

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

MAR 23 2026

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

JESUS ROBERTO VILLEGAS AVILA,
Petitioner,

v. Case No. 5:26-cv-00133

RENALDO CASTRO,
Warden, South Texas ICE Processing Center;

[FIELD OFFICE DIRECTOR],
U.S. Immigration and Customs Enforcement,
Enforcement and Removal Operations;

ALEJANDRO MAYORKAS,
Secretary, U.S. Department of Homeland Security;

U.S. DEPARTMENT OF HOMELAND SECURITY;

MERRICK B. GARLAND,
Attorney General of the United States;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

**PETITIONER'S MOTION FOR IMMEDIATE RULING AND ADJUDICATION
PURSUANT TO 28 U.S.C. § 2243**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Petitioner Jesus Roberto Villegas Avila, proceeding pro se, respectfully moves this Court for **immediate ruling and adjudication** of his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2243. This case is fully briefed, presents no factual dispute, and concerns an ongoing

deprivation of liberty. **The Constitution, federal statute, and binding Supreme Court precedent require immediate judicial action.**

THE RECORD IS COMPLETE AND THE CASE IS RIPE FOR DECISION

1. Petitioner filed his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on January 9, 2026.
2. This Court ordered Respondents to answer.
3. Respondents filed their Response on February 5, 2026.
4. Petitioner filed his Reply on February 24, 2026.
5. **All briefing has concluded.**
6. **The evidentiary record is closed.**
7. **No material facts are in dispute.**
8. The question before this Court is purely legal: whether Petitioner's continued civil detention violates the Fifth Amendment.
9. **There is nothing further for this Court to await.**

28 U.S.C. § 2243 IMPOSES A MANDATORY, NON-DISCRETIONARY DUTY TO ACT FORTHWITH

10. Congress has spoken with unmistakable clarity.
11. 28 U.S.C. § 2243 provides that a federal court **"shall forthwith award the writ or issue an order to show cause."**
12. The statute further commands that the Court **"summarily hear and determine the facts, and dispose of the matter as law and justice require."**
13. The term **"shall"** imposes a mandatory obligation—not discretion.
14. The term **"forthwith"** means **immediately, without delay, and without procedural stagnation.**
15. Habeas corpus is not an ordinary civil action—it is a **constitutionally anchored, statutorily accelerated remedy designed to terminate unlawful detention without delay.**
16. In *Fay v. Noia*, the Supreme Court emphasized that habeas corpus is a **"swift and imperative remedy in all cases of illegal restraint."**

17. In *Preiser v. Rodriguez*, the Court confirmed that habeas corpus is the **exclusive federal remedy** for a person challenging the fact or duration of physical confinement and seeking immediate release.
18. In *Carafas v. LaVallee*, the Court reiterated that habeas exists to **end unlawful custody—not to delay its resolution**.
19. Congress codified habeas as a **summary, decisive mechanism**—not a vehicle for prolonged judicial inaction.
20. **Once the record is complete, the Court's duty to adjudicate is triggered immediately.**

**DELAY IN HABEAS ADJUDICATION CONSTITUTES A STRUCTURAL
CONSTITUTIONAL VIOLATION**

21. Petitioner remains detained at the South Texas ICE Processing Center, 566 Veterans Drive, Pearsall, Texas 78061.
22. Petitioner's liberty is being restrained in real time.
23. **Every day of continued detention is a fresh constitutional injury.**
24. The Suspension Clause and Due Process Clause guarantee a meaningful opportunity to challenge unlawful detention.
25. In *Boumediene v. Bush*, the Supreme Court held that habeas corpus must be **effective, meaningful, and not reduced to a hollow or delayed formality**.
26. A remedy that exists only on paper—but is delayed in practice—is **no remedy at all**.
27. **Delayed habeas review is constitutionally indistinguishable from denied habeas review.**
28. The constitutional injury here is not hypothetical—it is ongoing.
29. **Judicial inaction in the face of completed habeas briefing transforms lawful process into unconstitutional restraint.**

THE GOVERNMENT HAS FAILED TO CARRY ITS CONSTITUTIONAL BURDEN

30. Once the Government restrains physical liberty, it bears the burden to justify continued detention.
31. In *Hamdi v. Rumsfeld*, the Supreme Court held that a detainee must receive a meaningful opportunity before a neutral decisionmaker to contest the factual basis for detention.

