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APR 16 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JESUS ALBERTO SUAREZ SILVA,

A# 

Petitioner,

v.

Civil Action No. 5:26-cv-00106

RENALDO CASTRO, Warden,
South Texas ICE Processing Center;
SYLVESTER ORTEGA, Field Office Director,
ICE Enforcement and Removal Operations;
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.

**PETITIONER'S NOTICE OF CONTINUING CONSTITUTIONAL VIOLATION AND
REQUEST FOR IMMEDIATE HABEAS RELIEF**

INTRODUCTION

1. Petitioner, Jesus Alberto Suarez Silva, A#  is a civil immigration detainee who has remained in continuous custody since on or about September 3, 2025, without any individualized custody determination, bond hearing, or meaningful opportunity to challenge the legality of his detention.
2. This filing challenges **detention only** and does not challenge any order of removal, any proceeding before the immigration court, or any matter pending before the Board of Immigration Appeals.
3. From the outset of detention, Petitioner has been held without a bond hearing or any neutral adjudication regarding flight risk, danger to the community, or necessity of continued confinement.
4. Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 to challenge the legality of his continued detention and to invoke this Court's duty to provide prompt judicial review under 28 U.S.C. § 2243.
5. On March 30, 2026, Respondents filed a response to the Petition for Writ of Habeas Corpus; however, as of the date of this filing, Petitioner has **not received** that response and has not been provided access to the arguments or evidence relied upon by Respondents to justify continued detention.
6. During the pendency of this action, Petitioner has been repeatedly transferred between detention facilities, including transfer from the South Texas ICE Processing Center in Pearsall, Texas, to the LaSalle County Regional Detention Center in Encinal, Texas, and subsequently back to Pearsall, resulting in disruption, delay, and misdirection of legal correspondence.
7. Petitioner previously notified this Court that such transfers interfere with the receipt of legal mail and impede his ability to participate in these proceedings, yet the constitutional deficiencies identified in the Petition have continued and have now materially affected the integrity of this habeas proceeding itself.

8. As a result, Petitioner remains detained while being denied any meaningful ability to review, challenge, or respond to the government's asserted basis for continued confinement.
9. The absence of any custody determination, combined with prolonged detention and the denial of access to the government's response, demonstrates that Petitioner is being subjected to **continued restraint of liberty without constitutionally adequate process**.
10. Habeas corpus requires meaningful and effective judicial review of detention, and where a detainee is prevented from accessing the government's justification for confinement, such review becomes illusory and constitutionally insufficient.
11. Under the Fifth Amendment, civil immigration detention must remain regulatory and must be supported by adequate procedural safeguards; detention imposed without process, and continued without meaningful review, is **unlawful as a matter of law**.
12. Petitioner has now been detained for more than seven months without a hearing, without a determination, and without access to the government's response in this case, resulting in a complete breakdown of constitutionally required protections.
13. Because no meaningful forum exists in which Petitioner can challenge the legality of his detention, and because the habeas process itself has been rendered ineffective in practice, **immediate judicial intervention is required**.
14. Accordingly, Petitioner respectfully submits that his continued detention violates the Fifth Amendment and that the only constitutionally sufficient remedy is the granting of the writ of habeas corpus and his immediate release.

JURISDICTION AND HABEAS AUTHORITY

15. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241, which confers authority to review the legality of executive detention and to grant relief to individuals held in custody in violation of the Constitution or laws of the United States.
16. Petitioner is presently detained within the Western District of Texas, and his immediate custodian is located within this District; accordingly, this Court has proper jurisdiction over the custodian and the subject matter of this habeas action.

17. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution of the United States, including the Due Process Clause of the Fifth Amendment.
18. The writ of habeas corpus serves as a fundamental safeguard against unlawful detention, and the Supreme Court has long recognized that habeas review remains available to test the legality of executive confinement. See *Boumediene v. Bush*; *INS v. St. Cyr*.
19. The legality of detention is distinct from the legality of removal proceedings, and federal courts retain authority to adjudicate constitutional challenges to detention independent of any immigration court process. See *Preiser v. Rodriguez*.
20. Petitioner does not challenge any order of removal, any determination of removability, or any form of immigration relief, but instead challenges only the **lawfulness of continued detention** under the Constitution.
21. Pursuant to 28 U.S.C. § 2243, this Court has a **mandatory, non-discretionary duty** to promptly adjudicate petitions for habeas corpus and to dispose of the matter as law and justice require.
22. The Supreme Court has emphasized that habeas corpus is intended to provide a “swift and imperative remedy” in all cases of unlawful restraint. See *Fay v. Noia*.
23. Section 2243 requires that habeas proceedings proceed with urgency and without unnecessary delay, reflecting Congress’s intent that unlawful restraints on liberty be addressed promptly.
24. Where detention is challenged as unconstitutional and the material facts are not in dispute, this Court may resolve the matter as a question of law without the need for extended proceedings or additional briefing. See *Preiser v. Rodriguez*.
25. Habeas jurisdiction cannot be diminished by administrative processes, nor can it be conditioned on the availability or effectiveness of remedies within the immigration system. See *INS v. St. Cyr*.
26. To the extent Respondents may contend that administrative remedies remain available, such arguments do not deprive this Court of jurisdiction, particularly where the claim arises under the Constitution and where no meaningful mechanism exists to challenge continued detention.

27. Absent habeas review, no tribunal exists to provide effective and timely review of Petitioner's continued detention, and the Supreme Court has made clear that the writ must remain available to ensure meaningful judicial oversight of executive detention. See *Boumediene v. Bush*.
28. The Suspension Clause of the United States Constitution protects the availability of the writ of habeas corpus, and federal courts retain the duty to ensure that executive detention remains subject to meaningful judicial review.
29. Accordingly, this Court has both the authority and the obligation to determine whether Petitioner's continued detention is lawful and to grant appropriate relief where such detention violates the Constitution.

PROCEDURAL HISTORY

30. Petitioner, Jesus Alberto Suarez Silva, has been continuously detained by Immigration and Customs Enforcement since on or about September 3, 2025, following his appearance at a routine immigration check-in, and has remained in civil custody without interruption since that date.
31. On January 7, 2026, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued detention and invoking this Court's duty to provide prompt judicial review under 28 U.S.C. § 2243.
32. On January 22, 2026, this Court issued a Service Order directing Respondents to file an answer or response to the Petition within sixty (60) days from the date of service.
33. During the pendency of this action, Petitioner was transferred by immigration authorities from the South Texas ICE Processing Center in Pearsall, Texas, to the LaSalle County Regional Detention Center in Encinal, Texas, without advance notice.
34. On or about February 24, 2026, Petitioner filed a Supplemental Notice of Change in Custody informing this Court of his transfer and advising that such movement could interfere with his ability to receive legal correspondence and participate in these proceedings.
35. Thereafter, on or about March 11, 2026, Petitioner was again transferred by immigration authorities back to the South Texas ICE Processing Center in Pearsall, Texas, resulting in multiple changes in custodial location within a short period of time.

