

242 (Rev.09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS DIVISION
EL PASO**

FILED
FEB 19 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

RONNY LENIN VEGA DUTAN

A#: 

PETITIONER,

V.

ERICA ESTRADA, Warden SPC, ICE Processing Center.
And Assistant Field Office Director of the U.S. immigration
and customs Enforcement and Removal Operations El Paso
Field,

MARY DE ANDA- YBARRA, Office Director of the
Immigration and Removal Operations ("ICE/ERO"),

KRISTI NOEM, Secretary of the Department of Homeland
Security ("DHS"),

PAMELA BONDI, Attorney General of the United States.

Respondent's Defendant's.

Cause No. EP-26-CV-132-KC

**PETITIONER'S REPLY IN SUPPORT OF THE WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

1. Petitioner Ronny Lenin Vega Dutan timely submits this reply in support of his petition for a writ of Habeas Corpus in pursuant to this court's order February 3, 2026, petitioner seeks full scope clarity and a response where it doesn't allow ("DHS") Department of Homeland Security to extend their chances on holding

the petitioner any longer than what the Respondent's have held him for. The argument is for the court to consider this reply as a petition to clear facts about the petitioner and make a valid point about what exactly Ronny Lenin Vega Dutan seeks in relief.

2. At the time petitioner filed his Habeas application, he was mandatory detained under section 8 U.S.C. 1182, 8 U.S.C. 1325 (A)(2), 212(7)(A)(i)(I) as an alien awaiting removal from Indefinite Detention. His petition alleges prolonged detention in violation of due process.

INTRODUCTION

This case challenges the government's policy of subjecting non-citizens to prolonged civil detention during resolution of their administrative close Removal Proceedings. The government's current practice, as exemplified by the instant case, is to detain non citizens for months or even years while their Removal Proceedings that being final orders are resolved without providing a meaningful resolution to their case even considering those with final administrative orders justified. As this court and the Supreme Court have recognized, prolonged and indefinite Immigration Detention raises serious constitutional questions. See *Zadvydas V. Davis*, 533 U.S. 678, 690 (2001); *Nadarajah V. Gonzales*, 443 F.3d 1069, 1079 (9th Cir.2006); *Tijani V. Willis*, 430 F3d. 1241,1242 (9th Cir. 2005) The government's prolonged detention of individuals like Petitioner violates the Due Process clause of the Fifth Amendment because it bares no reasonable relation to a legitimate government purpose, and has been imposed without the kind of procedural safeguards that would be necessary to justify such detention. See

Zadvydas, 533 U.S. at 690-92.4 This court, however, need not reach the serious constitutional questions posed by prolonged and indefinite Immigration Detention. The principle of constitutional avoidance, as well as ordinary principles of statutory construction, compel the conclusion that the general immigration detention statutes -i.e., those that do not involve national security-authorize detention only for a period of time reasonably necessary to effectuate removal.

1. The court has adopted a “preemptively reasonable period of detention of six months”. Id. At.701. The government bears the burden of disproving alien’s removability and is not foreseeable in the near future. See Zhou v. Farquharson, 2001 U.S. Dist. LEXIS 18 239, *2-3* (D.Mass. Oct. 19,2001) for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the “reasonably foreseeable future” conversely would have to shrink.” Zadvydas, 533 U.S. at 701. ICE’s department also recognizes that the HQPDU has a six – month period for determining whether there is a significant likelihood of an alien’s removal in the foreseeable future. See 8 C.F.R. § 241.4(K)(2)(ii). Evidence of showing successful repatriations of other persons to the country as issue is not sufficient to meet the government’s burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See Thompson V. INS, 2002 U.S. Dist. LEXIS 23 936 (E.D. La. September 16, 2002).

2. On January 31, 2025 Petitioner was ordered removed by an immigration judge (“IJ”)under section 8 U.S.C. 1182, 8 U.S.C. 1325 (A)(2), 212(7)(A)(i)(I) of the Immigration and Nationality Act (“INA”), he was granted a deferral of removal under the Convention Against Torture (“DCAT”). Is an alien present in the United

States without being admitted or paroled in the United States whom the Government has determined is inadmissible (“inadmissible alien”). See also 8 U.S.C. § 1182(a)(7)(A)(i)(I) (explaining that an immigrant not in possession of a valid entry document at the time of application for admission is inadmissible). The Supreme Court has stated that inadmissible aliens are not afforded the same breadth of rights as citizens or as aliens who are already present in the United States. See *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the court explained: The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law. It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all “persons” within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.

3. Mr. Ronny Lenin Vega Dutan filed an application form Habeas Corpus under 28 U.S.C. § 2241 Western District of Texas El Paso, signed on January 26, 2026. While he is currently detained at the SPC El Paso immigration and Customs Enforcement Processing Center in SPC, El Paso, TX.

Petitioner Ronny Lenin Vega Dutan does not address the final order of removal in his petition, he addresses the court directly about the current administration policy changes and enforcement to detain as many people as they can and enforcing stricter regulations and violating the Fifth Amendment and restricting people of their rights to taint their case process as little as making a minor infraction an

uncertain investigation that possibly has the same results as meaning none.

4. The Supreme Court has held that a non-citizen may not, consistent with the Due Process Clause, be detained indefinitely. See *Zadvydas v. Davis*, 533 U.S. 678, 697 (2001). Instead, due process requires that a non-citizen be detained for no longer than the time “reasonably necessary to secure removal.” *Id.* At 699.