32. In *Addington v. Texas*, the Court recognized that civil detention demands heightened justification due to the severe deprivation of liberty.
33. In *Zadvydas v. Davis*, the Court held that immigration detention is permissible only so long as it bears a reasonable relation to its purpose.
34. In *Demore v. Kim*, detention was upheld only because it was understood to be **brief and finite**.
35. Respondents have failed to present evidence that:
 - a. Petitioner poses a danger to the community;
 - b. Petitioner presents a sufficient flight risk;
 - c. Removal is imminent; or
 - d. Continued detention serves a legitimate regulatory purpose.
36. **The Government has been given its opportunity—and has failed to meet its burden.**
37. Continued detention under these circumstances is **arbitrary, excessive, and unconstitutional as a matter of law.**

NO FURTHER BRIEFING OR DELAY IS PERMISSIBLE

38. Respondents have answered.
39. Petitioner has replied.
40. **The issues are fully briefed.**
41. **No factual development remains.**
42. **No additional briefing is warranted or permitted under the structure of § 2243.**
43. Allowing further delay would:
 - a. Contravene the express command of Congress;
 - b. Undermine the purpose of habeas corpus;
 - c. Prolong an ongoing constitutional violation.
44. In *INS v. St. Cyr*, the Supreme Court reaffirmed the strong presumption in favor of habeas review when liberty is at stake.
45. In *Marbury v. Madison*, the Court declared that it is the duty of the judiciary to say what the law is.
46. **That duty is triggered now.**

THIS COURT IS OBLIGATED TO ACT IMMEDIATELY

- 47. The statutory command is mandatory.
- 48. The constitutional violation is ongoing.
- 49. The record is complete.
- 50. **There is no lawful basis for further delay.**
- 51. **This Court must act forthwith.**

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. **IMMEDIATELY ADJUDICATE** the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2243;
- b. **GRANT** the writ forthwith and declare Petitioner's continued detention unconstitutional and unlawful;
- c. **ORDER PETITIONER'S IMMEDIATE RELEASE** from ICE custody;
- d. In the alternative, grant any relief necessary to remedy the ongoing constitutional violation;
- e. Grant all other relief to which Petitioner is entitled under law and equity.

Respectfully submitted,

Date: March 20, 2026

X Jesus Villegas
Jesus Roberto Villegas Avila

A-Number: 

Petitioner, Pro Se
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JESUS ROBERTO VILLEGAS AVILA,
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U.S. DEPARTMENT OF HOMELAND SECURITY;

MERRICK B. GARLAND,
Attorney General of the United States;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

**PETITIONER'S MOTION FOR SUMMARY GRANT OF THE WRIT OF HABEAS
CORPUS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Petitioner Jesus Roberto Villegas Avila, proceeding pro se, respectfully moves this Court for **summary grant of the writ of habeas corpus** pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 2243. The record is complete, no material facts are in dispute, and Respondents have failed to carry their constitutional burden. **As a matter of law, the writ must issue.**

THE CASE IS APPROPRIATE FOR SUMMARY ADJUDICATION

1. Petitioner filed his Petition for Writ of Habeas Corpus on January 9, 2026.
2. Respondents filed their Response on February 5, 2026.
3. Petitioner filed his Reply on February 24, 2026.
4. **The record is fully developed.**
5. **No genuine issue of material fact exists.**
6. The only question before this Court is legal: whether Petitioner's continued detention violates the Constitution.
7. Under 28 U.S.C. § 2243, this Court is required to "summarily hear and determine the facts" and dispose of the matter as law and justice require.
8. **Summary adjudication is not only appropriate—it is mandated.**

HABEAS CORPUS REQUIRES IMMEDIATE RELIEF WHERE DETENTION IS UNLAWFUL

9. Habeas corpus exists to test the legality of present physical custody and to secure release from unlawful detention.
10. In *Preiser v. Rodriguez*, the Supreme Court held that habeas corpus is the **exclusive federal remedy** for a prisoner seeking immediate release.
11. In *Rumsfeld v. Padilla*, the Court confirmed that habeas directly challenges present confinement and requires a determination of its legality.
12. In *INS v. St. Cyr*, the Court emphasized the **strong presumption in favor of habeas review** where liberty is at stake.
13. Habeas is not a vehicle for delay—it is a mechanism for **immediate judicial intervention**.
14. Where detention is unlawful, **release is the required remedy**.