36. On March 15, 2026, Petitioner filed an additional Supplemental Notice of Change in Custody advising this Court that repeated transfers between facilities **disrupt, delay, and misdirect detainee legal mail**, and specifically warning that Petitioner **may not receive court orders, notices, or filings issued in this matter**.
37. On March 30, 2026, Respondents filed a response to the Petition for Writ of Habeas Corpus, including exhibits, purporting to justify Petitioner's continued detention.
38. However, as of April 13, 2026, Petitioner has **not received Respondents' response**, has not been served with the arguments or evidence relied upon by the government, and has been provided **no access to the contents of the filing submitted against him**.
39. As a direct result, Petitioner has been **deprived of any meaningful opportunity to review, challenge, or respond to the government's asserted basis for continued detention**, despite remaining in custody.
40. The repeated transfers documented in this case, combined with the non-receipt of Respondents' filing, demonstrate that the **habeas process itself has been materially disrupted**, preventing Petitioner from participating in the very proceeding designed to test the legality of his confinement.
41. The Supreme Court has made clear that habeas corpus requires **meaningful judicial review of executive detention**, not a purely formal or illusory process. See *Boumediene v. Bush*.
42. Where a detainee is denied access to the government's justification for detention, the ability to challenge confinement is effectively nullified, rendering habeas review **inadequate and constitutionally deficient** under *INS v. St. Cyr*.
43. Thus, the procedural history of this case reflects not only prolonged detention without a hearing, but also a **continuing breakdown in the mechanisms required to ensure meaningful judicial review**, in violation of the Constitution.

STATEMENT OF UNDISPUTED FACTS

44. Petitioner, Jesus Alberto Suarez Silva, is a civil immigration detainee who has remained continuously in custody since on or about September 3, 2025, and is currently detained at the South Texas ICE Processing Center in Pearsall, Texas.

45. Petitioner has been detained for **over seven months**, amounting to more than **two hundred twenty (220+) days of continuous confinement** without any individualized custody determination.
46. At no point during this period has Petitioner been provided a bond hearing, custody redetermination, or any form of individualized assessment before a neutral decision-maker regarding the necessity of his continued detention.
47. Petitioner has not been found to pose a danger to the community, nor has any adjudicator determined that he presents a flight risk requiring continued detention.
48. Petitioner remains in civil immigration custody, and his detention is therefore **regulatory in nature**, not punitive, and must comply with the requirements of the Due Process Clause of the Fifth Amendment.
49. During the pendency of this habeas proceeding, Petitioner was transferred multiple times between detention facilities, including transfer from Pearsall to LaSalle County Regional Detention Center and back to Pearsall within a short period of time.
50. These transfers occurred without advance notice and resulted in disruption and delay of Petitioner's legal mail and correspondence.
51. Petitioner specifically notified this Court that such transfers **interfere with the receipt of legal documents and impede his ability to participate in these proceedings**, including the risk of not receiving filings in this case.
52. On March 30, 2026, Respondents filed a response to the Petition for Writ of Habeas Corpus, including exhibits, asserting a basis for Petitioner's continued detention.
53. As of April 13, 2026, Petitioner has **not received Respondents' response**, has not been served with the filing, and has no knowledge of the arguments or evidence being used to justify his continued detention.
54. Petitioner therefore has **no ability to review, rebut, or respond** to the government's position, despite remaining in custody and despite the response being filed in this proceeding.
55. Petitioner has a pending appeal before the Board of Immigration Appeals and is currently awaiting transcripts necessary to proceed with briefing; accordingly, no final administrative resolution has occurred, and no meaningful timeline exists for completion of those proceedings.

56. As a result, Petitioner remains detained with **no bond hearing, no custody review, no access to the government's response, and no effective forum in which to challenge the legality of his detention.**
57. The material facts relevant to the legality of Petitioner's detention are **not in dispute**, including the length of detention, the absence of any individualized determination, the occurrence of repeated transfers, and the non-receipt of Respondents' response.

