

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

FILED

JAN 05 2026

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

JAIRO PATRICIO LUCAS-LOPEZ,

§

A-Number: 

§

§

Petitioner,

SA26CA0056

FB

v.

§

§

WARDEN,

§

South Texas ICE Processing Center;

§

FIELD OFFICE DIRECTOR,

§

ICE Enforcement and Removal Operations,

§

San Antonio Field Office;

§

SECRETARY,

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U.S. DEPARTMENT OF HOMELAND SECURITY;

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ATTORNEY GENERAL OF THE UNITED STATES;

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and

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EXECUTIVE OFFICE FOR

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IMMIGRATION REVIEW,

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§

Respondents.

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§

CIVIL ACTION NO. _____

§

PETITION FOR WRIT (W-R-I-T) OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

1. Petitioner **Jairo Patricio Lucas-Lopez** (“Petitioner” or “Mr. Lucas”) is a citizen and national of Ecuador who entered the United States on or about September 24, 2023. He is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the South Texas ICE Processing Center in Pearsall, Texas.
2. Mr. Lucas 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 the complete denial of any individualized custody determination, rendering his confinement punitive rather than regulatory.
3. Since his detention on or about December 15, 2025—when he presented himself for a scheduled ICE check-in in New York—Mr. Lucas has been transferred from New York to Texas and remains confined without bond, parole, or conditional release.
4. Habeas corpus is the historic and constitutionally protected mechanism to challenge unlawful restraints on liberty. 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 detains a person without due process, federal courts serve as the essential constitutional check.
5. Mr. Lucas 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 without meaningful review.
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 habeas 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 subject to Respondents’ immediate control.

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 South Texas ICE 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 Jairo Patricio Lucas-Lopez is a noncitizen detained by ICE under color of federal authority at the South Texas ICE Processing Center in Pearsall, Texas.
21. Respondent Warden of the South Texas ICE Processing Center is Petitioner’s immediate physical custodian and is sued in his official capacity.
22. Respondent Field Office Director, ICE Enforcement and Removal Operations, San Antonio Field Office, oversees ICE detention operations in this District and is responsible for Petitioner’s continued detention.
23. Respondent Secretary of the U.S. Department of Homeland Security is responsible for the administration and enforcement of the INA and oversees ICE.
24. Respondent U.S. Department of Homeland Security is the federal agency charged with enforcing immigration laws, including detention authority.
25. Respondent Attorney General of the United States oversees the Department of Justice, including the Executive Office for Immigration Review (“EOIR”).

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.
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 because Petitioner has been denied access to any individualized custody determination and cannot obtain constitutional relief in immigration court.

FACTUAL BACKGROUND

30. Petitioner entered the United States on or about September 24, 2023.
31. Petitioner has applied for asylum, and that application remains pending.
32. Petitioner has never been ordered removed, deported, or granted voluntary departure.
33. On December 15, 2025, Petitioner presented himself for a scheduled ICE check-in in New York.
34. At that check-in, ICE officers detained Petitioner without prior notice or opportunity for custody review.
35. Petitioner was subsequently transferred from New York to the South Texas ICE Processing Center in Pearsall, Texas.
36. ICE has not offered Petitioner release on I-220A, I-220B, parole, or any other alternative to detention.
37. Petitioner requested a bond hearing or custody redetermination.
38. The Immigration Judge declined jurisdiction, leaving Petitioner without any forum for custody review.
39. Petitioner's next immigration court hearing is scheduled for January 22, 2026.

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

40. Respondents are unlawfully detaining Petitioner under INA § 235(b), a statute that applies to arriving noncitizens seeking admission at the border.
41. Petitioner is not an arriving alien and was apprehended in the interior of the United States after entry.
42. The detention statute governing Petitioner's custody is INA § 236(a), which authorizes discretionary detention and expressly provides for release on bond or conditional parole following an individualized custody determination.

43. By misclassifying Petitioner's detention authority, Respondents have unlawfully stripped the Immigration Court of bond jurisdiction and deprived Petitioner of due process.

LEGAL FRAMEWORK GOVERNING IMMIGRATION DETENTION AUTHORITY

44. Congress created distinct detention frameworks under the INA, carefully differentiating between arriving noncitizens and those apprehended within the interior of the United States.
45. Section 235(b) governs inspection and detention at or near ports of entry.
46. Section 236(a) governs detention of noncitizens already present in the United States and placed in removal proceedings under INA § 240.
47. Respondents' departure from this framework is unsupported by congressional intent or longstanding agency practice.

ARBITRARY AND CAPRICIOUS AGENCY ACTION

(Administrative Procedure Act)

48. Respondents' detention determination constitutes final agency action subject to judicial review under the APA.
49. Agency action must be set aside if it is arbitrary, capricious, or contrary to law.
50. The categorical denial of bond eligibility without individualized analysis violates the APA.

PROLONGED DETENTION AND FIFTH AMENDMENT VIOLATIONS

(Maldonado-Bautista)

51. Even if detention were initially lawful, it has become constitutionally unreasonable due to its prolonged duration and lack of procedural safeguards.
52. Petitioner's detention has been prolonged without meaningful progress toward resolution of his immigration case.
53. Continued detention under these circumstances violates the Fifth Amendment.

PROCEDURAL DUE PROCESS VIOLATIONS

54. The Fifth Amendment prohibits deprivation of liberty without due process of law.
55. Petitioner has been denied notice and an opportunity to be heard on the question of custody.

56. The absence of any bond hearing creates an unacceptably high risk of erroneous deprivation of liberty.

SUBSTANTIVE DUE PROCESS VIOLATIONS

57. Civil detention must bear a reasonable relationship to its regulatory purpose.
58. Petitioner has family ties, a fixed release address, and no criminal conviction.
59. Continued detention is excessive and not reasonably related to any legitimate governmental interest.

ALL WRITS ACT – NO TRANSFER / NO REMOVAL

60. This Court has authority under the All Writs Act, 28 U.S.C. § 1651, to preserve its jurisdiction.
61. Transfer or removal would frustrate judicial review.
62. Respondents must be enjoined from transferring or removing Petitioner while this Petition is pending.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

63. Assume jurisdiction over this action;
64. Issue an Order to Show Cause forthwith pursuant to 28 U.S.C. § 2243 requiring Respondents to respond within three (3) days, with any extension not to exceed twenty (20) days;
65. Order Petitioner's immediate release, or in the alternative, an individualized bond hearing within seven (7) days;
66. Enjoin Respondents from transferring or removing Petitioner while this Petition is pending;
67. Declare Petitioner's detention unlawful; and
68. Grant such other and further relief as the Court deems just and proper.

VERIFICATION

I, **Jairo Patricio Lucas-Lopez**, 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 **December 28, 2025**, at Pearsall, Texas.

/s/ Jairo Patricio Lucas-Lopez
Jairo Patricio Lucas-Lopez
Petitioner, Pro Se
A-Number: 
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, TX 78061