

FILED

JAN 23 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN CARLOS PÉREZ VEGA,

A# 

Petitioner, Pro Se,

SA26CA0532 XR

v.

TROY MILLER, Acting Commissioner,
U.S. Customs and Border Protection;
PATRICK J. LECHLEITNER, Acting Director,
U.S. Immigration and Customs Enforcement;
FIELD OFFICE DIRECTOR, ICE ERO SAN ANTONIO;
WARDEN, KARNES COUNTY IMMIGRATION PROCESSING CENTER,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. §§ 2241 & 2243)
AND COMPLAINT FOR DECLARATORY AND MANDATORY RELIEF
UNDER THE ADMINISTRATIVE PROCEDURE ACT

INTRODUCTION

1. This is a civil unlawful-detention action. It is not an immigration merits case, not an asylum adjudication, and not a discretionary request to the Department of Homeland Security ("DHS").
2. Petitioner is a non-arriving alien who entered the United States on August 25, 2021, was released into the community, and lived freely in the United States prior to the current detention.
3. Petitioner was taken into ICE custody on January 13, 2026, inside the United States, and is currently detained at the Karnes County Immigration Processing Center in Karnes County, Texas.
4. DHS has failed to lawfully identify, justify, or explain the statutory authority under which Petitioner is being detained, has not provided any meaningful custody review, and has effectively imposed civil detention without lawful authorization.
5. Because detention is unlawful as a matter of law, § 2243 requires this Court to act immediately and issue corrective orders without delay.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within the Western District of Texas.
7. This Court has authority under 28 U.S.C. § 2243 to issue immediate orders correcting unlawful detention.
8. This Court has jurisdiction under 5 U.S.C. § 702 to review unlawful agency action and compel action unlawfully withheld or taken in excess of statutory authority.
9. Venue is proper in this District because Petitioner is detained within this District and the custodian is subject to this Court's jurisdiction.

PARTIES

10. Petitioner Juan Carlos Perez Vega is a Venezuelan national currently detained by ICE.
11. Respondents are federal officers and agencies responsible for Petitioner's custody, including ICE, CBP, and the Warden of the Karnes County Immigration Processing Center.

FACTUAL BACKGROUND

12. Petitioner entered the United States on August 25, 2021, and was released into the community.
13. Prior to the current detention, Petitioner lived freely in the United States, was not detained at a port of entry, and was not subject to expedited removal at the time of detention.
14. On January 13, 2026, ICE took Petitioner into custody inside the United States.

15. Petitioner has remained detained at the Karnes County Immigration Processing Center.
16. ICE has not provided Petitioner with any written explanation identifying the statutory basis for his detention.
17. Petitioner has not been meaningfully reviewed for parole or release.
18. ICE has not explained whether it claims detention authority under 8 U.S.C. § 235, § 236, or § 1231.
19. Petitioner has not been granted bond, parole, or release, nor provided with any lawful process for custody redetermination.

CUSTODY AUTHORITY AND MISCLASSIFICATION

20. Petitioner is not an "arriving alien" under 8 U.S.C. § 235.
21. Petitioner was detained inside the United States after having been previously released into the community by DHS under civil supervision.
22. At the time of detention, Petitioner was fully complying with all supervision and reporting requirements imposed by DHS.
23. Petitioner was taken into custody during a routine supervised check-in with immigration authorities, without any allegation of flight, violation of conditions, criminal conduct, or new enforcement trigger.
24. Detention initiated during a supervised check-in—where an individual presents himself voluntarily and in compliance—does not constitute lawful apprehension under 8 U.S.C. § 235 and cannot be used to reclassify an individual as an arriving alien as a matter of law.
25. Detention under 8 U.S.C. § 235 is therefore inapplicable and unlawful.
26. Petitioner is not subject to a final order of removal.
27. Detention under 8 U.S.C. § 1231 is therefore unlawful.
28. If DHS claims detention authority under 8 U.S.C. § 236, that authority is discretionary and may not be escalated absent lawful statutory justification, individualized custody determination, and procedural safeguards.
29. DHS provided no notice, explanation, or lawful basis for escalating Petitioner's custody status from supervised release to detention.
30. DHS's detention of a fully compliant individual during a supervised check-in constitutes ultra vires agency action, custody misclassification, and detention in excess of statutory authority.
31. DHS's failure to correctly identify and apply lawful custody authority renders Petitioner's continued detention unlawful as a matter of law.

DUE PROCESS VIOLATIONS

32. Civil detention without lawful statutory authority violates the Fifth Amendment.
33. Continued detention without explanation, review, or procedural safeguards transforms civil detention into punitive confinement.
34. Petitioner has been deprived of liberty without due process of law.

ADMINISTRATIVE PROCEDURE ACT CLAIMS

COUNT I – Agency Action In Excess of Statutory Authority (5 U.S.C. § 706(2)(C))

- 35. DHS's detention of Petitioner exceeds the authority granted by Congress.
- 36. Detention without valid statutory basis is unlawful and must be set aside.

COUNT II – Agency Action Not in Accordance With Law (5 U.S.C. § 706(2)(A))

- 37. DHS's continued detention of Petitioner violates governing statutes and constitutional principles.
- 38. Agency action not in accordance with law must be vacated.

COUNT III – Unlawfully Withheld or Unreasonably Delayed Action (5 U.S.C. § 706(1))

- 39. DHS has unlawfully withheld required custody review and release determinations.
- 40. The APA requires this Court to compel agency action unlawfully withheld.

§ 2243 MANDATORY ENFORCEMENT

- 41. Section 2243 requires the Court to act immediately once unlawful detention is shown.
- 42. The statute mandates issuance of the writ or an order to show cause without delay.
- 43. Routine scheduling, discretionary extensions, or prolonged response periods violate § 2243.
- 44. Continued detention during delay constitutes ongoing unlawful custody.

RELIEF REQUESTED

WHEREFORE, the Court, having determined that Petitioner's detention is unlawful as a matter of law, must grant the following relief:

- A. Declare that Petitioner's current detention is unlawful and in excess of statutory authority;
- B. Declare that DHS lacks lawful authority to continue detaining Petitioner under any claimed custody statute;
- C. Issue forthwith an Order to Show Cause pursuant to 28 U.S.C. § 2243, requiring Respondents to justify Petitioner's detention;
- D. Require that the Order to Show Cause issue within three (3) days of filing, and that Respondents' return be filed within seven (7) days thereafter, as mandated by statute;

E. Permit no extension of time beyond a maximum of twenty (20) days only if the Court insists, and prohibit successive extensions inconsistent with § 2243;

F. Order Petitioner's immediate release from custody without bond upon a finding that detention is unlawful;

G. Issue an immediate anti-transfer order prohibiting Respondents from transferring Petitioner to any other facility or jurisdiction during the pendency of this action, as necessary to preserve this Court's jurisdiction and enforce § 2243;

H. Prohibit re-detention absent new and lawful statutory authority;

I. Retain jurisdiction to ensure full compliance with this Court's orders.

VERIFICATION

I, Juan Carlos Perez Vega, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 21, 2026.

/s/ Juan Carlos Perez Vega
Juan Carlos Perez Vega
Petitioner, Pro Se

KARNES COUNTY IMMIGRATION PROCESSING CENTER
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NA
KARNES CITY, TX 78118