CONSTITUTIONAL FRAMEWORK

58. The Fifth Amendment to the United States Constitution provides that no person shall be deprived of liberty without due process of law, and this protection applies to **all persons within the United States**, regardless of immigration status. See *Yick Wo v. Hopkins*.
59. The Supreme Court has consistently held that noncitizens, including those in immigration detention, are entitled to the protections of the Due Process Clause when physically present in the United States. See *Zadvydas v. Davis*.
60. Civil immigration detention is constitutionally permissible only insofar as it remains **regulatory in nature and reasonably related to legitimate governmental objectives**, such as ensuring appearance at proceedings or protecting the community. See *United States v. Salerno*.
61. Where detention is imposed without adequate procedural safeguards, or where it ceases to serve a legitimate regulatory purpose, it becomes **punitive in nature and constitutionally impermissible**. See *Foucha v. Louisiana*.
62. The writ of habeas corpus serves as a critical constitutional mechanism to challenge unlawful detention and to ensure that executive confinement remains subject to meaningful judicial review. See *Boumediene v. Bush*.
63. The Supreme Court has made clear that habeas review must be **meaningful, effective, and capable of testing the legality of detention**, not merely a formal or symbolic process. See *INS v. St. Cyr*.
64. The Constitution requires that individuals subject to civil detention be provided with **adequate procedural protections**, including notice of the basis for detention and a meaningful opportunity to challenge that detention before a neutral decision-maker. See *Mathews v. Eldridge*.

- 65. The fundamental liberty interest at stake in civil detention cases is among the most significant protected by the Constitution, as freedom from physical restraint lies at the core of due process protections. See *Zadvydas v. Davis*.
- 66. Accordingly, continued detention without adequate process, without meaningful review, and without access to the government's asserted justification constitutes a violation of the Fifth Amendment **as a matter of law**.

FIFTH AMENDMENT DUE PROCESS VIOLATION

- 67. The Fifth Amendment requires that the government provide constitutionally adequate procedures before depriving any person of liberty, including in the context of civil immigration detention. See *Mathews v. Eldridge*.
- 68. Under *Mathews v. Eldridge*, the Court must evaluate (1) the private interest affected, (2) the risk of erroneous deprivation through the procedures used, and (3) the government's interest, including the burden of additional safeguards.
- 69. The private interest at stake here—freedom from physical restraint—is **fundamental and among the most significant liberty interests protected by the Constitution**. See *Zadvydas v. Davis*.
- 70. Petitioner has been detained for more than seven months without a bond hearing, without a custody determination, and without any individualized assessment of the necessity of his continued confinement.
- 71. The risk of erroneous deprivation in this case is **extraordinarily high**, as detention has been imposed and maintained without any neutral adjudication, without the opportunity to present evidence, and without any mechanism to challenge the government's assertions.
- 72. That risk is further amplified by the fact that Respondents have filed a response in this proceeding, yet Petitioner has **not received that response and has no access to the arguments or evidence being used to justify his continued detention**.
- 73. Without access to the government's position, Petitioner is deprived of any meaningful opportunity to rebut, respond, or challenge the basis of his confinement, rendering the process fundamentally defective.

74. The government's interest in continued detention does not justify the complete absence of procedural safeguards, particularly where no individualized findings of danger or flight risk have been made. See *United States v. Salerno*.
75. Civil detention that is not supported by individualized findings and adequate procedural protections ceases to be regulatory and becomes **punitive in nature**, in violation of due process. See *Foucha v. Louisiana*.
76. The Supreme Court has made clear that due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner; here, Petitioner has been provided **no such opportunity**. See *Mathews v. Eldridge*.
77. The absence of any custody determination, combined with prolonged detention and the denial of access to the government's response, demonstrates that Petitioner's confinement is being maintained **without constitutionally adequate process**.
78. Accordingly, under the framework established in *Mathews v. Eldridge*, Petitioner's continued detention violates the Fifth Amendment **as a matter of law**.

DENIAL OF MEANINGFUL HABEAS REVIEW

79. The writ of habeas corpus guarantees not merely access to a court, but **meaningful judicial review** of the legality of executive detention. See *Boumediene v. Bush*.
80. The Supreme Court has made clear that habeas review must be **effective and capable of testing the legality of detention**, not a purely formal or symbolic proceeding. See *INS v. St. Cyr*.
81. A habeas proceeding in which a detainee is unable to access, review, or challenge the government's justification for confinement is **constitutionally inadequate** and fails to satisfy the requirements of due process.
82. In this case, Respondents filed a response to the Petition for Writ of Habeas Corpus on March 30, 2026, purporting to justify Petitioner's continued detention.
83. However, as of April 13, 2026, Petitioner has **not received Respondents' response** and has been provided no access to the arguments or evidence relied upon by the government.
84. As a result, Petitioner is **unable to review, rebut, or respond** to the government's asserted basis for detention, despite remaining in custody and despite the response being filed in this proceeding.

