

FILED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JAN -7 2026

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

SA26CA0106

JKP

JESUS ALBERTO SUAREZ SILVA,
A# ,
Petitioner,

v.

RENALDO CASTRO, Warden, South Texas ICE Processing Center;
SYLVESTER ORTEGA, Field Office Director, ICE Enforcement and Removal Operations, San
Antonio;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
U.S. DEPARTMENT OF HOMELAND SECURITY;
PAMELA BONDI, Attorney General of the United States;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner Jesus Alberto Suarez Silva ("Petitioner" or "Mr. Suarez") is a native and citizen of Venezuela who is currently detained by Immigration and Customs Enforcement ("ICE") at the South Texas ICE Processing Center in Pearsall, Texas.
2. Mr. Suarez was detained by ICE on September 3, 2025, when he appeared for a routine immigration check-in in Dallas, Texas. He was not arrested for any criminal conduct and has no criminal history.
3. Since his detention, Mr. Suarez has been held without any bond hearing, custody redetermination, or meaningful opportunity to challenge the legal basis of his detention.
4. ICE has repeatedly pressured Mr. Suarez to accept voluntary departure, including offers of removal to countries that are not his country of nationality.
5. Mr. Suarez is currently in removal proceedings and has a pending application for asylum (Form I-589). He has no final order of removal and is not subject to detention under 8 U.S.C. § 1231.
6. Mr. Suarez is properly detained, if at all, under 8 U.S.C. § 1226(a), which authorizes discretionary detention and provides eligibility for a bond hearing. His continued detention without a bond hearing violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment.
7. Mr. Suarez therefore seeks a writ of habeas corpus requiring that he be released from ICE custody, or, in the alternative, that Respondents provide a prompt bond hearing at which the government bears the burden of proof.

JURISDICTION

8. Petitioner is in the physical custody of Respondents within the Western District of Texas.
9. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution.
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper in this Court pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District.
12. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States, and a substantial part of the events giving rise to this Petition occurred within the Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

13. Under 28 U.S.C. § 2243, this Court must grant the writ or issue an order directing Respondents to show cause forthwith why the writ should not be granted.
14. If an order to show cause is issued, Respondents must file a return within three days unless the Court allows additional time, not exceeding twenty days, for good cause shown.
15. Habeas corpus is intended to provide a swift and imperative remedy in all cases of illegal restraint or confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

16. Petitioner Jesus Alberto Suarez Silva, A# [REDACTED] is a citizen of Venezuela currently detained at the South Texas ICE Processing Center, 566 Veteran Dr., Pearsall, Texas 78061.
17. Respondent Renaldo Castro is the Warden of the South Texas ICE Processing Center and Petitioner's immediate custodian.
18. Respondent Sylvester Ortega is the Field Office Director for ICE Enforcement and Removal Operations in San Antonio, Texas.
19. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.
20. Respondent U.S. Department of Homeland Security is the federal agency responsible for immigration detention and enforcement.
21. Respondent Pamela Bondi is the Attorney General of the United States.
22. Respondent Executive Office for Immigration Review administers immigration court proceedings and custody determinations.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

23. No statutory exhaustion requirement applies to habeas petitions brought under 28 U.S.C. § 2241.
24. Mr. Suarez has not received a bond hearing and therefore has no custody determination to appeal.
25. Immigration Judges and the Board of Immigration Appeals lack jurisdiction to adjudicate constitutional and Administrative Procedure Act claims.
26. Exhaustion is therefore excused.

FACTUAL BACKGROUND

27. Mr. Suarez was detained on September 3, 2025, when he appeared for a scheduled ICE check-in in Dallas, Texas.
28. He was transferred to the South Texas ICE Processing Center in Pearsall, Texas.
29. Mr. Suarez has appeared in multiple immigration court hearings between October and December 2025 but has never been afforded a custody redetermination hearing.

30. ICE transferred Mr. Suarez from Prairieland Detention Center on September 15, 2025, despite a court hearing scheduled for September 16, 2025, resulting in administrative disruption and delay.
31. Mr. Suarez has no criminal history.
32. Mr. Suarez supports his spouse and children, including one child with autism, and his prolonged detention has caused significant hardship to his family.
33. ICE has repeatedly attempted to coerce Mr. Suarez into accepting voluntary departure, including offers of removal to Uganda, Mexico, Spain, and Ecuador, none of which are his country of nationality.

