UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN CARLOS SANCHEZ RODRIGUEZ
Petitioner,

v.

KRISTI NOEM, in his official capacity as Secretary of the Department of Homeland Security;
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;
MIGUEL VERGARA, in his official capacity as Director of the San Antonio Field Office of ICE, Enforcement and Removal Operations;
BOBBY THOMPSON, Warden of the South Texas ICE Immigration Processing Center; and
DAREN K. MARGOLIN, Director of the Executive Office for Immigration Review,
Respondents.

Civil Action No. 5:26-cv-515

Immigration No. [redacted]

PLAINTIFF'S VERIFIED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. Petitioner Juan Carlos Sanchez Rodriguez (A# [redacted], hereinafter referred to as "*Petitioner*" or "*Mr. Sanchez Rodriguez*," is a native and citizen of Cuba who has resided in the United States for nearly 28 years. He is currently subject to deportation from the United States, is being unlawfully detained in violation of due process after his apprehension by ICE in Texas. He is detained at the South Texas Immigration Processing Center in Pearsall, Texas. *See* Petitioner's Ex. 1, ICE Detainee Locator Search Results.

2. Mr. Sanchez Rodriguez therefore petitions this Court for habeas relief under 28 U.S.C. § 2241, and seeks immediate injunctive relief, directing Respondents to prevent Respondents from unlawfully detaining Petitioner and requiring Respondents to release Mr. Sanchez Rodriguez from detention.

II. JURISDICTION AND VENUE

3. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202. This Court also has jurisdiction under 28 U.S.C. § 2241, which grants federal district courts authority to hear habeas petitions filed by persons held in custody in violation of federal law or the Constitution. This action also invokes the Court's authority under the All-Writs Act, 28 U.S.C. § 1651.

4. Petitioner asserts that the government has violated his due process rights (1) by failing to comply with its own regulations governing his revocation of his supervised release and removal to a third country, *Accardi v. Shaughnessy*, 347 U.S. 260 (1954), and (2) by continuing to detain him even though his removal is not reasonably foreseeable, *Zadvydas v. Davis*, 533 U.S. 678 (2001). As such, the jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar this suit because Petitioner is challenging the Government's authority to detain him indefinitely. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (citing 28 U.S.C. § 2241(c)(3)); *Baez v. Bureau of Immigr. & Customs Enf't*, 150 F. App'x 311, 312 (5th Cir. 2005) (per curiam) (courts retain the power to hear statutory and constitutional challenges to immigration detention when those claims do not challenge the final order of removal).

5. Venue is proper in this District, and in the San Antonio Division, because Petitioner is detained at the South Texas Immigration Processing Center in Pearsall, Frio County, Texas, within

this Court's jurisdiction, whereas Petitioner's immigration detention is controlled by the San Antonio Office of ICE – Enforcement and Removal Operations. *See* Petitioner Ex. 1.

III. PARTIES

6. Petitioner, Juan Carlos Sanchez Rodriguez, is a citizen and national of Cuba who has lived in the United States for nearly 28 years, having arrived in the United States on or about March 20, 1998. On or about December 11, 2025, Petitioner was detained by ICE and transferred to the South Texas Immigration Processing Center, where he remains detained. *See* Petitioner Ex. 1.

7. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security ("DHS"). She is sued in his official capacity.

8. Respondent TODD M. LYONS is the Acting Director of Immigration and Customs Enforcement ("ICE"), an executive branch agency within the Department of Homeland Security. he is sued in his official capacity.

9. Respondent MIGUEL VERGARA is the Acting Director of the San Antonio Field Office of ICE – Enforcement and Removal Operations ("ERO"), and therefore, he oversees the Karnes Sub-Office of ERO San Antonio, which has jurisdiction over Petitioner. He is sued in his official capacity as Petitioner's local custodian and DHS's local decisionmaker.

10. Respondent, BOBBY THOMPSON, Warden of the South Texas ICE Immigration Processing Center, is responsible for housing noncitizens from various regions of Texas in ICE custody pending the completion of their removal proceedings. The South Texas ICE Immigration Processing Center is located at 566 Veterans Drive, Pearsall, TX 78061. Respondent is sued in his official capacity as Petitioner's immediate physical custodian as of the filing of this petition.

11. Respondent, DAREN K. MARGOLIN, is Director of the Executive Office for Immigration Review. As such, he is responsible for directing and coordinating policy for the United States

Immigration Court system, including policies relating to immigration bond applications and requests for custody redeterminations in immigration court. he is sued in his official capacity only.

12. Respondents Noem and Lyons, who represent DHS and ICE, are properly included herein as the executives of federal agencies within the meaning of the APA ("APA").

