

2. On September 10, 2025, the Petitioner appeared for his Removal hearing. The Immigration Judge ordered removal; however, the Petitioner and his counsel disagreed with the Immigration Judge's decision and timely appealed the decision on October 5, 2025, within thirty (30) days of the Immigration Judge's decision.¹
3. When Petitioner was released from DHS custody in February of 2022, he was told that he would need to keep his address up to date with the Court, attend all hearings, report for his scheduled check-ins with DHS and not to engage in any unlawful activity. Petitioner has complied with this requirement since his release and was complying with this requirement when he was taken into custody without warning or reason by DHS at his regular check-in on December 11, 2025.
4. Prior to DHS detaining him at his December 2025 check-in appointment, Petitioner received no notice nor was he given any reason why he was being detained. Petitioner showed the officers at DHS in Oklahoma City the documents showing that his appeal was timely filed and his case was still pending with the Board of Immigration Appeals but this was disregarded and no reason was given for his being detained..
5. Accordingly, to vindicate Petitioner's Constitutional & regulatory rights, this Court should grant the instant petition for a writ of habeas corpus or order the Respondents to show cause why the Petitioner should be detained. Petitioner asks this Court to find that the Petitioner's detention is unlawful and order his immediate release.

II. JURISDICTION

¹ When the case is appealed, the order of removal is not finalized, and the removal order remains pending until the case appeal is fully adjudicated.

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

III. VENUE

7. Venue is proper because Petitioner is detained at Bluebonnet Detention Center, in Anson, Texas, which is within the jurisdiction of this District.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

V. **PARTIES**

10. Petitioner is a foreign national in immigration proceedings and is currently detained at Bluebonnet Detention Center in Anson, Texas and he is in the custody of, and under the direct control, of Respondents and their agents.
11. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.
12. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
13. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent Lyons is responsible for the enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of the Petitioner.
14. Respondent Joshua Johnson is sued in his official capacity as the Acting Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement.

Respondent Johnson is a legal custodian of Petitioner and has authority to release him.

15. Respondent Marcello Villegas is the Warden of Bluebonnet Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Villegas is a legal custodian of Petitioner.

VI. LEGAL ARGUMENT

DHS Lacks Authority to Re-Detain a Respondent Previously Released on Bond or on an Order of Supervision Absent Materially Changed Circumstances

16. Although 8 C.F.R. § 236.1(c) authorizes DHS to arrest and detain a noncitizen whose removal proceedings are pending, that authority is *not unlimited*. Detention under § 236.1(c) implements INA § 236(a), which is discretionary and constrained by fundamental due process principles. Once DHS has exercised that discretion to release a respondent on bond, it may not re-detain the individual without a legitimate and materially changed custody basis.
17. Allowing re-detention in the absence of new facts would render the initial bond or supervisory release determination meaningless and permit indefinite, cyclical detention, a result inconsistent with the regulatory scheme and constitutional norms.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

18. The allegations in the above paragraphs are realleged and incorporated herein.
19. The Fifth Amendment's Due Process Clause protects all "persons" within the United States, including noncitizens, from arbitrary deprivation of liberty. Immigration detention is civil, not punitive, and therefore must be reasonably related to a legitimate governmental purpose and accompanied by fundamentally fair procedures.
20. Once the government has exercised its detention authority and released an individual from custody, the individual's liberty interest is reinvigorated and substantial. Any subsequent deprivation of that liberty requires heightened procedural and substantive justification.
21. The Fifth Amendment prohibits detention that is disconnected from its civil purpose. Civil detention is constitutional only when it is reasonably related to its stated purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001) Re-detention without notice or new justification bears no rational relationship to ensuring appearance at proceedings or protecting the community which it is alleged to accomplish. Instead, it operates as punishment for past conduct or procedural posture, which the Fifth Amendment categorically forbids in civil immigration enforcement.
22. To date, the Respondents have provided no legitimate basis to re-detain the Petitioner.
23. For these reasons, the Petitioner's detention violates the Due Process clause of the Fifth Amendment

COUNT TWO

Re-detention absent materially changed circumstances violates 8 C.F.R. § 236.1(c)

24. The allegations in the above paragraphs are realleged and incorporated herein.
25. Under 8 C.F.R. § 236.1 and re-detention absent materially changed circumstances is a violation of this Federal Regulation.
26. For these reasons, Petitioner's detention violates 8 C.F.R. § 236.1(c)

COUNT THREE

Arbitrary Re-Detention violates the Administrative Procedures Act (APA)

27. The allegations in the above paragraphs are realleged and incorporated herein.
28. Agency action is unlawful when it is arbitrary, capricious or an unexplained departure from a prior policy or factual findings.
29. The arbitrary re-detention of the Petitioner by DHS without notice or materially changed circumstances is a violation of the APA.

VIII. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 C.F.R. § 236.1(c), and the Administrative Procedures Act.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.

- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated: January 30, 2026

s/ Gina V. Pointon
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jose Ivan Sierra Ruiz, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 30th day of January 2026.

s/ Gina V. Pointon