LEGAL FRAMEWORK

34. The Immigration and Nationality Act establishes four primary detention schemes for noncitizens in removal proceedings: detention under 8 U.S.C. § 1226(a); mandatory detention under 8 U.S.C. § 1226(c); detention of arriving aliens under 8 U.S.C. § 1225(b); and post-order detention under 8 U.S.C. § 1231.
35. Section 1226(a) governs the discretionary detention of noncitizens who are already present in the United States and placed in removal proceedings under 8 U.S.C. § 1229a. Individuals detained under § 1226(a) are entitled to an individualized custody determination and may seek release on bond before an Immigration Judge.
36. Section 1226(c) mandates detention of a narrow category of noncitizens with specified criminal convictions. Mr. Suarez does not fall within § 1226(c) because he has no criminal history that would trigger mandatory detention.
37. Section 1225(b) applies to individuals who are arriving aliens or who are apprehended at or near the border while seeking admission into the United States. Its framework is premised on border inspections and expedited processing of recent entrants.
38. Section 1231 applies only after a final order of removal has been entered. Mr. Suarez has no final order of removal and therefore cannot be detained under § 1231.
39. Mr. Suarez is not an arriving alien, did not present himself for admission at a port of entry, and was apprehended in the interior of the United States while complying with ICE supervision. Accordingly, § 1225(b) does not apply to him.
40. Respondents have nonetheless treated Mr. Suarez as subject to detention under INA § 235(b), 8 U.S.C. § 1225(b), and have relied on that misclassification to deny him any bond hearing or custody review.
41. That classification is contrary to the statutory structure of the INA, decades of agency practice, and binding Supreme Court precedent. The Supreme Court has made clear that § 1226(a), not § 1225(b), governs the detention of noncitizens already present in the United States and placed in removal proceedings. See *Jennings v. Rodriguez*; *Johnson v. Arteaga-Martinez*.
42. Federal district courts within the Western District of Texas and elsewhere have repeatedly rejected DHS's attempt to apply § 1225(b) to long-term residents apprehended in the interior. Those courts have held that such individuals are properly detained, if at all, under § 1226(a) and are entitled to a bond hearing.

43. By misclassifying Mr. Suarez under § 235(b), Respondents have unlawfully stripped the Immigration Judge of bond jurisdiction and subjected Mr. Suarez to prolonged, mandatory detention without statutory or constitutional authority.

PROCEDURAL DUE PROCESS

39. The Fifth Amendment protects noncitizens from deprivation of liberty without due process of law.
40. Courts have repeatedly held that prolonged civil immigration detention without a meaningful, individualized custody determination violates the Due Process Clause of the Fifth Amendment, even where detention is initially authorized by statute. In *Maldonado-Bautista v. Garland*, the court recognized that, at some point, continued detention without a bond hearing becomes constitutionally unreasonable and requires judicial intervention. The absence of any custody hearing in such circumstances creates a substantial risk of erroneous deprivation of liberty, particularly where, as here, the detainee has no criminal history and has been afforded no opportunity to contest the factual or legal basis for continued confinement.
41. Under *Mathews v. Eldridge*, the private interest at stake, the risk of erroneous deprivation, and the minimal burden on the government all weigh in favor of providing Mr. Suarez with a bond hearing.

SUBSTANTIVE DUE PROCESS

42. Civil immigration detention must bear a reasonable relationship to its regulatory purposes of ensuring appearance at proceedings and protecting the community.
43. Prolonged immigration detention that is no longer reasonably related to its purported regulatory purposes violates substantive due process. As recognized in *Maldonado-Bautista v. Garland*, civil detention becomes unconstitutional when it ceases to serve a legitimate governmental objective and instead functions as punitive confinement. Where a detainee poses no danger to the community and no demonstrated flight risk, and where the government has failed to provide any mechanism for release or review, continued detention bears no reasonable relationship to ensuring appearance or protecting the public and therefore violates the Fifth Amendment.

CLAIMS FOR RELIEF

44. Respondents' continued detention of Mr. Suarez without a bond hearing violates the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing, where the government bears the burden of proof, pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. Grant any other and further relief that this Court deems just and proper.

VERIFICATION

I, Jesus Alberto Suarez Silva, declare under penalty of perjury under the laws of the United States of America that I am the Petitioner in this action; that I have read (or had read to me) the foregoing Petition for Writ of Habeas Corpus; and that the facts stated herein are true and correct to the best of my knowledge and belief.

Executed on January 4, 2026.

/s/ Jesus Alberto Suarez Silva

Jesus Alberto Suarez Silva

A# 

South Texas ICE Processing Center

566 Veteran Dr.

Pearsall, TX 78061