IV. FACTUAL BACKGROUND

13. Mr. Sanchez Rodriguez is a citizen and national of Cuba. He has lived continuously in the United States since his initial entry on or about March 20, 1998, when he arrived at the Miami International Airport. Petitioner was initially detained and then he was released on parole. Petitioner has thereafter resided in the United States continuously for nearly 28 years.

14. On December 22, 2008, Mr. Sanchez Rodriguez was arrested by DHS in Falfurrias, Texas, and issued a Notice to Appear in removal proceedings. A final order of removal was issued on January 6, 2009. Despite this, Petitioner has been allowed to remain in the United States under an Order of Supervision issued on April 7, 2009. This Order required him to periodically appear before ICE and was placed under travel restrictions which required constant reporting to ICE.

15. On or about December 11, 2025, ICE officers arrested Petitioner and refused to release him. ICE officers informed Mr. Sanchez Rodriguez that he would now be detained, despite his history of appearing at ICE check-ins and complying with his Order of Supervision.

16. Mr. Sanchez Rodriguez was transferred to the South Texas Immigration Processing Center in Pearsall, Texas. The facility is operated under contract with the Karnes Sub-Field Office of the San Antonio Field Office of ICE – Enforcement and Removal Operations ("ERO"). The ICE Detainee Locator confirms Petitioner's custody in Pearsall, Texas.

17. Until his recent transfer into a remote immigration facility in Pearsall, Texas, Mr. Sanchez Rodriguez had lived and worked in Texas for many years, where he developed close ties to his

community. Mr. Sanchez Rodriguez has not violated any condition of his Order of Supervision which would require or authorize the government to detain him. On the contrary, Respondent has cooperated with ICE in order to comply with the Order of Supervision. Likewise, he has demonstrated continuous residence, stable employment, and strong family and community ties.

18. As of the filing of this petition, Petitioner remains detained at the South Texas Immigration Processing. *See* Petitioner's Ex. 1. Petitioner alleges that the Government has not met its burden to justify his detention, nor has it followed the proper mechanisms in revoking his Order of Supervision.

19. Given that Petitioner faces immediate harm by being deported from the United States and given that he was deprived of due process, Petitioner respectfully seeks a Temporary Restraining Order and Preliminary Injunction prohibiting Respondents from Removing Petitioner from the United States or transferring Petitioner from the current detention center where he is being held in custody or outside the jurisdiction of this Court, and order Respondents to immediately release him from detention.

V. LEGAL FRAMEWORK

20. For an individual who was released from detention under an Order of Supervision, the revocation of that release is subject to the provision of C.F.R. § 241.4(l)(2).

21. The statutes and regulations governing immigration and removal proceedings afford important procedural safeguards to detainees. See *United States v. Caceres*, 440 U.S. 741, 760 (1979). For Petitioner's detention to be constitutional, the government must have complied with both the applicable statutory provisions and its own regulations. *Id.* (when federal regulations afford individual rights and protections, the Supreme Court has insisted on requiring an agency's compliance with its own regulations).

22. The principles of administrative law requires that government agencies follow their own regulations. *Villanueva v. Tate, No. CV H-25-3364, 2025 WL 2774610, at* *7 (quoting *Fed. Defs. of New York, Inc. v. Fed. Bureau of Prisons*, 954 F.3d 118, 130 (2d Cir. 2020); *see also Gulf States Mfrs., Inc. v. Nat'l Lab. Relations Bd.*, 579 F.2d 1298, 1308 (5th Cir. 1978) ("It is well settled that an Executive Agency of the Government is bound by its own regulations, which have the force and effect of law, and the failure of an agency to follow its regulations renders its decision invalid."); *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (per curiam) ("It is equally well established that it is a denial of due process for any government agency to fail to follow its own regulations providing for procedural safeguards to persons involved in adjudicative processes before it."). Furthermore, the government's failure to follow its own immigration regulations may warrant the release of a detained noncitizen. *Villanueva*, 2025 WL 2774610, at *7 (collecting cases).

23. If removal is not reasonably foreseeable, then continued detention is not authorized. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). A person is not likely to be removed in the near future if the government has not or cannot designate a country to which the detainee will be removed, and there has been no visible progress in determining a country of removal. *See Sameh Radamis Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1366 (N. D. Ga. 2002) ("[T]he mere fact that the Egyptian government has taken its time in responding to the INS request for travel documents does not mean that it will not do so in the future.")

24. The scope of relief for an noncitizen challenging their detention for violation of due process is governed by three factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the

Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

VI. CLAIMS FOR RELIEF

Count I – Petitioner Was Detained in Violation of Mandatory Procedures

25. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

26. Federal regulations requires that certain procedures be followed when an individuals Order of Supervision is revoked. Release may be revoked in the exercise of discretion when, in the opinion of the revoking official: (i) The purposes of release have been served; (ii) The [noncitizen] violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against a[noncitizen]; or (iv) The conduct of the [noncitizen], or any other circumstance, indicates that release would no longer be appropriate. 8 C.F.R. § 241.4(l)(2).

