

FILED

JAN -9 2026

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

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

JESUS ROBERTO VILLEGAS AVILA,
Petitioner, Pro Se,

SA 26 CA 0133 FB

v.

**RENALDO CASTRO, Warden, South Texas ICE Processing Center;
[FIELD OFFICE DIRECTOR], ICE Enforcement and Removal Operations;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,**

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

Agency No.: 

INTRODUCTION

1. Petitioner **Jesus Roberto Villegas Avila** ("Petitioner") is a citizen of Mexico who **lawfully entered the United States as a child** on a B-2 visitor visa in October 2004 and has resided continuously in the United States for more than twenty (20) years.
2. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at the **South Texas ICE Processing Center** in Pearsall, Texas, where he has remained in custody since early December 2025.
3. Petitioner is being held **without a bond hearing, without consistent or reliable immigration court notice, and without meaningful judicial review**, despite the absence of any final order of removal, criminal history, or statutory basis for mandatory detention.
4. ICE has **repeatedly pressured Petitioner to sign voluntary departure**, which he has correctly refused, while simultaneously **failing to maintain accurate or consistent EOIR court records**, including the disappearance of a previously listed hearing date.
5. Petitioner seeks **immediate release from custody**, or in the alternative, any relief necessary to remedy his **unlawful detention**, including an order requiring Respondents to justify his confinement forthwith under **28 U.S.C. § 2243**.

JURISDICTION

6. This Court has jurisdiction under **28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution**.
7. Habeas jurisdiction is proper because Petitioner is **in physical custody** within the Western District of Texas.
8. 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**.

VENUE

9. Venue is proper in this District under **Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973)**, and **28 U.S.C. § 1391(e)**.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The habeas statute mandates that this Court **grant the writ or issue an order to show cause "forthwith"**, unless it plainly appears that the petitioner is not entitled to relief. **28 U.S.C. § 2243**.

11. If an order to show cause is issued, Respondents must file a return **within three (3) days**, unless extended for good cause, **not to exceed twenty (20) days**.
12. Habeas corpus is a **swift and imperative remedy** designed to address unlawful restraint. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

13. **Petitioner:** Jesus Roberto Villegas Avila, detained at South Texas ICE Processing Center.
14. **Respondent Castro** is the Warden of the facility and Petitioner's immediate custodian.
15. **ICE Field Office Director** is responsible for Petitioner's detention and custody decisions.
16. **Secretary of DHS** oversees ICE and is responsible for enforcement of the INA.
17. **Attorney General** oversees EOIR and the immigration court system.
18. **EOIR** is responsible for scheduling, notice, and adjudication of removal proceedings.

EXHAUSTION

19. No statutory exhaustion requirement applies to detention challenges under **§ 2241**. See *Montano v. Texas*, 867 F.3d 540 (5th Cir. 2017).
20. Immigration Judges and the BIA **lack jurisdiction to adjudicate constitutional claims**, rendering exhaustion futile.

FACTUAL BACKGROUND

21. Petitioner **lawfully entered** the United States on **October 10, 2004**, with authorization valid through **April 9, 2005**.
22. Petitioner **did not enter unlawfully**, was not apprehended at the border, and is **not an arriving alien**.
23. Petitioner has **no criminal history**, no prior removal order, and no prior voluntary departure order.
24. ICE detained Petitioner on **December 6, 2025**, and transferred him through multiple facilities before placing him at South Texas ICE Processing Center.
25. EOIR records have shown **inconsistent and disappearing hearing information**, including the removal of a scheduled February 2026 hearing.

26. Petitioner has been **repeatedly pressured to sign voluntary departure**, including references to removal to countries **of which he is not a national**.

LEGAL FRAMEWORK

27. The INA authorizes detention under **§ 1226(a)** for individuals pending removal proceedings.
28. **§ 1225(b)** applies to **arriving aliens and recent entrants**, not long-term residents apprehended inside the United States.
29. Petitioner is **not subject to § 1226(c) or § 1231(a)**.
30. Detaining Petitioner without a bond hearing under any theory of **§ 1225(b)** is **contrary to the statute**, Supreme Court precedent, and decades of agency practice.

APA VIOLATION – ARBITRARY AND CAPRICIOUS DETENTION

31. Agency action must be set aside if it is **arbitrary, capricious, or contrary to law**. **5 U.S.C. § 706(2)(A)**.
32. Federal courts have repeatedly rejected DHS and EOIR attempts to **misclassify long-term residents as applicants for admission**, including **Maldonado v. Olson**, **Buenrostro-Mendez**, and related cases.
33. The disappearance of EOIR hearings, inconsistent recordkeeping, and coercive pressure tactics demonstrate **administrative failure and unlawful custody**.

PROCEDURAL DUE PROCESS

34. Freedom from detention is a **core liberty interest** protected by the Fifth Amendment.
Zadvydas v. Davis, 533 U.S. 678 (2001).
35. Petitioner has been denied:
- Notice
 - A hearing
 - An opportunity to contest detention
36. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), detention without process violates due process.

SUBSTANTIVE DUE PROCESS

- 37. Civil immigration detention must bear a **reasonable relationship** to flight risk or danger.
Zadvydas, 533 U.S. at 690.
- 38. Petitioner presents **no danger**, has **strong community ties**, and a **fixed release address**.
- 39. Continued detention serves **no legitimate government purpose**.

CLAIMS FOR RELIEF

COUNT I – Violation of the INA

COUNT II – APA (Arbitrary and Capricious Agency Action)

COUNT III – Procedural Due Process

COUNT IV – Substantive Due Process

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction;
- b. Issue an **Order to Show Cause** forthwith under 28 U.S.C. § 2243;
- c. Declare Petitioner's detention **unlawful**;
- d. **ORDER PETITIONER'S IMMEDIATE RELEASE FROM ICE CUSTODY**;
- e. Alternatively, order any relief necessary to remedy unlawful detention;
- f. Grant all other relief deemed just and proper.

VERIFICATION AND DECLARATION

I, **Jesus Roberto Villegas Avila**, declare under penalty of perjury under the laws of the United States of America that the foregoing Petition for Writ of Habeas Corpus is true and correct to the best of my knowledge, information, and belief.

I further declare that I am currently detained at the **South Texas ICE Processing Center, 566 Veterans Drive, Pearsall, Texas 78061**, and that this Petition is being submitted on my behalf.

Executed on this 7th day of January, 2026, at Pearsall, Texas.

/s/ Jesus Roberto Villegas Avila

Jesus Roberto Villegas Avila

A-Number: 

Petitioner, Pro Se

South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061