

awaiting his hearing for cancellation of removal. In September 2025, Mr. Daniel Telles Puga requested release based on the fact that he has lived in the United States since 2009, he has no criminal record and he has United States citizen children. He is not a danger to the community or a flight risk. Mr. Daniel Telles Puga filed for a redetermination of custody status which the Court denied on September 17, 2025 based on *In the matter of Hurtado 29 I & N Dec. 216 (2025)*.

Mr. Daniel Telles Puga submits that his detention is in violation of his constitutional rights. His mandatory detention is not justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Daniel Telles Puga from their custody.

CUSTODY

1. Mr. Daniel Telles Puga is in the physical custody of Respondent Joshua Johnson Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent , Thomas Vergami, Warden of the Prairieland Detention Center. At the time of the filing of this petition, Petitioner is detained at the Prairieland Detention Center in Prairieland Detention Center who contracts with the DHS to detain aliens such as Petitioner. Mr. Daniel Telles Puga is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States

Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondents, Joshua Johnson and Thomas Vergami reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Daniel Telles Puga is a national and citizen of Mexico is awaiting his cancellation of removal hearing. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien’s removal order.

5. Respondent Joshua Johnson is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Johnson is a custodial official acting within the boundaries of the judicial district of the United States Court for the Northern District of Texas, Dallas Division. Pursuant to Respondent Johnson’s orders, Petitioner remains detained.

6. Respondent Thomas Vergami is the warden of the Prairieland Detention Center in Alvarado, Texas. He is Petitioner’s immediate custodian and resides in the judicial district of the United States Court for the Northern District of Texas, Dallas Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. Daniel Telles Puga has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. Daniel Telles Puga's only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner Daniel Telles Puga is a national and citizen of Mexico.

11. Mr. Daniel Telles Puga applied for cancellation of removal under the Immigration and Nationality Act.

12. On or about August 23, 2025, Respondent Johnson and his agents arrested Mr. Daniel Telles Puga at the ICE office. He was unlawfully charged for a criminal offense that was denied and not accepted by the Dallas County District Attorney's office. There was no reason for his arrest.

13. Mr. Daniel Telles Puga has fully cooperated with Respondent.

14. Respondents have reviewed Mr. Daniel Telles Puga's custody status and have determined that he should be detained because he did not enter the country legally in 2009.

15. Mr. Daniel Telles Puga has now been in detention for more than three (3) months. Respondents continue to detain Mr. Daniel Telles Puga.

16. Mr. Daniel Telles Puga is not a danger to the community or a flight risk. He has no pending criminal cases.

17. Mr. Daniel Telles Puga has deep roots in this community. His wife, children, sisters and cousins live in the United States.

18. Prior to his arrest, Mr. Daniel Telles Puga was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

19. Respondents' decision to detain Mr. Daniel Telles Puga is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Daniel Telles Puga's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

20. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

21. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

22. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.

23. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

24. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;

3. Issue a writ of habeas corpus ordering Respondents to release Mr. Daniel Telles Puga on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Rosalind Kelly

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VERIFICATION OF COUNSEL

I, Rosalind Kelly, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/Rosalind Kelly

Rosalind Kelly