

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Sandro Valenzuela-Nunez
Petitioner-Plaintiff,

V.

Todd M. Lyons,
Acting Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Facility Warden
Karnes County Immigration Processing Center

Respondents-Defendants

Civ. No. 5:26-cv-00676

DHS File Number:

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

Petitioner **Sandro Valenzuela Nunez** seeks habeas relief under **28 U.S.C. § 2241** because he is being civilly detained by the Department of Homeland Security (“DHS”) **without statutory authorization and without constitutionally adequate process**, in violation of the **Immigration and Nationality Act (“INA”)** and the **Due Process Clause of the Fifth Amendment**.

Petitioner has resided continuously in the United States since 1997, has no criminal history, is the father of two U.S. citizen children, and is the beneficiary of an approved Form I-130 immigrant visa petition filed by one of his U.S. citizen daughters. He is currently in removal proceedings that remain pending, has no final order of removal, and is not subject to mandatory detention under INA § 236(c).

Nevertheless, DHS continues to detain Petitioner **without a meaningful, individualized custody determination**, and without demonstrating that detention is necessary to serve any legitimate civil purpose.

This case does not challenge immigration enforcement policy. It presents a narrow constitutional question: **whether the government may continue to detain a long-term resident with no criminal history, no final order, and strong family ties, without affording constitutionally sufficient custody review.**

II. CUSTODY

Petitioner is in the physical custody of Respondents and is currently detained at the **Karnes County Immigration Processing Center** in Karnes City, Texas, within the **Western District of Texas**. Respondents exercise immediate and direct control over Petitioner's detention.

II. JURISDICTION & VENUE

This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in custody in violation of the Constitution and laws of the United States.

See *Zadvydas v. Davis*, 533 U.S. 687, 688 (2001).

This Court also has jurisdiction under **28 U.S.C. § 1331** and authority to grant declaratory relief under **28 U.S.C. §§ 2201–2202**.

Venue is proper under **28 U.S.C. § 1391(e)** and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise custody here.

III. PARTIES

Petitioner Sandro Valenzuela Nunez is a noncitizen and native and citizen of **Mexico**, currently detained by ICE at the **Karnes County Immigration Processing Center, Texas**.

Respondent Todd M. Lyons is the ICE Acting Director, legal custodian of Petitioner and is named in his official capacity.

Respondent Rose Thompson is the Warden of Karnes County Immigration Processing Center and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

1. Petitioner is a native and citizen of Mexico.
2. Petitioner entered the United States without inspection in or around **February 1997** and has **resided continuously** in this country for nearly three decades.
3. Petitioner has no criminal history of any kind.
4. He is married to a lawful permanent resident of the United States.
5. Petitioner is the father of two U.S. citizen daughters, and maintains deep family and community ties in Texas
6. A **Form I-130 immigrant visa petition** filed by Petitioner's U.S. citizen daughter on his behalf has been **approved** by U.S. Citizenship and Immigration Services.
7. On January 21, 2026, Petitioner was detained by ICE while sitting in his work truck during his lunch break. He was not engaged in any criminal activity.
8. Petitioner was taken into ICE custody and transported to the Karnes County Immigration Processing Center, where he remains detained.
9. DHS has refused to release Petitioner or provide a meaningful bond determination, despite his extensive equities, lack of danger, and lack of flight risk.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

Civil immigration detention under INA § 236(a), 8 U.S.C. § 1226(a) is discretionary and requires individualized determinations justifying continued detention.

Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a).

- Petitioner **has no final order of removal**, § 1231 does not apply.
- Petitioner **has not been charged with any § 236(c) offense**, mandatory detention does not apply.
- Removal proceedings remain **pending**, discretionary detention under § 1226(a) governs.
- Petitioner has resided in the United States for almost 30 years, he is not an arriving alien seeking admission. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

Under § 1226(a), detention is **discretionary**, not automatic, and must be supported by **individualized justification**.

Prolonged civil detention is constrained by the **Due Process Clause of the Fifth Amendment**, which prohibits detention that is excessive, arbitrary, or punitive in nature. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VI. ARGUMENT

A. Requesting a Bond Hearing Before the Immigration Court Would Be Futile

Immigration Judges in this jurisdiction routinely deny bond jurisdiction for similarly situated detainees based on asserted statutory and jurisdictional limitations, resulting in automatic and prolonged detention without meaningful custody review. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

Petitioner has not sought a bond hearing before the Immigration Court because doing so would be **futile and incapable of providing meaningful relief**.

Federal courts retain habeas jurisdiction where administrative remedies are **unavailable, inadequate, or futile**. See *McCarthy v. Madigan*, 503 U.S. 140, 147–48 (1992); *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994).

Requiring Petitioner to pursue a bond hearing that is functionally foreclosed would serve no purpose and would only prolong unconstitutional detention.

B. Petitioner's Continued Detention Is Unlawful Under INA § 236(a) and Violates Due Process

Petitioner is detained under INA § 236(a), which permits discretionary detention only when supported by individualized findings of danger or flight risk.

Petitioner maintains strong family ties to his LPR wife and U.S. citizen children. He has an approved I-130 with USCIS. Petitioner has no criminal history. ICE cannot justify continued detention based on speculation or generalized enforcement interests.

Detaining Petitioner without a constitutionally sufficient custody determination is arbitrary and violates the Fifth Amendment.

C. Detention Is Unreasonable Given Petitioner's Pending Relief and Equities

Petitioner presents overwhelming equities favoring release, including:

- Long-term residence in the United States since 1997
- Two United States citizen children
- A bona fide marriage to a Legal Permanent Resident.
- Approved I-130 Petition for Alien Relative.
- No criminal history.

Under these circumstances, continued detention serves no legitimate governmental purpose and violates due process.

D. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Custody Hearing

Where detention is not justified or Constitutional, this Court may order immediate release. In the alternative, due process requires a prompt custody hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary.

VII. CONCLUSION

Petitioner's ongoing detention is unlawful, unconstitutional, and unsupported by the facts or the law. Immediate release is warranted. At minimum, Petitioner is entitled to a prompt and meaningful custody hearing that complies with due process.

VIII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

A declaration is warranted that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release;
2. In the alternative, order a prompt, individualized custody hearing that complies with due process;
3. Enjoin Respondents from continuing Petitioner's unlawful detention; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo

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X. SIGNATURE & VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 02/3/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

1. **Exhibit A** – ICE Detainee Locator record confirming that **Petitioner Sandro Valenzuela Nunez** is currently detained by U.S. Immigration and Customs Enforcement at the **Karnes County Immigration Processing Center, Texas**.
2. **Exhibit B** – Automated Case Information System record reflecting **Petitioner's upcoming Master Calendar Hearing**, as scheduled by the Immigration Court.
3. **Exhibit C** – Copy of **Petitioner Mexican passport**, submitted as proof of identity and nationality.
4. **Exhibit D** – Copy of **Petitioner's Marriage Certificate**, submitted as evidence of Petitioner's bona fide marital relationship.
5. **Exhibit E** – **Birth Certificate of Petitioner's United States citizen children**, submitted as evidence of Petitioner's qualifying family relationship.
6. **Exhibit F** – Evidence of approved **I-130 Petition for Alien Relative** filed through **US citizen daughter** and letter from **NVC on his pending immigrant visa**.
7. **Exhibit G** – **Attorney Declaration** authenticating Exhibits A–F, submitted in support of the Emergency Petition for Writ of Habeas Corpus.