

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

Juan Jose Juarez Martinez
Petitioner-Plaintiff,

v.

Miguel Vergara,
Field Office Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Facility Warden
Karnex County Immigration Processing Center

Respondents-Defendants

Civ. No. 5:26-cv-00305

DHS File Number: 

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

Petitioner **Juan Jose Juarez Martinez** respectfully submits this Emergency Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release from immigration detention or, in the alternative, a prompt custody hearing that comports with due process.

Petitioner entered the United States without inspection in or around **December 1993** and has continuously resided in this country since that time. He is lawfully married to a Legal Permanent Resident and is the father of **three United States citizen children**. Petitioner presents no danger to the community, and poses no flight risk. Despite these substantial equities and a pending immigrant visa process through his family, Petitioner remains detained by Immigration and Customs Enforcement ("ICE") without a constitutionally adequate custody determination.

Requesting a bond hearing before the Immigration Court would be futile. Immigration Judges in this jurisdiction routinely deny custody review for similarly situated detainees based on asserted jurisdictional limitations, resulting in prolonged detention without meaningful review.

Petitioner therefore seeks immediate release or, at minimum, a prompt and constitutionally adequate custody hearing with the burden placed on the government.

II. JURISDICTION & VENUE

This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.

Jurisdiction is also proper under **28 U.S.C. § 1331** and **28 U.S.C. §§ 2201–2202**.

Venue lies in this District pursuant to **28 U.S.C. § 1391(e)** and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise custody and control over him here.

III. PARTIES

Petitioner Juan Jose Juarez Martinez is a noncitizen and native and citizen of **Mexico**, currently detained by ICE at the **Karnes County Immigration Processing Center, Texas**.

Respondent Miguel Vergara is the ICE Field Office Director responsible for detention operations in this District.

Respondent Rose Thompson is the Warden of Karnes County Immigration Processing Center and Petitioner's immediate custodian.

IV. STATEMENT OF FACTS

1. Petitioner entered the United States without inspection in or around **December 1993** and has continuously resided in the United States since that time.
2. Petitioner is **married**, and although his wife does not currently hold lawful status, the couple maintains a bona fide marital relationship.
3. Petitioner is the father of **three United States citizen children**
4. Petitioner has a **pending Form I-130 immigrant visa process** through his USC son, evidencing a viable pathway to lawful status.
5. Petitioner is currently detained pending removal proceedings. His Master Calendar Hearing is reflected in the Automated Case Information system.

6. Despite his strong family ties, and pending immigration relief, ICE continues to detain Petitioner without any individualized finding that he poses a danger or flight risk.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

Civil immigration detention under **INA § 236(a)**, **8 U.S.C. § 1226(a)** is discretionary and requires individualized determinations justifying continued detention.

Prolonged civil detention is constrained by the **Due Process Clause of the Fifth Amendment**, which prohibits detention that is excessive, arbitrary, or punitive in nature. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VI. ARGUMENT

A. Requesting a Bond Hearing Before the Immigration Court Would Be Futile

Immigration Judges in this jurisdiction routinely deny bond jurisdiction for similarly situated detainees based on asserted statutory and jurisdictional limitations, resulting in automatic and prolonged detention without meaningful custody review.

The futility doctrine excuses exhaustion where administrative remedies are unavailable, inadequate, or incapable of providing meaningful relief. Requiring Petitioner to pursue a bond hearing that is functionally foreclosed would serve no purpose and would only prolong unconstitutional detention.

B. Petitioner's Continued Detention Is Unlawful Under INA § 236(a) and Violates Due Process

Petitioner is detained under **INA § 236(a)**, which permits discretionary detention only when supported by individualized findings of danger or flight risk.

Petitioner maintains strong family ties to U.S. citizen children, and has a pending immigrant visa process. ICE cannot justify continued detention based on speculation or generalized enforcement interests.

Detaining Petitioner without a constitutionally sufficient custody determination is arbitrary and violates the Fifth Amendment.

C. Detention Is Unreasonable Given Petitioner's Pending Relief and Equities

Petitioner presents overwhelming equities favoring release, including:

- Long-term residence in the United States since 1993
- Three United States citizen children
- A bona fide marriage
- A pending immigrant visa process

Under these circumstances, continued detention serves no legitimate governmental purpose and violates due process.

D. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Custody Hearing

Where detention is not justified, this Court may order immediate release. In the alternative, due process requires a prompt custody hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary.