27. Furthermore, the C.F.R. is clear that only certain government officials are explicitly authorized to revoke an Order of Supervision. As stated in the federal regulations,

> "[t]he Executive Associate [Director] shall have authority, in the exercise of discretion, to revoke release and return to [ICE] custody a [noncitizen] previously approved for release under the procedures in this section. A district director may also revoke release of a [noncitizen] when, in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]."

28. Petitioner has not been explained the circumstances regarding the apparent revocation of his April 7, 2009, Order of Supervision and his subsequent detention. Petitioner was merely detained without notice or justification. Petitioner was not offered a written notice of the revocation, he was not given an informational interview, and he was not offered an additional credible fear process for any third country of removal. Likewise, the revocation was not due to any individualized finding, nor was any written notice signed by an official with revocation authority under 8 C.F.R. § 241.4(1)(2). Furthermore, Petitioner was not detained for any changed circumstances in his case that were not previously known by Respondents.

29. In the absence of such evidence that Petitioner's April 7, 2009, Order of Supervision was lawfully revoked by a person authorized by statute to revoke it and for a reason lawfully permitted under 8 C.F.R. § 241.4(l)(2), the government has violated Petitioner's due process. Therefore, Petitioner's continued detention without proper revocation of the Order of Supervision is unlawful.

Count II – Petitioner Has Been Deprived His Right to Challenge Revocation of Release

30. Petitioner incorporates by reference the above factual allegations and re-asserts them as though stated fully herein.

31. The Supreme Court has long recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Immigration detention is civil in nature, but it nonetheless implicates this fundamental liberty interest.

32. As required by federal regulations, 8 C.F.R. § 241.4(*l*)(1).

> "[a]ny [noncitizen] . . . who has been released under an order of supervision or other conditions of release who violates the conditions of release may be returned to custody . . . . Upon revocation, the [noncitizen] will be notified of the reasons for

> revocation of his or her release or parole. The [noncitizen] will be afforded an initial informal interview promptly after his or her return to Service custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification."

33. As discussed, Petitioner has not been provided with any notification of the revocation of his Order of Release, let alone was he provided with written notice. Petitioner has never been advised of the reasons for the revocation of the Order of Release. Finally, Petitioner was never provided with the formal interview to allow Petitioner an opportunity to respond to the reasons for the revocation stated in the notification under 8 C.F.R. § 241.4(l)(1).

34. Such a failure by Respondents to notify Petitioner and to allow him the opportunity to challenge the revocation is against the clear language of the federal regulations. Petitioner never received a meaningful explanation of the revocation and, therefore, the government failed in its duty to comply with its own regulations. As such, the Petitioner's due process rights have been violated and his continued detention is unlawful until he is granted the protections provided by the regulations.

VII. REQUEST FOR INJUNCTIVE RELIEF

35. Petitioner respectfully requests that this Court issue a preliminary injunction directing Respondents not to remove him from the United States, to transfer him to a jurisdiction outside of the San Antonio Division of the Western District of Texas, to Release him from custody pending Respondent's compliance with federal regulations regarding the revocation of his previous Order of Supervision. Petitioner intends to seek a temporary restraining order through a separate motion that is forthcoming. Upon a final hearing, Petitioner asks for permanent injunctive relief as appropriate.

36. The Supreme Court has made clear that such extraordinary relief depends on a four-factor test: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009). As explained below, Petitioner satisfies each of these factors.

A. Mr. Sanchez Rodriguez Is Likely to Succeed on the Merits of his Petition.

37. Mr. Sanchez Rodriguez has a strong likelihood of success on the merits of his claims. Mr. Sanchez Rodriguez raises a constitutional claim under the Fifth Amendment as Respondents have detained him in violation of federal regulation and without offering him procedural mechanisms guaranteed by those regulations. Respondents have not offered a legitimate explanation for his detention and are now preparing to remove him from the United States despite this unlawful detention. Therefore, the Government has violated its own regulations governing his revocation or release and removal to a third country, which is a clear violation of Petitioner's due process rights. See *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

38. Taken together, these statutory and constitutional grounds present not merely a plausible claim, but a compelling one. Under *Nken v. Holder*, 556 U.S. 418, 434 (2009), likelihood of success is the most critical factor in evaluating interim relief. Here, Petitioner's claim is exceptionally strong.

B. Mr. Sanchez Rodriguez Wil Suffer Irreparable Harm If a Preliminary Injunction Does Not Issue.

39. If this Court does not grant immediate relief, Mr. Sanchez Rodriguez will continue to suffer irreparable harm. The Supreme Court has recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Everyday Mr.

