

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JOSE JOAQUIN BONILLA MENDOZA,

Petitioner,

v.

MARY DE ANDA, Field Office Director of
Enforcement and Removal Operations, El Paso
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF
ERO EL PASO CAMP EAST MONTANA,

Respondents.

Case No. 3:26-cv-00191-LS

**PETITIONER'S SUPPLEMENTAL
BRIEF IN RESPONSE TO COURT'S
ORDER FOR SUPPLEMENTAL
BRIEFING**

TO THE HONORABLE JUDGE OF SAID COURT,

COMES NOW, Petitioner, JOSE JOAQUIN BONILLA MENDOZA, by and through undersigned counsel, LORENA VILLALON, and respectfully submits this Supplemental Brief pursuant to the Court's January 29, 2026 order, addressing: (1) whether Petitioner was arrested on a warrant issued by the Attorney General; (2) whether Petitioner is eligible for bond under 8 U.S.C. § 1226; and (3) whether habeas relief remains available even if § 1226 were deemed inapplicable. In support thereof, Petitioner states as follows:

1. Petitioner is not aware of, and Respondents have not produced, any warrant issued by the Attorney General authorizing his July 2025 arrest. Specifically, Petitioner has not been provided with an I-200 (Warrant for Arrest of Alien) or I-286 (Notice of Custody Determination) reflecting arrest pursuant to an Attorney General-issued warrant. Petitioner therefore proceeds on the understanding that his arrest and continued detention are not supported by a warrant issued by the Attorney General within the meaning of 8 U.S.C. § 1226(a).
2. Petitioner entered the United States without inspection (EWI) in 2023. He was subsequently released into the interior of the United States and lived at liberty for a significant period of time. Petitioner was later re-detained in July 2025, well after his initial entry, and remains detained while removal proceedings are pending before the Immigration Court, with a Master Calendar Hearing forthcoming.
3. These facts are critical as Section 1225 governs the inspection and detention of individuals who are seeking admission at the border or port of entry, or who are subject to continuous border custody. In this case, Petitioner does not fall into that

category. His release from custody in 2023 severed any possible § 1225 authority. His July 2025 arrest constitutes interior enforcement, not border detention.

4. Once DHS releases an individual into the United States, any subsequent arrest is governed by § 1226, not § 1225. Therefore, treating Petitioner as an “applicant for admission” years after entry, release, and interior re-arrest is inconsistent with the statutory framework and renders § 1226 meaningless.
5. Courts analyzing § 1225 detention consistently emphasize continuity of custody. Here, Petitioner’s custody was interrupted by his release in 2023. The government cannot revive § 1225 authority years later following an interior re-arrest. Petitioner’s present detention therefore falls squarely under 8 U.S.C. § 1226(a), making him eligible for an individualized bond hearing before the Immigration Judge.
6. The lack of an Attorney General–issued warrant does not automatically foreclose § 1226 applicability where, as here, detention is based on interior arrest following release. Rather, the statutory classification turns on the nature of the custody, not merely the paperwork DHS chooses to invoke. Since Petitioner is detained under § 1226, he is entitled to a bond hearing at which the government bears the burden of justifying continued detention.
7. Also, even assuming that Petitioner were improperly classified under § 1225, habeas relief remains available for these reasons:
 - a. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review whether DHS is detaining a noncitizen under the correct statutory authority. Where detention is premised on an incorrect statute, habeas relief is appropriate to remedy unlawful custody.

- b. Petitioner has been continuously detained since July 2025 while his removal proceedings remain pending and unresolved. He has received no bond hearing, no individualized custody determination, and no meaningful opportunity to challenge the necessity of his continued detention. Prolonged civil detention without adequate procedural safeguards violates the Due Process Clause, regardless of whether the detention is nominally labeled as § 1225 or § 1226 detention.
 - c. Even where the government asserts mandatory detention, federal courts retain authority to ensure that detention complies with constitutional limits. Habeas relief remains available to remedy prolonged, arbitrary, or unlawful detention.
8. Therefore, Petitioner was not arrested on a warrant issued by the Attorney General. He entered the United States without inspection in 2023, was released from custody, and was later re-detained in July 2025 following interior enforcement. His detention is therefore governed by 8 U.S.C. § 1226, entitling him to a bond hearing.
9. Alternatively, even if § 1226 were deemed inapplicable, Petitioner's continued detention violates statutory and constitutional limits, and habeas relief remains available.

WHEREFORE, Petitioner respectfully requests that the Court grant appropriate habeas relief, including an order requiring a prompt bond hearing or Petitioner's release.

DATED this 5th day of February 2026.

Respectfully submitted,

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