THE GOVERNMENT HAS FAILED TO JUSTIFY CONTINUED DETENTION

15. The burden rests on the Government to justify continued physical restraint.
16. In *Hamdi v. Rumsfeld*, the Supreme Court held that a detainee must be given a **meaningful opportunity** to challenge detention before a neutral decisionmaker.
17. In *Addington v. Texas*, the Court recognized that civil detention requires **heightened justification** due to the severe deprivation of liberty.

18. Respondents have failed to present evidence demonstrating:
 - a. That Petitioner poses a danger to the community;
 - b. That Petitioner presents a sufficient flight risk;
 - c. That removal is reasonably foreseeable;
 - d. That continued detention serves a legitimate regulatory purpose.
19. Respondents' arguments rely primarily on procedural defenses rather than substantive justification.
20. **The Government has not carried its constitutional burden.**

CONTINUED DETENTION IS UNCONSTITUTIONAL AS A MATTER OF LAW

21. Civil immigration detention is subject to constitutional limitations.
22. In *Zadvydas v. Davis*, the Supreme Court held that detention is permissible only so long as it bears a reasonable relation to its purpose.
23. In *Demore v. Kim*, detention was upheld only because it was understood to be **brief and finite**.
24. Detention that is prolonged, unjustified, or untethered from its purpose becomes unconstitutional.
25. Petitioner has been detained for a prolonged period without adequate justification.
26. There is no evidence that removal is imminent.
27. There is no evidence that continued detention is necessary.
28. **The detention has lost any lawful regulatory purpose and is now arbitrary.**
29. Arbitrary detention violates the Due Process Clause of the Fifth Amendment.

NO FURTHER PROCEEDINGS ARE NECESSARY

30. The Government has already responded.
31. Petitioner has replied.
32. **The record is closed.**
33. **There are no disputed facts requiring an evidentiary hearing.**
34. **There is no need for additional briefing.**
35. Under § 2243, the Court must resolve the matter based on the existing record.

36. Further delay would serve no legal purpose and would only prolong unconstitutional detention.

THE WRIT MUST ISSUE FORTHWITH

- 37. The statutory command is clear.
- 38. The constitutional violation is established.
- 39. The Government has failed to justify detention.
- 40. **There is no lawful basis to deny relief.**
- 41. **The writ must issue.**

PRAYER FOR RELIEF

WHEREFORE, 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 detention violates the Fifth Amendment and is unconstitutional as a matter of law;**
- c. **ORDER PETITIONER'S IMMEDIATE RELEASE from ICE custody;**
- d. **PROHIBIT Respondents from re-detaining Petitioner under the same statutory authority absent materially changed circumstances;**
- e. Grant any additional relief necessary to remedy the constitutional violation;
- f. Grant all other relief to which Petitioner is entitled.

Respectfully submitted,

Date: March 20, 2026

X Jesus Villegas
Jesus Roberto Villegas Avila

A-Number: 

Petitioner, Pro Se
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061

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MERRICK B. GARLAND,
Attorney General of the United States;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Respondents.

**PETITIONER'S MOTION TO PRESERVE JURISDICTION AND
PROHIBIT TRANSFER OR REMOVAL
PURSUANT TO 28 U.S.C. § 1651(a)**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Petitioner Jesus Roberto Villegas Avila, proceeding pro se, respectfully moves this Court to preserve its jurisdiction and prohibit his transfer or removal pursuant to the All Writs Act, 28

U.S.C. § 1651(a). This motion is necessary to ensure that this Court's jurisdiction over Petitioner's pending habeas corpus petition is not defeated by unilateral executive action.

