expectations and violates due process.

PROLONGED DETENTION AND FIFTH AMENDMENT VIOLATIONS

(Maldonado-Bautista)

57. Even if Petitioner’s detention were initially lawful, it has become **constitutionally unreasonable** due to its prolonged duration and the absence of adequate procedural safeguards.
58. Under **Maldonado-Bautista**, prolonged immigration detention that is exacerbated by government-caused delays crosses from regulatory to punitive and violates the Fifth Amendment.
59. Petitioner’s detention has been prolonged by multiple factors entirely outside of his control, including:
 - a. **Repeated transfers** between ICE detention facilities;
 - b. **Serial immigration court resets**, including hearings scheduled for November 14, December 16, January 7, January 30, and January 9;
 - c. Administrative inefficiencies that have left Petitioner in custody with no meaningful progress toward adjudication.
60. The frequency of these resets has been so extreme that Petitioner has **lost track of the number of continuances**, a clear indicator of excessive and unreasonable delay.

61. These delays serve no legitimate governmental purpose and instead impose **punitive conditions of confinement** on a civil detainee.

PROCEDURAL DUE PROCESS VIOLATIONS

62. The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law.
63. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.
64. Petitioner has been denied all meaningful procedural protections, including notice and an opportunity to be heard on the question of his custody.
65. The complete absence of an individualized bond hearing creates an unacceptably high risk of erroneous deprivation of liberty.

SUBSTANTIVE DUE PROCESS VIOLATIONS

66. Civil immigration detention must bear a reasonable relationship to its regulatory purposes: ensuring appearance at proceedings and protecting the community.
67. Petitioner has strong ties to the United States, no criminal history, and a stable residence available upon release.
68. There is no evidence that Petitioner poses a danger to the community or a flight risk.
69. Continued detention under these circumstances is excessive, arbitrary, and not reasonably related to any legitimate governmental interest.

ALL WRITS ACT – NO TRANSFER / NO REMOVAL

70. This Court has authority under the **All Writs Act, 28 U.S.C. § 1651**, to issue orders necessary to preserve its jurisdiction.
71. Without an injunction prohibiting transfer or removal, Respondents could moot this Petition by moving Petitioner outside the District.
72. To protect this Court's jurisdiction and Petitioner's right to meaningful judicial review, Respondents must be enjoined from transferring, relocating, or removing Petitioner while this action is pending.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

73. Assume jurisdiction over this action;
74. **Issue an Order to Show Cause forthwith pursuant to 28 U.S.C. § 2243**, requiring Respondents to file a return **within three (3) days**, with any extension **not to exceed twenty (20) days**;
75. **Order Respondents to immediately release Petitioner from ICE custody, or in the alternative, to provide Petitioner with an individualized bond hearing under INA § 236(a) within seven (7) days**;
76. **Enjoin Respondents from transferring, relocating, or removing Petitioner while this** Petition is pending;
77. Declare that Petitioner's detention is unlawful; and
78. Grant such other and further relief as the Court deems just and proper.

VERIFICATION

I, **José de Jesús Morán González**, 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 Petition for Writ of Habeas Corpus; and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on this **28th day of December, 2025**, at Karnes City, Texas.

/s/ José de Jesús Morán González

José de Jesús Morán González

Petitioner, Pro Se

A-Number: 

Current Place of Detention:

Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118