85. The inability to access the government's response eliminates any meaningful opportunity to challenge detention and renders the habeas process **illusory in practice**.
86. The Supreme Court has emphasized that habeas corpus must function as a **real and effective mechanism** for testing the legality of detention; where procedural barriers prevent meaningful participation, the writ is effectively denied. See *Boumediene v. Bush*.
87. The repeated transfers documented in this case have disrupted Petitioner's receipt of legal correspondence and have directly contributed to the failure of service, further undermining the integrity of this proceeding.
88. Where the government seeks to justify detention through filings that are **not served on the detainee**, the process ceases to be adversarial and instead becomes one-sided, depriving the detainee of any meaningful opportunity to be heard.
89. The Constitution does not permit continued detention based on arguments and evidence that the detainee has never seen and has no ability to challenge.
90. Accordingly, the failure to provide Petitioner with access to Respondents' response constitutes a **denial of meaningful habeas review**, in violation of the Fifth Amendment and the Suspension Clause principles recognized in *INS v. St. Cyr*.
91. Because the habeas process itself has been rendered ineffective, and because no alternative forum exists to test the legality of detention, **continued confinement cannot be sustained as a matter of law**.

PROLONGED AND PUNITIVE DETENTION

92. Petitioner has been continuously detained since on or about September 3, 2025, and has now been held in civil immigration custody for **more than seven months**, totaling over **two hundred twenty (220+) days of confinement** without a bond hearing or individualized determination.
93. The Supreme Court has recognized that civil immigration detention is constitutionally permissible only for a **limited duration** and must remain reasonably related to its regulatory purposes. See *Zadvydas v. Davis*.
94. While brief periods of detention may be permissible in certain contexts, the Supreme Court has emphasized that prolonged detention without adequate procedural safeguards raises serious constitutional concerns. See *Demore v. Kim*.

95. In this case, Petitioner's detention has extended far beyond any brief or temporary period and has occurred **without a bond hearing, without a custody determination, and without any individualized findings** justifying continued confinement.
96. The absence of any meaningful process, combined with the length of detention, demonstrates that Petitioner's confinement is no longer reasonably related to a regulatory purpose.
97. Civil detention that is not supported by individualized findings of flight risk or danger to the community ceases to be regulatory and becomes **punitive in nature**, which is constitutionally impermissible. See *Foucha v. Louisiana*.
98. The Supreme Court has made clear that the government may not subject individuals to **indefinite or unjustified civil confinement**, particularly where procedural safeguards are absent. See *Zadvydas v. Davis*.
99. Here, Petitioner's continued detention is compounded by the fact that no meaningful progress has occurred in the underlying administrative proceedings, as Petitioner is still awaiting transcripts necessary to proceed with briefing before the Board of Immigration Appeals.
100. As a result, there is **no definite endpoint** to Petitioner's detention and no foreseeable timeline for resolution, further rendering the confinement constitutionally suspect.
101. The prolonged nature of detention, when combined with the absence of procedural safeguards and the denial of meaningful habeas review, demonstrates that Petitioner's confinement has become **arbitrary and excessive**.
102. The Constitution does not permit the government to detain an individual for an extended and indeterminate period **without process, without review, and without meaningful opportunity to challenge the basis of detention**.
103. Accordingly, Petitioner's continued detention has crossed the line from permissible civil confinement into **punitive detention in violation of the Fifth Amendment**, and cannot be sustained as a matter of law.