5. Thus, Petitioner’s only cognizable claim for prolonged detention was a due process claim. Petitioner’s application also raised various claims challenging his removal order. Ronny Lenin Vega Dutan filed a petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 in January 19, 2026. During that time his administrative proceedings and remedies were exhausted and has been approximately more than 1 year since he has had a final removal order where he remains in prolonged detention while the claims for the reasons are that he is a criminal and has a present infraction that is a minority in this subject he is being treated as a danger to the community in which he is clearly not if seen from the records presented in the first petition for a Writ of Habeas Corpus.

6. The presumptively constitutional time period has elapsed. *Zadvydas* Scott, No. 2:25-cv-01398, 2025 WL 2419288, at *13 (W.D. Wash. Aug. 21, 2025) (rejecting the government’s argument that the six-month period resets when the government detains a non-citizen); *Sied v. Nielsen*, No. 17-cv-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018); *Chen v. Holder*, No. 6:14-2530,

2015 WL 132366635, at *2(W.D. La. Nov. 20, 2015) (rejecting the government's argument that a petition was premature under *Zadvydas* and noting that "surely, under the reasoning of *Zadvydas*, a series of releases and prolonged detention by the government, while technically not in violation of the presumptively reasonable jurisprudential six month removal period, in essence results in an indefinite period of detention, albeit executed in successive six month intervals.") (cleaned up). The Court recognizes that at least one court has allowed the government to engage in this type of gamesmanship. See, e.g., *Guerra-Castro v. Parra*, No. 1:25-cv-22487, 2025 WL 1984300, at *4 (S.D. Fla. July 17, 2025). Two other courts appear to have accepted this argument but have specifically holds that continued detention is proper only when the non-citizen's removal is reasonably foreseeable. "If removal is not reasonably foreseeable, the court should hold continued detention is unreasonable and no longer authorized by statute." *Id.* At 699- 700. The government's contention that it may avoid the holding of *Zadvydas* and start the six-month presumptively constitutional detention clock by simply releasing and then detaining a non-citizen has no basis in either the statutes, the regulations, or *Zadvydas* itself. See, e.g., *Nguyen v. rejection of the petitioners'* *Zadvydas* claims on facts showing that the petitioners' removals were reasonably foreseeable. See *Thai v. Hyde*, No. 25- 11499-NMG, 2025 WL 1655489, at *3 (D. Mass. June 11, 2025); *Meskini v. Att'y Gen. of the United States*, No. 4:14-cv-42, 2018 WL 19 of 25 39. 1321576, at *4 (M.D. Ga. Mar. 14, 2018). Despite this split of authority, the Court does not read *Zadvydas* to permit the government to indefinitely detain a non-citizen by the simple expedient of releasing and then detaining him in a series of "presumptively constitutional" six month increment. The court therefore rejects the government's contention that Ronny Lenin Vega

Dutan must remain in detention for six months before the Court may consider whether his continued detention violates his due process rights.

7. The Supreme Court has “read an implicit limitation” into the statute and has held that a non citizen may only be detained for “a period reasonably necessary” to effectuate their removal. *Zadvydas V. Davis*, 533 U.S. 678, 689-90 (2001).

8. Ronny Lenin Vega Dutan has been also accused of “by eluding an immigration officer” when he entered the United States where those aren’t factual findings in their behalf and more of an influence in the currents constant change in policy under (“DHS”) Department of Homeland Security lead and changed by the selected respondents trying to meet their quota and enforcing stricter and harsher laws on Immigration to deal with their agenda.

9. Petitioner’s continued detention violates Petitioner’s right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. *See e.g., Tam v. INS*, 14 F.Supp.2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights). 47The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only

for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest – to effect the alien's removal. See *Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that "If deportation can never occur, the government's primary legitimate purpose in detention – executing removal – is nonsensical.")

10. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired. Petitioner still has not been removed, and for the reasons outlined above Petitioner's removal to a third country is not reasonably foreseeable.. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonably and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

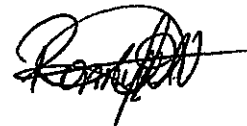
PRAYER FOR RELIEF

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

- Grant Petitioner a Writ of Habeas Corpus directing the respondent's to immediately release Petitioner from custody, under reasonably conditions of supervision;
 - Order respondents to do timely responds to the petitioner regarding his case and not lead him with false hopes of release.
 - Assume Jurisdiction over this matter.
 - Enforce respondents not to extend this matter and resolve this Habeas Petitions as soon as possible.
 - Grant any further relief that this Court deems just and proper.
- I affirm, Under Penalty of Perjury, that the foregoing is true and correct.

Respectfully Submitted on 02 / 12 / 2026

Dated On: 02 / 12 / 2026



CERTIFICATE OF SERVICE

I, hereby certify that on this date, I filed this Petitions reply for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send true copies, with corresponding summonses, by USPS Certified Priority Mail to the Following:

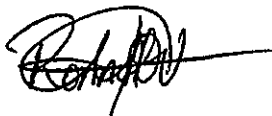
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Dated On: 02/12/2026



Respectfully Submitted,
(Pro Se) Ronny Lenin Vega Dutan



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Document 11

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RIO GRANDE DISTRICT
18 FEB 2026 AM 2



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El Paso Division
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

79901-258456

