

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
JUAN CARLOS PEREZ VERA,
Petitioner,
v.
TROY MILLER, et al.,
Respondents.
Case No. SA-26-CA-00532-XR

FILED

MAR 10 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
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PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS

Introduction

1. Petitioner respectfully submits this Reply to Respondents' Response to the Petition for Writ of Habeas Corpus.
2. Respondents' response rests on a single premise: that Petitioner's detention is governed by 8 U.S.C. §1225(b).
3. That premise does not align with the undisputed facts of this case.
4. Petitioner is a Venezuelan national who was granted Temporary Protected Status ("TPS") by the United States Citizenship and Immigration Services and who was living in the interior of the United States while complying with Immigration and Customs Enforcement supervision requirements.
5. Petitioner was not apprehended at the border, was not seeking entry into the United States, and was reporting voluntarily to an ICE supervision check-in when he was suddenly taken into custody after being told only that "the laws had changed."
6. Respondents' theory therefore attempts to apply a statutory detention provision designed for applicants seeking admission to a person already residing in the United States under a lawful protection granted by the federal government.

7. The statutory and constitutional framework governing immigration detention does not permit such an expansive interpretation.

Clarification of Petitioner's Legal Status and Factual Posture

8. The material facts relevant to Petitioner's detention are not in dispute.
9. Petitioner is a national of Venezuela who was granted Temporary Protected Status by USCIS.
10. The TPS approval notice confirms that Petitioner was granted protection from removal and authorization to remain in the United States during the validity period of that status.
11. While residing in the interior of the United States, Petitioner was complying with ICE supervision requirements and regularly reporting for check-ins.
12. At the time he was detained, Petitioner voluntarily appeared at an ICE check-in appointment as required.
13. During that check-in, an ICE officer informed Petitioner that "the laws had changed" and immediately placed him into custody.
14. Petitioner was not provided a written explanation, custody determination, or notice identifying the statutory basis for his detention.
15. These facts demonstrate that Petitioner was not seeking admission to the United States.
16. He was already physically present in the country, had been granted TPS by the federal government, and was complying with ICE supervision conditions when he was detained.

Respondents' Detention Theory Misapplies 8 U.S.C. §1225

17. Respondents argue that Petitioner is subject to detention under 8 U.S.C. §1225(b) because he entered the United States without inspection.
18. However, §1225 governs individuals who are seeking admission to the United States.
19. The statutory structure of the Immigration and Nationality Act distinguishes between individuals encountered at the border who are seeking entry and individuals who are already present within the United States and placed into removal proceedings.
20. Petitioner's factual posture places him squarely within the latter category.
21. He was not apprehended at a port of entry, was not presenting himself for admission, and was not encountered while attempting to enter the country.

- 22. Instead, he was living in the interior of the United States under Temporary Protected Status and complying with ICE supervision requirements.
- 23. The government's attempt to classify such an individual as someone "seeking admission" stretches §1225 beyond its statutory function.
- 24. A person reporting to ICE supervision inside the United States cannot reasonably be described as seeking admission into the country.

Respondents' Exhaustion Argument Is Internally Contradictory

- 25. Respondents additionally argue that the petition should be dismissed because Petitioner allegedly failed to exhaust administrative remedies.
- 26. This argument conflicts with Respondents' own detention theory.
- 27. Respondents maintain that Petitioner is detained under §1225(b).
- 28. Yet under that same statutory provision, immigration judges lack jurisdiction to conduct bond hearings.
- 29. If detention is governed by §1225(b), then no immigration court bond remedy exists.
- 30. Respondents cannot simultaneously assert that Petitioner is subject to mandatory detention without bond under §1225(b) and that Petitioner failed to exhaust bond remedies that the government claims do not exist.
- 31. In immigration habeas cases, exhaustion is prudential rather than jurisdictional.
- 32. Courts routinely excuse exhaustion when administrative remedies are unavailable or futile.
- 33. Where the government itself asserts that no administrative custody remedy exists, the exhaustion doctrine cannot bar judicial review.

Respondents' Interpretation Creates a Review Gap that Habeas Corpus Exists to Prevent

- 34. Respondents' theory would produce a detention scheme in which no tribunal could review the legality of the government's custody decision.
- 35. Under Respondents' interpretation, Petitioner would be subject to mandatory detention under §1225(b).
- 36. Under that same interpretation, immigration judges would lack jurisdiction to conduct bond hearings.

37. Respondents further argue that federal courts should decline habeas review based on alleged failure to exhaust administrative remedies.
38. That interpretation would leave Petitioner without any forum capable of reviewing the legality of his detention.
39. The writ of habeas corpus historically exists precisely to prevent such unreviewable executive detention.
40. Federal courts therefore maintain jurisdiction to determine whether the government has correctly invoked statutory detention authority and whether continued detention is lawful.

Civil Immigration Detention Remains Subject to Constitutional Limits

41. Even when Congress authorizes civil immigration detention, that detention remains subject to constitutional limits.
42. Non-citizens physically present in the United States are entitled to the protections of the Fifth Amendment.
43. Civil detention must remain regulatory rather than punitive and must bear a reasonable relationship to legitimate immigration objectives.
44. Where detention is imposed without clear statutory authority, without available procedural review, and without explanation of its legal basis, federal courts have the responsibility to examine the legality of that detention through the writ of habeas corpus.

Conclusion

45. Respondents' response relies on an expansive interpretation of §1225 that conflicts with the factual posture of this case and produces a detention regime lacking meaningful review.
46. Petitioner was granted Temporary Protected Status, was residing in the interior of the United States, and was complying with ICE supervision requirements when he was taken into custody without explanation.
47. Under these circumstances, the Court retains jurisdiction to review the legality of the government's detention decision.

48. Petitioner respectfully requests that the Court grant the petition for writ of habeas corpus or order such relief as law and justice require.

Prayer for Relief

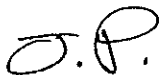
WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

- A. Grant the Petition for Writ of Habeas Corpus and order that Petitioner be released from immigration custody under appropriate conditions of supervision;
- B. Declare that Petitioner's continued detention without lawful review violates the laws and Constitution of the United States;
- C. Order any further relief that the Court deems just and proper.

Verification

I, Juan Carlos Perez Vera, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in the above-captioned matter and that the factual statements contained in the foregoing Reply to Respondents' Response to Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Executed on this 6 day of March, 2026.



Juan Carlos Perez Vera

Petitioner, Pro Se

A-Number: 

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, Texas 78118

EXHIBIT A
TEMPORARY PROTECTED STATUS (TPS)
DOCUMENTATION
Juan Carlos Perez Vera