

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

MAR 24 2026

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

BRAYAN DEONEL HERNANDEZ REYES,
BY NEXT FRIEND MELANIE PEREZ AZURDIA,
Petitioner,
v.
UNITED STATES OF AMERICA;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
U.S. DEPARTMENT OF HOMELAND SECURITY;
PAMELA BONDI, U.S. ATTORNEY GENERAL;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
BOBBY THOMPSON, Warden, South Texas ICE Processing Center;
Respondents.

Case No. SA-26-CA-00589-XR

**PETITIONER'S MOTION FOR IMMEDIATE RULING AND ENFORCEMENT OF 28
U.S.C. §2243**

INTRODUCTION

1. Petitioner respectfully moves this Court for **immediate adjudication** of his pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 and enforcement of this Court's **mandatory duty under 28 U.S.C. §2243.**

2. Petitioner remains detained while this action has been fully briefed and is **ripe for decision**.
3. The continued delay in adjudication constitutes an **unlawful restraint on liberty** in violation of federal statutory and constitutional mandates.
4. Habeas corpus is intended to provide a **swift and imperative remedy** against unlawful detention.
5. The Court's failure to act promptly after full briefing frustrates the **core purpose of the writ**.
6. The continued detention of Petitioner in the absence of prompt adjudication constitutes a **constructive suspension of the writ** in violation of **Article I, Section 9 of the United States Constitution**.

PROCEDURAL HISTORY AND TIMELINE

7. Petitioner filed his Petition for Writ of Habeas Corpus on January 27, 2026.
8. On February 5, 2026, this Court issued a Service Order directing Respondents to file a response within five (5) days.
9. Respondents complied and filed their response on February 17, 2026.
10. Petitioner's case has therefore been **fully submitted and ripe for adjudication** since that date.
11. **More than one month has passed** since Respondents filed their response.
12. Petitioner remains in custody during this period of **judicial inaction**.
13. There are **no outstanding filings or procedural barriers** preventing the Court from ruling.

LEGAL STANDARD UNDER 28 U.S.C. §2243

14. 28 U.S.C. §2243 mandates that courts act on habeas petitions **"forthwith."**
15. The statute imposes a **clear and nondiscretionary duty** to promptly resolve habeas matters.
16. The Supreme Court has recognized that habeas corpus provides a **"swift and imperative remedy in all cases of illegal restraint."** *Fay v. Noia*, 372 U.S. 391, 400 (1963).
17. Federal courts are required to **prioritize habeas petitions over other matters on the docket**. *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000).

18. The writ demands **immediate judicial attention** once the matter is fully submitted.
19. Continued delay undermines the **statutory command and purpose of §2243**.

CONSTITUTIONAL FRAMEWORK AND UNLAWFUL CONTINUED DETENTION

20. The Fifth Amendment prohibits the **deprivation of liberty without due process of law**.
21. Freedom from physical restraint lies at the **core of the liberty protected by the Constitution**.
22. Civil detention must remain reasonably related to its purpose and may not become **punitive in nature**.
23. Prolonged detention without timely adjudication violates **fundamental due process protections**.
24. The Supreme Court has held that detention without meaningful temporal limits raises **serious constitutional concerns**. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
25. Due process requires not only an opportunity to be heard, but a **meaningful and timely adjudication** of that opportunity. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).
26. The balancing test set forth in *Mathews v. Eldridge* confirms that the private interest in freedom from detention is at its **highest where physical liberty is at stake**. 424 U.S. 319 (1976).
27. The risk of **erroneous deprivation increases with delay**, particularly where the Court has not acted despite a fully developed record.
28. The government's interest does not justify **prolonged detention in the absence of prompt judicial review**.
29. The continued detention of Petitioner, after full briefing and without adjudication, is **no longer reasonably related to any legitimate governmental purpose**.
30. Instead, the detention has become **arbitrary and constitutionally impermissible**.
31. Habeas corpus exists to **terminate precisely this type of unlawful restraint**.
32. The Constitution does not permit **continued detention where the Court has failed to act within a reasonable time** after the case is ripe for decision.

APPLICATION TO PETITIONER'S CASE

- 33. Respondents have already complied with this Court's Service Order by filing a response.
- 34. The case is **fully briefed** and requires no further factual development.
- 35. The Court possesses **all information necessary** to adjudicate the petition.
- 36. Petitioner remains detained **solely due to the absence of a judicial ruling**.
- 37. The delay is **not attributable to Petitioner**.
- 38. The delay is **not attributable to Respondents**.
- 39. The delay rests **solely at the adjudicative stage**.
- 40. Continued detention under these circumstances constitutes an **unlawful restraint**.
- 41. Section 2243 requires that this Court act **without unnecessary delay**.
- 42. Each additional day of detention without a ruling **compounds the constitutional harm**.