THIS COURT HAS AUTHORITY UNDER THE ALL WRITS ACT

1. The All Writs Act provides that federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions.” 28 U.S.C. § 1651(a).
2. This authority exists to protect the Court's ability to resolve cases properly before it.
3. The Supreme Court has recognized that federal courts may issue orders necessary to prevent actions that would impair their jurisdiction.
4. In *United States v. New York Telephone Co.*, the Court held that the All Writs Act empowers courts to issue orders necessary to effectuate and prevent the frustration of their jurisdiction.
5. In *Nken v. Holder*, the Court confirmed that federal courts may preserve the status quo to ensure meaningful judicial review in immigration matters.
6. This authority is especially critical in habeas corpus proceedings, where jurisdiction depends on the Court's ability to control the custodian and the detainee.

TRANSFER OR REMOVAL WOULD FRUSTRATE THIS COURT'S JURISDICTION

7. Petitioner is currently detained at the South Texas ICE Processing Center in Pearsall, Texas, within this Court's jurisdiction.
8. This Court has jurisdiction over Petitioner's custodian and his habeas petition.
9. If Petitioner is transferred to another facility outside this District, or removed from the United States, this Court's jurisdiction may be impaired or defeated.
10. Transfer or removal during the pendency of habeas proceedings creates a substantial risk of:
 - a. Mooting the case;
 - b. Divesting the Court of jurisdiction over the custodian;
 - c. Preventing effective relief;
 - d. Undermining judicial review.
11. Courts have consistently recognized that such actions may frustrate habeas jurisdiction and warrant injunctive protection.

- 12. Absent judicial protection, Respondents retain unilateral authority to transfer or remove Petitioner at any time.**

PRESERVING THE STATUS QUO IS NECESSARY TO PROTECT HABEAS REVIEW

13. Habeas corpus is designed to provide meaningful judicial review of detention.
14. In *Boumediene v. Bush*, the Supreme Court held that habeas must be effective and not reduced to a hollow formality.
15. If Petitioner is transferred or removed before this Court rules, the habeas remedy risks becoming meaningless.
16. Preservation of the status quo is necessary to ensure that this Court can:
- a. Fully adjudicate the petition;
 - b. Provide effective relief;
 - c. Maintain control over the parties.
17. Without such protection, Respondents could evade judicial review through administrative action.
- 18. The All Writs Act exists precisely to prevent this type of jurisdictional frustration.**

THE BALANCE OF EQUITIES STRONGLY FAVORS RELIEF

19. Petitioner faces irreparable harm in the form of continued unlawful detention and the risk of removal.
20. Loss of liberty constitutes the most severe form of irreparable injury.
21. By contrast, maintaining Petitioner in his current location imposes minimal burden on Respondents.
22. The public interest favors preserving judicial authority and ensuring constitutional compliance.
23. The requested relief is narrowly tailored to maintain the status quo pending adjudication.

THIS COURT SHOULD PROHIBIT TRANSFER AND REMOVAL

24. To protect its jurisdiction and ensure meaningful habeas review, this Court should:

- a. Prohibit Respondents from transferring Petitioner outside the Western District of Texas;
 - b. Prohibit Respondents from removing Petitioner from the United States;
 - c. Maintain Petitioner within the jurisdiction of this Court until a final ruling is issued.
25. Such relief is necessary, appropriate, and fully authorized under 28 U.S.C. § 1651(a).

WHEREFORE, Petitioner respectfully requests that this Court:

- a. **ISSUE AN ORDER** preserving its jurisdiction pursuant to 28 U.S.C. § 1651(a);
- b. **PROHIBIT** Respondents from transferring Petitioner outside the Western District of Texas during the pendency of these proceedings;
- c. **PROHIBIT** Respondents from removing Petitioner from the United States while this habeas petition remains pending;
- d. Order that Petitioner remain within the custody and jurisdiction of this Court until final adjudication;
- e. Grant all other relief to which Petitioner is entitled.

Respectfully submitted,

Date: March 20, 2026

X Jesus Villegas

Jesus Roberto Villegas Avila

A-Number: 

Petitioner, Pro Se

South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061

South Texas KE Processing CTR

Jesus Villegas



566 Veterans Dr.

Pearsall TX 78061

Q13

Clerk,
U.S. District Ct. Western District of TX

262 West Nueva St.

San Antonio, TX 78207