Sanchez Rodriguez remains confined without access to the procedures guaranteed by law constitutes a grave and irreversible injury.

40. Petitioner has a long and deep history here in the United States. His life and his community will be utterly devastated by his sudden removal from the country without being authorized the rights afforded to him by federal regulations.

41. As *Nken* instructs, irreparable harm cannot be speculative; it must be actual and concrete. *Nken* 556 U.S. at 435. Because Respondents have placed Petitioner back into immigration detention without adhering to the required procedural safeguards, Petitioner is now suffering—and will continue to suffer—irreparable harm in the form of prolonged separation from his family, loss of household stability, and deprivation of liberty, harms that are immediate, ongoing, and incapable of being fully remedied absent this Court's intervention.

C. Balance of Equities Weighs in favor of Mr. Sanchez Rodriguez.

42. The balance of equities tips decisively in Petitioner's favor. On his side lies the interest in safeguarding one of the most fundamental rights recognized in our legal system—the right not to be arbitrarily detained without due process. On the government's side, the only asserted interest is administrative convenience in detainingPetitioner in violation of its own regulations.

43. There is no evidence that Petitioner has violated the conditions of his Order of Supervision or that the Order was revoked following the proper procedures as required by 8 C.F.R. § 241.4(l)(2). In contrast, every additional day of unlawful confinement inflicts significant harm on Petitioner. When weighed against each other, the equities clearly support granting immediate relief.

D. There Is Strong Public Interest In Maintaining the Pre-2025 Status Quo.

44. Finally, the public interest strongly supports the issuance of a preliminary injunction. The Supreme Court in *Nken* explained that when the government is the opposing party, the balance of equities and the public interest merge. *Nken,* 556 U.S. at 435. The public has no interest in perpetuating unlawful detention individuals who have not received due process afforded to them by law; rather, the public's interest is served by ensuring that government agencies act within the bounds of regulatory, statutory and constitutional authority.

45. Granting Petitioner preliminary relief in this matter reinforces respect for the rule of law and prevents the arbitrary deprivation of liberty. Protecting fundamental due process rights is not just in Petitioner's interest, but in the interest of the public at large.

46. Each factor of the equitable test weighs heavily in Mr. Sanchez Rodriguez's favor. For these reasons, this Court should immediately issue a Preliminary Injunction requiring Respondents to release Mr. Sanchez Rodriguez from detention.

VIII. PRAYER FOR RELIEF

47. For the above and foregoing reasons, Petitioner respectfully requests that this Court take the following actions:

a. Issue a writ of habeas corpus ordering Respondents to immediately release petitioner;

b. Grant a Temporary Restraining Order of Preliminary Injunction prohibiting Respondents from Removing Petitioner from the United States or transferring Petitioner from the current detention center where he is being held in custody or outside the jurisdiction of this Court;

c. Grant permanent injunctive relief as appropriate;

d. Award Plaintiff reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 552(a)(4)(E), and any other applicable provision of law; and

e. Grant such other relief as this Court deems just and proper.

DATE: January 28, 2026.

Respectfully submitted,

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By: */s/ Roberto A. Campos Garduno*
Roberto A. Campos Garduno
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VERIFICATION

STATE OF TEXAS §
§
COUNTY OF BEXAR §

DECLARATION UNDER PENALTY OF PERJURY OF JESSICA FERRER DIAZ

My name is Jessica Ferrer Diaz. I am over eighteen years old. I am fully competent to make this declaration regarding facts alleged in this Petition for Writ of Habeas Corpus, and upon my oath, I swear and affirm that the following is true and correct to the best of my knowledge.

1. I, Jessica Ferrer Diaz, am the wife of the Petitioner, Juan Carlos Sanchez Rodriguez
2. I am above the age of twenty-one (21) years of age, is of sound mind, and in all ways competent to execute this verification. I acknowledged I have read the substance of the foregoing document, that he have personal knowledge of the facts contained herein, and that the factual statements contained herein above are true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

"I verify that the statements made in this affidavit are true and correct and have been read to me in the Spanish language. ("Yo verifico que las declaraciones hechas en este documento son verdaderas y correctas y que han sido leído a mi en el idioma Español.")

28/01/2026

Jessica Ferrer Diaz (Jan 28, 2026 17:43:00 CST)

Jessica Ferrer Diaz Date

Writ of Habeas Corpus - South Texas ICE Processing Center - Draft 01.01.26

Final Audit Report 2026-01-28

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, a true copy of the above Plaintiff's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2P241 and Request For Declaratory and Injunctive Relief was filed via the Court's CM/ECF and that a copy will be sent automatically to all counsel of record.

DATE: January 28, 2026.

/s/ Roberto A. Campos Garduno

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