

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

FILED.

JAN 27 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

FELIX ALBERTO DURAN DURAN,
A# 

Petitioner,

v.

SA26CA0637 OG
Case No. _____

Bobby Thompson, Warden of South
Texas ICE Detention Facility; Mary De
Anda Ybarra, ICE District Director,
Pearsall, Texas; The Honorable Ms.
Kristi Noem, in her capacity as
Secretary of Homeland Security; The
Honorable Ms. Pam Bondi in her
capacity as Attorney General of the
United States,

Respondents.

**PETITION FOR WRIT OF HABEUS CORPUS AND INCORPORATED MEMORANDUM OF
LAW IN SUPPORT THEREOF**

PRELIMINARY STATEMENT

Petitioner, Felix Alberto Duran Duran, A#  by and through undersigned counsel,
respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. §
2241, seeking immediate release from unlawful and unconstitutional detention by U.S.

Immigration and Customs Enforcement ("ICE"). Mr. Duran-Duran has been detained since November 25, 2025, at the South Texas ICE Processing Center, despite presenting no danger to the community, no history of violence, strong family ties in the United States, and full compliance with immigration requirements.

His continued detention violates the Due Process Clause of the Fifth Amendment, exceeds statutory authority, and serves no legitimate governmental purpose. Petitioner seeks immediate release, or in the alternative, an individualized bond hearing before a neutral adjudicator.

1. This case challenges the government's authority to detain a noncitizen for a prolonged period without any individualized finding that he is a danger to the community or a flight risk. Petitioner requests this Court to order him released from immigration detention or, at minimum, a prompt bond hearing before a neutral decision-maker with constitutionally adequate procedures.
2. Petitioner Felix Alberto Duran Duran, A#  has been detained by Immigration and Customs Enforcement ("ICE") since November 25, 2025, at the South Texas ICE Detention Facility 566 Veterans Drive Pearsall, Texas 78061. As of the filing of this Petition, Petitioner has been detained for over one and half (1.5) months, and there is no reasonably foreseeable end date to his detention while his immigration proceedings continue.
3. ICE claims authority to detain Petitioner without meaningful bond consideration under INA § 235(b), 8 U.S.C. § 1225(b) and INA § 236(c), 8 U.S.C. § 1226(c) and INA § 236(a),

8 U.S.C. § 1226(a)] (the “Detention Statute”).¹ To undersigned counsel’s knowledge, Petitioner is not an arriving alien. *See Fn 1.*

4. Petitioner’s continued detention violates the Fifth Amendment because it deprives him of liberty without due process of law. It is also unlawful under the INA to the extent Respondents’ interpretation results in prolonged detention without adequate procedural safeguards, effectively placing release wholly within the hands of the detaining agency without a neutral adjudication of necessity.
5. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order Petitioner’s immediate release, with appropriate conditions of supervision if necessary. In the alternative, Petitioner requests that this Court conduct, or order an immigration judge to conduct, a bond hearing at which:
 - a. the government bears the burden of proving dangerousness or flight risk by clear and convincing evidence; and
 - b. the decision-maker meaningfully considers alternatives to detention that could mitigate any risk of flight.
6. Petitioner therefore respectfully requests that this Court grant habeas relief and order Petitioner’s release from ICE custody subject to appropriate conditions of supervision if necessary. In the alternative, Petitioner requests an order requiring a prompt bond hearing

¹ 1. To the extent ICE is treating Petitioner as an “arriving alien” and invoking § 1225(b), that statute contains separate detention provisions applicable to (a) certain noncitizens in expedited removal proceedings who establish credible fear and are detained “for further consideration of the application for asylum,” 8 U.S.C. § 1225(b)(1)(B)(ii), and (b) other applicants for admission who are not “clearly and beyond a doubt entitled to admission,” 8 U.S.C. § 1225(b)(2)(A). DHS commonly refers to these categories as “arriving aliens.” 8 C.F.R. § 1.2. Petitioner is not an arriving alien. The government often interprets § 1225(b) and related regulations to require detention without an immigration judge bond hearing for “arriving aliens” during removal proceedings. *See, e.g., Matter of X-K-, 23 I. & N. Dec. 731, 732 (BIA 2005); 8 C.F.R. § 1003.19(h)(2)(i)(B) (limiting immigration judge custody jurisdiction over certain “arriving aliens”).*

at which:

- (a) the Government bears the burden to prove danger and/or flight risk by clear and convincing evidence; and
- (b) the decision-maker considers less restrictive alternatives to detention.

