

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
FEB 24 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

JESUS ROBERTO VILLEGAS AVILA,
Petitioner,
v. Case No. 5:26-cv-00133
RENALDO CASTRO, et al.,
Respondents.

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

1. Petitioner respectfully submits this Reply to Respondents' Response (ECF No. 5).
2. The record before this Court is complete.
3. Respondents have answered.
4. The material facts relevant to the legality of Petitioner's detention are not disputed.
5. The issue presented is purely constitutional.
6. Whether continued civil detention of Petitioner violates the Fifth Amendment.
7. It does.
8. The writ must issue.

THE GOVERNMENT HAS NOT CARRIED ITS CONSTITUTIONAL BURDEN

9. Respondents were ordered to answer the Petition.
10. Respondents filed their Response on February 5, 2026.
11. Respondents did not submit evidence that Petitioner has any criminal history.
12. Respondents did not submit evidence that Petitioner poses a danger to any person or property.
13. Respondents did not submit evidence establishing that removal is imminent.

14. Respondents rely primarily on procedural defenses.
15. Once the Government restrains physical liberty, it bears the burden to justify continued confinement.
16. Freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause.
17. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
18. Civil detention without sufficient justification violates the Fifth Amendment.
19. Respondents have not met their burden.

HABEAS CORPUS IS THE EXCLUSIVE AND MANDATORY REMEDY

20. Petitioner proceeds under 28 U.S.C. §2241.
21. Section 2241 authorizes relief where a person is “in custody in violation of the Constitution.”
22. In *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973), the Supreme Court held that when a prisoner challenges the fact or duration of confinement and seeks immediate release, habeas corpus is the exclusive federal remedy.
23. Release from unlawful custody lies at the core of habeas jurisdiction.
24. Petitioner seeks immediate release.
25. In *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004), the Court confirmed that habeas tests the legality of present physical custody and lies against the immediate custodian.
26. This Court has jurisdiction over the custodian and the detention facility.
27. In *INS v. St. Cyr*, 533 U.S. 289, 298–300 (2001), the Court emphasized the strong presumption in favor of habeas jurisdiction absent a clear congressional repeal.
28. No such repeal exists here.
29. Respondents’ reliance on 8 U.S.C. §1226(e) does not defeat jurisdiction.
30. Section 1226(e) limits review of discretionary bond determinations.
31. It does not preclude constitutional review of detention itself.
32. In *Jennings v. Rodriguez*, 583 U.S. 830, 851–52 (2018), the Supreme Court confirmed that constitutional challenges to immigration detention remain available under §2241.
33. Petitioner does not seek reweighing of bond evidence.
34. Petitioner challenges the constitutionality of continued confinement.

35. Jurisdiction is proper.

SECTION 2243 REQUIRES SWIFT AND SUMMARY ADJUDICATION

36. Section 2243 provides that the Court “shall forthwith award the writ” or issue an order to show cause.

37. The term “shall” is mandatory.

38. The term “forthwith” means immediately and without delay.

39. Section 2243 further commands that the Court “summarily hear and determine the facts” and dispose of the matter as law and justice require.

40. Congress codified habeas corpus as a swift, decisive remedy against unlawful restraint.

41. The Supreme Court has long characterized habeas as a prompt and imperative judicial remedy.

42. In *Boumediene v. Bush*, 553 U.S. 723, 779 (2008), the Court held that habeas must provide a meaningful opportunity to challenge detention and cannot be reduced to a hollow procedural formality.

43. Effective habeas review must be robust enough to remedy unlawful executive confinement.

44. Delaying constitutional review pending prolonged administrative processes undermines the effectiveness of the writ.

45. Liberty deprivation constitutes a present and ongoing injury.

46. Section 2243 requires this Court to act decisively where detention is unconstitutional.

47. In *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803), the Supreme Court declared that “it is emphatically the province and duty of the judicial department to say what the law is.”

48. When executive detention conflicts with constitutional guarantees, it is the duty of this Court to declare the law and provide a remedy.

THE FIFTH AMENDMENT LIMITS CIVIL IMMIGRATION DETENTION

49. Immigration detention is civil, not criminal.

50. Civil detention must remain regulatory in purpose and effect.

51. In *Zadvydas v. Davis*, 533 U.S. at 690–92, the Court held that immigration detention is constitutionally permissible only so long as it bears a reasonable relation to its removal purpose.
52. Detention that loses its regulatory relation becomes unconstitutional.
53. In *Clark v. Martinez*, 543 U.S. 371, 380 (2005), the Court rejected interpretations that would permit indefinite detention.
54. In *Demore v. Kim*, 538 U.S. 510, 523 (2003), the Court upheld detention only because it was understood to be brief and finite.
55. *Demore* did not authorize prolonged or arbitrary detention.
56. In *Kansas v. Hendricks*, 521 U.S. 346, 361 (1997), the Court explained that civil detention becomes unconstitutional if punitive in effect.
57. In *Addington v. Texas*, 441 U.S. 418, 425 (1979), the Court emphasized that civil confinement demands heightened safeguards because liberty loss is severe.
58. The Constitution forbids arbitrary executive imprisonment.