VII. CONCLUSION

Petitioner's ongoing detention is unlawful, unconstitutional, and unsupported by the facts or the law. Immediate release is warranted. At minimum, Petitioner is entitled to a prompt and meaningful custody hearing that complies with due process.

VIII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

A declaration is warranted that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release;
2. In the alternative, order a prompt, individualized custody hearing that complies with due process;
3. Enjoin Respondents from continuing Petitioner's unlawful detention; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo

Rodolfo Castillo

Attorney for Petitioner

Texas Bar No. 24000489

Rudy Castillo Law Firm

2621 Rockgate Dr.

San Antonio, TX 78227

Phone: (210) 777-1111

Email: rc@rudycastillolaw.com

X. SIGNATURE & VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

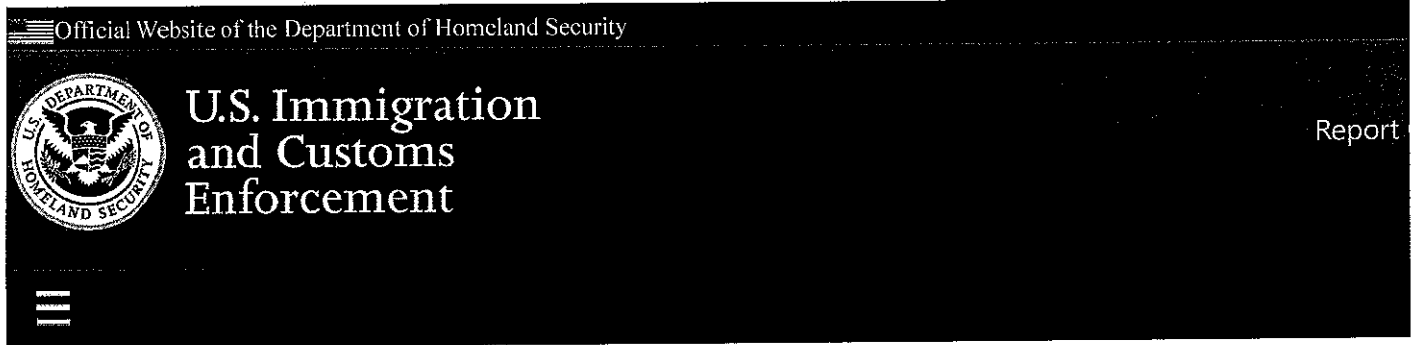
Executed on 01/21/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

1. **Exhibit A** – ICE Detainee Locator record confirming that **Petitioner Juan Jose Juarez Martinez** is currently detained by U.S. Immigration and Customs Enforcement at the **Karnes County Immigration Processing Center, Texas**.
2. **Exhibit B** – Automated Case Information System record reflecting **Petitioner's upcoming Master Calendar Hearing**, as scheduled by the Immigration Court.
3. **Exhibit C** – Copy of **Petitioner Juan Jose Juarez Martinez's Mexican passport**, submitted as proof of identity and nationality.
4. **Exhibit D** – Copy of **Petitioner's Marriage Certificate**, submitted as evidence of Petitioner's bona fide marital relationship.
5. **Exhibit E** – **Birth Certificate of Petitioner's United States citizen children**, submitted as evidence of Petitioner's qualifying family relationship.
6. **Exhibit F** – Evidence of **pending immigrant visa process**, including documentation reflecting a **pending Form I-130 Petition for Alien Relative** filed through **Petitioner's Son**.
7. **Exhibit G** – **Attorney Declaration** authenticating Exhibits A–F, submitted in support of the Emergency Petition for Writ of Habeas Corpus.

EXHIBIT A

[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

JUAN JOSE JUAREZ MARTINEZ

Country of Birth: Mexico

A-Number: 

Current Detention Facility:

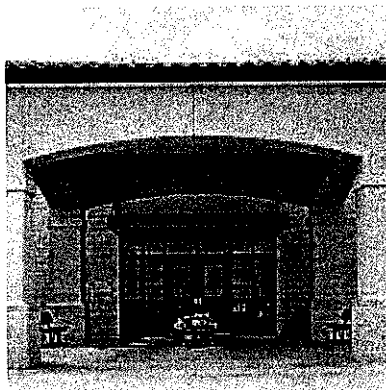
KARNES COUNTY IMMIGRATION PROCESSING CENTER

409 FM 1144

NA

KARNES CITY, TX 78118

Visitor Information: (830) 254-2000

[MORE INFORMATION >](#)

ERO Office Information

[Privacy - Terms](#)

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - Karnes City, TX Sub-Office
Phone Number: (830) 254-2500