PARTIES

7. Petitioner Felix Alberto Duran Duran, A# [REDACTED], is detained at the South Texas ICE Detention Facility 566 Veterans Drive Pearsall, Texas 78061.
8. Respondent Bobby Thompson, Warden, South Texas ICE Detention Facility, is named in his/her official capacity as the facility administrator where Petitioner is detained and is a legal custodian of Petitioner. The facility address is stated above.
9. Respondent Mary De Anda-Ybarra is named in her official capacity as the Pearsall ICE District Director and is a legal custodian responsible for Petitioner's detention decisions and implementation.

Service Address: Field office location 11541 Montana Ave, Suite E, El Paso, TX 79936.
10. Respondent Kristi Noem is named in her official capacity as the Secretary of the U.S. Department of Homeland Security, responsible for the administration and enforcement of immigration laws and detention authority.
11. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States, responsible for the administration of the immigration courts through EOIR.

JURISDICTION

12. Petitioner is detained in custody of Respondents at the South Texas ICE Processing Center in Pearsall, Texas.
13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), and the All-Writs Act, 28 U.S.C. § 1651. To the extent applicable, Petitioner also invokes review under the Administrative Procedure Act, 5 U.S.C. § 701 et seq., for unlawful agency action and failure to provide reasoned decision-making.
14. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

VENUE

15. Venue lies in the Western District of Texas, San Antonio Division, because Petitioner is physically present and detained within this District at the South Texas Detention Facility in Pearsall, Texas, and Respondents exercise custody over him here. See 28 U.S.C. § 2241(d).
16. There is no statutory exhaustion requirement where a noncitizen challenges the lawfulness of detention under § 2241. Any exhaustion requirement is prudential and discretionary.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. The need for immediate judicial review is pressing because Petitioner remains detained and lacks an adequate mechanism for neutral, meaningful review of detention necessity.

18. Exhaustion is further excused where it would be futile, including where the agency has predetermined the dispositive detention issue or where the administrative body lacks authority to adjudicate constitutional claims.
19. To the extent the government asserts Petitioner is detained under a framework that precludes immigration judge bond jurisdiction (including “arriving alien” rules), administrative remedies cannot provide the relief requested here: a constitutionally sufficient hearing before a neutral arbiter.
20. The BIA does not have jurisdiction to decide constitutional due process questions, further supporting waiver of exhaustion for Petitioner’s Fifth Amendment claim.
21. A request for parole under 8 U.S.C. § 1182(d)(5)(A) is not an adequate substitute for due process because parole review is discretionary, conducted by the detaining authority, and does not provide a neutral hearing or meaningful record for review.

STATEMENT OF FACTS

22. Petitioner Felix Alberto Duran Duran, A# [REDACTED], has resided in the United States and maintains a stable residence at: [REDACTED] Miami, Florida [REDACTED].
23. On or about November 25, 2025, Petitioner was taken into ICE custody and detained at the South Texas ICE Detention Facility, 566 Veterans Drive Pearsall, Texas 78061.
24. Petitioner has strong family ties, no history of violence, and presents no danger to the community. He also has strong incentives to comply with immigration proceedings and appear as required.
25. Petitioner’s continued detention has impaired his ability to prepare his immigration case effectively and has caused ongoing hardship to him and his family.

26. Despite Petitioner's equities and the absence of any individualized finding that detention is necessary to prevent flight or protect the public, ICE has continued to detain Petitioner for a prolonged period, with no clear end date.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

27. Petitioner incorporates the allegations above.

28. Petitioner's prolonged detention without a meaningful, individualized determination that he is dangerous, or a flight risk violates the Fifth Amendment's Due Process Clause.