DUE PROCESS REQUIRES MEANINGFUL INDIVIDUALIZED JUSTIFICATION

59. Due process analysis requires balancing the private liberty interest, the risk of erroneous deprivation, and the Government's interest.
60. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
61. As detention lengthens, the risk of erroneous deprivation increases.
62. In *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004), the Court held that a detainee must receive a meaningful opportunity before a neutral decisionmaker to contest detention.
63. Liberty deprivation requires justification.
64. Petitioner was lawfully admitted under a B2 visa. (Exhibit A).
65. Petitioner was issued an entry identification document at the time of lawful admission. (Exhibit B).
66. Petitioner has resided in the United States for over two decades.
67. Petitioner is the father of two United States citizen minor children.
68. One child's birth certificate is attached as Exhibit C.
69. Proof of the second United States citizen child, in the form of a birth confirmation letter, is attached as Exhibit D.

- 70. Petitioner has no criminal history.
- 71. Respondents have not alleged danger in this Court.
- 72. Bond was denied orally citing flight risk.
- 73. No written custody findings have been served.
- 74. No evidentiary basis has been presented to this Court.
- 75. Continued confinement absent demonstrated necessity risks becoming arbitrary.
- 76. Arbitrary detention violates due process.

EXHAUSTION DOES NOT BAR CONSTITUTIONAL HABEAS RELIEF

- 77. Respondents argue that Petitioner must exhaust BIA review.
- 78. Exhaustion in §2241 proceedings is prudential, not jurisdictional.
- 79. In *Fay v. Noia*, 372 U.S. 391, 438 (1963), the Supreme Court recognized the broad remedial scope of habeas corpus and rejected rigid procedural barriers to constitutional review.
- 80. In *Brown v. Allen*, 344 U.S. 443, 458 (1953), the Court reaffirmed that habeas tests the legality of detention itself, not merely procedural compliance.
- 81. Petitioner timely mailed a Notice of Appeal to preserve rights.
- 82. The existence of a pending appeal does not suspend constitutional protection.
- 83. Section 2243 does not permit indefinite postponement of judicial review.
- 84. The writ addresses present unlawful custody.
- 85. Administrative delay cannot cure ongoing constitutional injury.

SUMMARY ADJUDICATION IS APPROPRIATE

- 86. Respondents have presented no material factual dispute.
- 87. The relevant facts concerning detention, bond denial, and procedural posture are undisputed.
- 88. The issue before the Court is legal and constitutional.
- 89. Section 2243 directs the Court to “summarily hear and determine the facts.”
- 90. Because the Government’s Response presents no genuine issue of material fact, summary adjudication is appropriate.

91. Continued detention under these circumstances violates the Fifth Amendment as a matter of law.

92. The writ should issue forthwith.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus under 28 U.S.C. §2241;
- B. Declare that Petitioner's continued civil detention violates the Fifth Amendment and is unconstitutional as a matter of law;
- C. Order Petitioner's immediate release from civil detention;
- D. Order that the writ issue forthwith pursuant to 28 U.S.C. §2243;
- E. Prohibit Respondents from re-detaining Petitioner under 8 U.S.C. §1226(a) absent materially changed circumstances;
- F. Grant any additional relief necessary to remedy the constitutional violation;
- G. Grant such further relief as law and justice require.

VERIFICATION

I, Jesus Roberto Villegas Avila, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 22 day of February, 2026.

X Jesus Villegas

Jesus Roberto Villegas Avila

Petitioner, Pro Se

South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061

EXHIBIT A

Copy of Petitioner's B-2 Nonimmigrant Visa

EXHIBIT B

**Copy of Entry Identification Document
Issued Upon Lawful Admission**

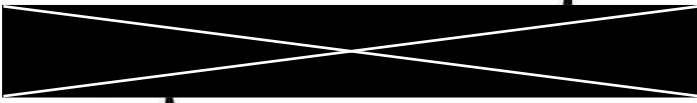
		U.S. IMMIGRATION	
		ELP 2113	
Immigration and Naturalization Service		ADMITTED	
I-94		OCT 10 2004	
Departure Record		CLASS UNTIL <i>B2</i>	
14. Family Name		APR 09 2005	
VILLEGAS AVILA			
15. First (Given) Name		16. Birth Date (Day/Mo/Yr)	
JESUS ROBERTO			
17. Country of Citizenship			
MEXICO			

EXHIBIT C

Certified Birth Certificate of Petitioner's United States Citizen Minor Child

EXHIBIT D

Birth Confirmation Letter for Petitioner's United States Citizen Minor Child