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Related Information

Helpful Info

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[Brochure](#)

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[ICE Detention Facilities](#)

[Privacy Notice](#)

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[Bureau of Prisons Inmate Locator](#)



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EXHIBIT B



An official website of the United States government

Here's how you know ▼



EOIR | Automated Case Information

Court Closures Today January 21, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **JUAREZ MARTINEZ, JUAN JOSE** ()



Automated Case Information

Name: JUAREZ MARTINEZ, JUAN JOSE | **A-Number:**



| **Docket Date:** 12/29/2025



Next Hearing Information

Your upcoming **MASTER** hearing is on **January 28, 2026 at 8:30 AM.**

JUDGE

Tyrakoski, Meredith B.

COURT ADDRESS

566 Veterans Drive

PEARSALL, TX 78061



Court Decision and Motion Information



This case is pending.



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER

(210) 368-5700

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Department of Justice | Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041



EOIR | Automated Case Information

EXHIBIT F



Receipt Number [REDACTED]		Case Type I130 - PETITION FOR ALIEN RELATIVE
Received Date 01/05/2026	Priority Date 01/05/2026	Petitioner MARTINEZ JUAREZ, CHRISTOPHER
Notice Date 01/05/2026	Page 1 of 1	Beneficiary [REDACTED] JUAREZ MARTINEZ, JUAN JOSE

MARTINEZ JUAREZ, CHRISTOPHER c/o CHRISTOPHER MARTINEZ JUAREZ [REDACTED]	Notice Type: Receipt Notice Amount received: \$625.00 U.S. Section: Parent of U.S Citizen, 201(b) INA
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This notice confirms that USCIS received your application or petition ("this case") as shown above.
If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at www.uscis.gov/contactcenter or ask about your case online at www.uscis.gov/e-request. You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting www.uscis.gov/casestatus to get the latest status or you can create an account at my.uscis.gov/account and receive email updates for your case.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was receipted on the date shown.

Processing time - Processing times vary by form type.

- Visit www.uscis.gov/processingtimes to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at www.uscis.gov/tools or ask about your case online at www.uscis.gov/e-request.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

If your address changes - If you move while your case is pending, please visit www.uscis.gov/addresschange for information on how to update your address. Remember to update your address for all your receipt numbers.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your mother's/father's marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

SCOPSTEXAS FACILITY
 U.S. CITIZENSHIP & IMMIGRATION SVC
 6046 N BELT LINE RD.
 IRVING TX 75038-0001

USCIS Contact Center: www.uscis.gov/contactcenter



EXHIBIT G

**ATTORNEY DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS**

I, **Rodolfo Castillo**, declare as follows:

1. I am an attorney licensed to practice law and represent **Petitioner Juan Jose Juarez Martinez** in the above-captioned matter.
2. **Petitioner Juan Jose Juarez Martinez** is currently detained by U.S. Immigration and Customs Enforcement at the **Karnes County Immigration Processing Center, Texas**.
3. The document attached as **Exhibit A** is a true and correct copy of the ICE Detainee Locator record confirming that **Petitioner Juan Jose Juarez Martinez** is currently detained at the **Karnes County Immigration Processing Center, Texas**.
4. The document attached as **Exhibit B** is a true and correct copy of the Automated Case Information System record reflecting **Petitioner's** upcoming Master Calendar Hearing, maintained in the ordinary course of representation.
5. The document attached as **Exhibit C** is a true and correct copy of **Petitioner's Mexican passport**, maintained in the ordinary course of representation.
6. The document attached as **Exhibit D** is a true and correct copy of **Petitioner's Marriage Certificate**, maintained in the ordinary course of representation.
7. The document attached as **Exhibit E** is a true and correct copy of the **Birth Certificate of Petitioner's United States citizen children**, maintained in the ordinary course of representation.
8. The document attached as **Exhibit F** is a true and correct copy of documentation reflecting a **pending immigrant visa process**, including evidence of a **pending Form I-130 Petition for Alien Relative filed through Petitioner's son**, maintained in the ordinary course of representation.
9. All documents referenced herein are kept and maintained in the ordinary course of my legal practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 21, 2026, at **San Antonio, Texas.**

/s/ Rodolfo Castillo

Rodolfo A. Castillo
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Warden, Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

and

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

and

U.S. Attorney's Office
Western District of Texas – San Antonio Division
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Respectfully submitted,

/s/ Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner
Texas Bar No. 24000489
Rudy Castillo Law Firm
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com