29. The Due Process Clause protects all "persons" in the United States, including noncitizens, from deprivation of liberty without due process of law. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

30. A statutory scheme that permits prolonged detention without meaningful procedural safeguards raises serious constitutional problems. See *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 529–30 (discussing detention as typically "brief," and emphasizing the civil purpose of detention).

31. As detention lengthens beyond a brief period, due process requires heightened procedural protections, including a hearing before a neutral decision-maker and a meaningful burden on the government to justify continued confinement.

32. Petitioner is not a danger to the community, has no history of violence, and has strong family ties and a stable U.S. residence. His continued confinement without neutral review is therefore arbitrary and unconstitutional.

33. This Court should order Petitioner's release, or at minimum order a constitutionally sufficient bond hearing with the government bearing the burden by clear and convincing evidence.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 235(b), 8 U.S.C. § 1225(b)

34. Petitioner incorporates the allegations above.

35. If Respondents rely on INA § 235(b), 8 U.S.C. § 1225(b) (or any statute construed as "mandatory detention"), this Court should construe the statute to avoid serious constitutional concerns, limiting detention to a reasonable period and requiring a bond hearing once detention becomes unreasonably prolonged.

36. Under constitutional avoidance, where a statute can be fairly interpreted to avoid constitutional problems, courts adopt the limiting construction. See *Crowell v. Benson*, 285 U.S. 22, 62 (1932); *Zadvydas*, 533 U.S. at 689.

37. Because Respondents' interpretation permits prolonged detention without a bond hearing, it raises serious constitutional concerns and must be limited as a matter of statutory interpretation or, alternatively, declared unconstitutional as applied.

THIRD CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 236(a), 8 U.S.C. § 1226(a)

38. Petitioner incorporates the above allegations.

39. To the extent Respondents rely on § 1225(b) or another mandatory framework, Petitioner alleges that once removal proceedings are underway, detention authority is governed by 8 U.S.C. § 1226(a) (discretionary detention), which requires access to a bond determination consistent with due process.

40. Under § 1226(a), detention is discretionary and must be supported by individualized findings; alternatives to detention must be considered where they can reasonably mitigate risk.

41. This Court should hold that Petitioner's continued detention is governed by § 1226(a) and order an immediate bond hearing before a neutral adjudicator under constitutionally adequate standards.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter.
2. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, on reasonable conditions of supervision if necessary.
3. In the alternative, conduct a bond hearing or remand for a bond hearing at which:
 - a. the government bears the burden to prove flight risk and dangerousness by clear and

convincing evidence; and

b. alternatives to detention that could mitigate any risk of flight are meaningfully considered.

4. In the alternative, hold that Petitioner's detention is governed by 8 U.S.C. § 1226(a), entitling Petitioner to a bond hearing upon request.
5. Award costs and reasonable attorneys' fees as authorized by law, including under the EAJA where applicable; and
6. Grant such further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 16, 2026, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I further certify that service was affected on counsel of record via the Notice of Electronic Filing and/or by other authorized means on parties not receiving electronic notice.

Respectfully submitted,



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CHONILLO LAW GROUP, LLC

January 19, 2026

Clerk of Court

United States District Court
Western District of Texas – San Antonio Division
262 West Nueva Street, Room 1-400
San Antonio, Texas 78207

Re: Petition for Writ of Habeas Corpus

Petitioner: Felix Alberto Duran Duran, A# 

Clerk of Court,

We represent the above-referenced petitioner, Felix Alberto Duran Duran, who is currently detained at South Texas Detention Facility, 566 Veterans Drive, Pearsall, Texas 78061. Enclosed please find the following for filing:

1. Original Petition for Writ of Habeas Corpus (§ 2241) and two additional copies
2. Exhibits supporting the petition, clearly labeled
3. Notice of Appearance and two additional copies
4. Filing Fee: \$5.00 money order payable to "Clerk, U.S. District Court"

Please do not hesitate to contact the undersigned should any additional information be required.

Kindly send all future mail regarding this case to the following address:

3150 SW 145th Ave, Suite 311, Miramar, FL 33027

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg', written over a horizontal line.

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