PETITIONER'S LACK OF ACCESS TO RESPONDENTS' RESPONSE AND RESULTING DUE PROCESS CONCERN

- 43. Although Respondents filed a response on February 17, 2026, Petitioner has **not received a copy of that response while in custody**.
- 44. As a result, Petitioner has been **deprived of a meaningful opportunity to review and reply** to the arguments raised by Respondents.
- 45. Due process requires that a party be given **notice and a meaningful opportunity to be heard**. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).
- 46. The failure to provide Petitioner with access to the response while detained **undermines the fairness of the proceeding**.
- 47. Despite this deprivation, the case remains fully submitted from the Court's perspective, and Petitioner continues to be detained without adjudication.
- 48. The combination of **continued detention, lack of access to the government's response, and judicial delay** compounds the constitutional harm.

PENDING BIA APPEAL

- 49. Petitioner filed an appeal before the Board of Immigration Appeals on March 9, 2026.
- 50. Petitioner's immigration proceedings remain **active and unresolved**.

51. There is **no final administrative determination** justifying prolonged detention without prompt judicial review.
52. The existence of an active appeal further underscores the **need for immediate adjudication** of the legality of detention.

THE COURT'S DUTY TO ACT

53. Habeas corpus proceedings are **not subject to ordinary civil delays**.
54. The writ commands **prompt judicial action as a matter of statutory obligation**.
55. Once a habeas petition is fully submitted, the Court must proceed to determination **without undue delay**.
56. The Supreme Court has made clear that habeas petitions demand **priority treatment**.
57. Failure to act promptly effectively **nullifies the protections afforded by the writ**.
58. The Court's duty at this stage is **clear and mandatory**.

ENFORCEMENT OF 28 U.S.C. §2243 AND SHOW CAUSE REQUIREMENT

59. 28 U.S.C. §2243 imposes a **mandatory obligation** on the Court to act **forthwith** and to summarily hear and determine the matter.
60. Once Respondents have filed a response, the statute requires **prompt disposition without unnecessary delay**.
61. The duty imposed by §2243 is **not discretionary** and does not permit **indefinite judicial inaction**.
62. Where a petitioner remains detained and the case is fully submitted, continued delay is **incompatible with both statutory command and constitutional guarantees**.
63. The Court must either **grant the writ or provide a legally sufficient justification** for continued detention.
64. Absent such justification, continued custody becomes **unlawful as a matter of law**.
65. The failure to act promptly transforms lawful detention into **unconstitutional restraint**.
66. Habeas corpus exists to **prevent prolonged, unreviewed detention**.
67. The Court must enforce §2243 by issuing an **immediate determination** or requiring Respondents to **show cause why the writ should not be granted forthwith**.

FINAL DIRECTIVE TO THE COURT

68. This case presents a **fully submitted habeas petition** in which the liberty of the Petitioner remains restrained without adjudication.
69. The statutory command of **28 U.S.C. §2243** requires **immediate judicial action**, not continued delay.
70. The Constitution does not tolerate **prolonged detention in the absence of prompt judicial review**.
71. The Court now stands at the point where it must either **enforce the writ or permit the continued deprivation of liberty without lawful justification**.
72. Under these circumstances, the only action consistent with **federal law and constitutional mandate** is **immediate adjudication and issuance of the writ**.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. immediately rule on the pending Petition for Writ of Habeas Corpus;
- b. enforce the requirements of 28 U.S.C. §2243 and adjudicate this matter forthwith;
- c. grant the Petition for Writ of Habeas Corpus;
- d. order Petitioner's immediate release from custody; and
- e. grant any further relief to which Petitioner may be entitled.

Respectfully submitted,

Dated: March 22, 2026

Brayan Deonel Hernandez Reyes

Pro Se

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South Texas ICE Processing Center

566 Veterans Drive

Pearsall, TX 78061

VERIFICATION

I, Brayan Deonel Hernandez Reyes, declare under penalty of perjury that I am the Petitioner in the above-entitled action, that I have read the foregoing motion, and that the facts stated therein are true and correct to the best of my knowledge.

Executed on March 22, 2026

Brayan Hernandez
Brayan Deonel Hernandez Reyes
Pro Se
A# 

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566 Veterans Drive
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