ENFORCEMENT OF 28 U.S.C. § 2243 AND SWIFT HABEAS REMEDY

104. Congress has mandated that federal courts promptly adjudicate petitions for writs of habeas corpus challenging unlawful detention. See 28 U.S.C. § 2243.

105. Section 2243 imposes a **mandatory and non-discretionary duty** on this Court to act “forthwith” and to dispose of habeas matters as law and justice require.
106. The Supreme Court has emphasized that the writ of habeas corpus is intended to provide a **“swift and imperative remedy”** in all cases of unlawful restraint. See *Fay v. Noia*.
107. The purpose of § 2243 is to prevent prolonged and unjustified detention by requiring courts to address the legality of confinement without unnecessary delay.
108. Where, as here, the material facts are not in dispute and the constitutional violation is evident, the Court may resolve the petition as a matter of law without the need for extended proceedings. See *Preiser v. Rodriguez*.
109. Continued delay in adjudicating a habeas petition undermines the fundamental purpose of the writ and permits the ongoing deprivation of liberty without lawful justification. See *Boumediene v. Bush*.
110. In this case, Petitioner has already been detained for more than seven months without a hearing, without a determination, and without meaningful access to the government’s response in this proceeding.
111. The record before this Court establishes that Petitioner’s detention is being maintained **without constitutionally adequate process and without meaningful judicial review**, and no further factual development is necessary to resolve this matter.
112. The Court therefore possesses both the authority and the obligation to determine the legality of Petitioner’s detention based on the existing record and applicable law.
113. Where detention is shown to violate the Constitution, the appropriate and required remedy is the issuance of the writ and the **immediate release of the detainee**.
114. Accordingly, in light of the statutory command of 28 U.S.C. § 2243 and the constitutional violations established in this record, **this Court should grant the writ of habeas corpus without further delay.**

COUNTS

COUNT I — UNLAWFUL DETENTION (28 U.S.C. § 2241)

115. Petitioner is currently in the custody of Respondents and is being detained without lawful authority in violation of the Constitution and laws of the United States.

116. Under 28 U.S.C. § 2241, federal courts are authorized to grant relief where a person is held in custody in violation of federal law or the Constitution.
117. As set forth above, Petitioner's continued detention is not supported by any individualized determination, lawful statutory basis properly applied, or constitutionally adequate process.
118. Accordingly, Respondents are detaining Petitioner **unlawfully as a matter of law**, and such detention must be remedied through the issuance of the writ of habeas corpus.

**COUNT II — VIOLATION OF PROCEDURAL DUE PROCESS (FIFTH
AMENDMENT)**

119. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.
120. Procedural due process requires, at a minimum, notice of the basis for detention and a meaningful opportunity to be heard. See *Mathews v. Eldridge*.
121. Petitioner has been detained for more than seven months without a bond hearing, without a custody determination, and without any opportunity to challenge the necessity of continued detention before a neutral decision-maker.
122. Petitioner has further been denied access to Respondents' response filed in this case and therefore lacks any ability to review or respond to the government's asserted justification for detention.
123. The absence of notice, the absence of a hearing, and the absence of any meaningful opportunity to be heard constitute a **complete failure of procedural due process**.
124. Accordingly, Respondents' conduct violates Petitioner's rights under the Fifth Amendment **as a matter of law**.

**COUNT III — VIOLATION OF SUBSTANTIVE DUE PROCESS (FIFTH
AMENDMENT)**

125. The Fifth Amendment prohibits the government from engaging in arbitrary or excessive deprivations of liberty.
126. Civil immigration detention must bear a reasonable relationship to a legitimate governmental purpose and must not be excessive in relation to that purpose. See *Zadvydas v. Davis*.

- 127. Petitioner's continued detention, without any individualized findings and without procedural safeguards, is not reasonably related to any legitimate regulatory objective.
- 128. The prolonged and indeterminate nature of detention renders it excessive and constitutionally impermissible.
- 129. Accordingly, Respondents' conduct constitutes a violation of substantive due process under the Fifth Amendment.

