

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN CARLOS LUEVANOS,

Petitioner,

v.

ROSE THOMPSON, Warden,
Karnes County Immigration Processing Center;

KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and

PAMELA BONDI, Attorney General
of the United States, in their official capacities,

Respondents.

Case No. 5:26-cv-00557-OLG

**PETITION FOR WRIT OF
HABEAS CORPUS**

SUPPLEMENTAL MEMORANDUM

“Liberty is not a prize for procedural persistence. It is the baseline. That is why the court’s duty to scrutinize custody is more acute than ever, as liberty is *administratively* restrained.” *Larrazabal-Gonzalez v. Mason*, No. 2:26-cv-00049, at *2 (S.D. W. Va. Jan. 28, 2026) (emphasis included).

1. District Courts across the country have begun to recognize that there “has been an undeniable move by the Government in the past month to defy court orders or at least to stretch the legal process to the breaking point in an attempt to deny noncitizens their due process rights.” *M. v Bondi*, No. 25-CV-4816 (MJD/JFD), 2026 WL 194406, at *1 (D. Minn. Jan. 25, 2026). *See also Palomera Baltazar v. Janecka*, No. 5:26-cv-00019-SSS-BFM at *2 (C.D. Cal. Jan. 16, 2026) (noting “Respondents’

deliberate choice to continue defying the final judgment entered in *Bautista*"); *Juan T.R. v. Noem*, No. 26-CV-0107 (PJS/DLM) at *2 (D. Minn. Jan. 28, 2026) (ordering the Acting Director of ICE, to appear and show cause why he should not be held in contempt of Court and including "an appendix that identifies 96 court orders that ICE has violated in 74 cases" while noting that the "extent of ICE's noncompliance is almost certainly substantially understated.)

2. Respondents continue to insist that 8 U.S.C. § 1226(a) does not apply to Petitioner and therefore the Court should not consider § 1226(a) as a basis for the petitioner's detention.
3. **Further, as was documented in the Original Petition, immigration courts have been systematically transformed and are no longer capable of providing an impartial tribunal and individualized assessment for purposes of § 1226(a). See ECF 1 at 7-5.** The evidence of EOIR's institutional capture falls into five categories: (1) the ongoing mass-scale purge of immigration judges perceived as obstacles to DHS' enforcement agenda; (2) the parallel purge and reconstitution of the BIA, resulting in a 97% pro-government decision rate; (3) the recruitment and installation of explicitly enforcement-aligned "deportation judges" with dramatically reduced qualifications; (4) EOIR policy directives establishing expectations that adjudications favor the government over noncitizens; and (5) explicit instructions to defy district court rulings that impede DHS's enforcement goals. *Id.*
4. **In this new compromised context, Immigration Judges are systematically denying bond on pretextual grounds that bear no relationship to individualized risk assessments, rendering a bond hearing an illusory remedy. See ECF 1, Exhibit D, Attorney Declarations.**

5. “Habeas is at its core a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The remedy for unlawful detention “is, of course, release.” *Id*; *See also Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (based on statutory language of 28 U.S.C. § 2241(c)(3) and the common-law history of the writ, “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody”); *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026) (collecting recent cases).
6. Considering all the authorities and matters of record, the Court should determine that release is the appropriate habeas relief for the unlawful detention in this case.

Respectfully submitted,

/s/ Lucia Curiel

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