COUNT IV — ARBITRARY EXECUTIVE DETENTION

- 130. The Constitution prohibits arbitrary exercises of executive power resulting in deprivation of liberty.
- 131. Petitioner has been detained without any individualized determination, without any neutral review, and without access to the government's asserted basis for confinement.
- 132. The absence of process and the denial of meaningful review demonstrate that Petitioner's detention is **arbitrary and not the result of any lawful adjudicative process**.
- 133. Such arbitrary detention violates fundamental constitutional principles and cannot be sustained.

COUNT V — PUNITIVE CIVIL DETENTION

- 134. Civil detention must remain regulatory and may not become punitive in nature. See *Foucha v. Louisiana*.
- 135. Where detention is prolonged, unsupported by individualized findings, and maintained without procedural safeguards, it ceases to be regulatory.
- 136. Petitioner's detention, now exceeding seven months without a hearing or meaningful review, has become **punitive in nature**.
- 137. Punitive civil detention without due process violates the Fifth Amendment and is constitutionally impermissible.

COUNT VI — DENIAL OF MEANINGFUL HABEAS REVIEW

- 138. The writ of habeas corpus guarantees a meaningful opportunity to challenge the legality of detention. See *Boumediene v. Bush*.

- 139. Habeas review must be effective and capable of testing the government's justification for confinement. See *INS v. St. Cyr*.
- 140. Respondents filed a response in this proceeding, yet Petitioner has **not received that response** and has no access to the arguments or evidence used to justify his detention.
- 141. Without access to the government's position, Petitioner is unable to meaningfully challenge his confinement, rendering the habeas process **illusory and constitutionally inadequate**.
- 142. Accordingly, Petitioner has been denied meaningful habeas review in violation of the Constitution.

COUNT VII — ULTRA VIRES DETENTION

- 143. Federal agencies must act within the limits of their statutory authority when detaining individuals.
- 144. Detention imposed without satisfying statutory requirements or without constitutional safeguards exceeds the lawful authority of Respondents.
- 145. By detaining Petitioner without individualized findings, without process, and without meaningful review, Respondents are acting **beyond their lawful authority**.
- 146. Such ultra vires detention cannot be sustained under federal law.

COUNT VIII — FAILURE TO PROVIDE ANY MEANINGFUL FORUM FOR REVIEW

- 147. The Constitution requires that individuals have access to a meaningful forum in which to challenge the legality of their detention. See *Boumediene v. Bush*.
- 148. In this case, Petitioner has been denied a bond hearing before an immigration judge, has no effective remedy through administrative proceedings, and has been deprived of meaningful participation in this habeas action.
- 149. The failure to receive Respondents' response further prevents Petitioner from accessing or utilizing this Court as a forum for meaningful review.
- 150. As a result, Petitioner is left with **no functioning mechanism** to challenge his continued detention.
- 151. The absence of any meaningful forum constitutes a violation of due process and fundamental constitutional principles.

PRAYER FOR RELIEF

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

- a. **Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody**, as continued detention violates the Constitution as a matter of law;
- b. **Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment** and is unlawful;
- c. **Order that Respondents are prohibited from re-detaining Petitioner under the same or similar authority** absent a lawful and individualized determination consistent with constitutional requirements;
- d. **Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court** while this matter remains pending, so as to preserve this Court's jurisdiction and prevent further disruption of judicial review;
- e. **Grant such other and further relief as this Court deems just and proper pursuant to 28 U.S.C. §§ 2241 and 2243.**

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 filing; and that the facts stated herein are true and correct to the best of my knowledge.

Executed on April 14, 2026.

Jesus Alberto Suarez Silva
Petitioner, Pro Se

Respectfully submitted,

Jesus Alberto Suarez Silva
Petitioner, Pro Se
A# 
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061