

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**.

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. 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.

III. ARGUMENT

A. Civil Immigration Detention Is Subject to Constitutional Due Process Limits

Immigration detention is civil, not criminal. As such, it is constitutionally permissible only if it serves a legitimate regulatory purpose and is accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

The Supreme Court has repeatedly emphasized that civil detention may not be imposed as punishment and may not continue where it becomes excessive in relation to its regulatory purpose. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Salerno*, 481 U.S. at 747.

Even when Congress authorizes detention, “the Due Process Clause applies to all “persons” within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

B. Petitioner’s Continued Detention Violates Substantive Due Process

Substantive due process forbids arbitrary civil detention that is not reasonably related to a legitimate governmental objective. *Zadvydas*, 533 U.S. at 690. The only permissible purposes of immigration detention are to prevent flight or to protect the community. *Demore*, 538 U.S. at 528. Here, Petitioner’s detention is unsupported by any individualized finding that it serves either purpose:

1. Petitioner has no criminal history.
2. He has resided in the United States since early childhood.
3. He is married to a United States citizen and is the parent of a United States citizen child.
4. No adjudicator has ever found him to be a danger or a flight risk.

ICE's continued detention of Petitioner without any showing of necessity bears no reasonable relationship to a legitimate regulatory purpose. Detention under these circumstances is punitive in effect, not regulatory, and therefore violates substantive due process. *Foucha*, 504 U.S. at 80.

C. Petitioner's Detention Violates Procedural Due Process Because No Meaningful Custody Process Exists

Procedural due process requires that civil detention be accompanied by meaningful safeguards, including an opportunity to be heard before a neutral decisionmaker. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).

Petitioner has received no such process. Although he requested a custody hearing, the Immigration Judge declined to conduct any individualized assessment, citing a lack of jurisdiction. As a result:

- No neutral adjudicator has evaluated whether detention is necessary;
- No factual findings exist regarding danger or flight risk; and
- No forum exists in which Petitioner can contest the basis for his continued detention.

This is not merely a denial of discretionary relief. It is a **complete absence of procedural protection**. Detention under a regime that provides no mechanism to test the legality or necessity of continued custody violates procedural due process. *Boumediene v. Bush*, 553 U.S. 723, 783 (2008).

D. Arbitrary Executive Detention Without Judicial Review Violates Separation-of-Powers Principles

The writ of habeas corpus exists to prevent arbitrary executive detention. *St. Cyr*, 533 U.S. at 301. Where the Executive claims the authority to detain an individual

indefinitely while disclaiming any obligation to provide a mechanism for review, habeas relief is essential.

ICE's position results in unbounded executive detention insulated from both administrative and judicial oversight. Such a regime is incompatible with fundamental constitutional principles. *Boumediene*, 553 U.S. at 783 ("The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty.").

Absent meaningful judicial review, the Executive's detention power exceeds constitutional limits.

E. Exhaustion of Administrative Remedies Is Excused

Exhaustion in habeas proceedings is prudential, not jurisdictional. *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994). It is excused where administrative remedies are unavailable or futile.

Here, exhaustion would be futile because the Immigration Court has disclaimed jurisdiction to provide custody review, and no administrative process exists to address Petitioner's constitutional claims. Requiring exhaustion would merely prolong unlawful detention and exacerbate ongoing constitutional injury.

F. Release Is the Appropriate Habeas Remedy

Where detention violates the Constitution, release is the appropriate remedy. *Zadvydas*, 533 U.S. at 699; *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Courts possess broad equitable authority under § 2241 to order release from unlawful custody.

Because Petitioner's continued detention violates substantive and procedural due process, the writ should issue and Petitioner should be released forthwith. At a minimum, the Court should

order release unless the government provides a constitutionally adequate, individualized custody determination within a strictly limited timeframe.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Emergency Petition for Writ of Habeas Corpus and order Petitioner's immediate release from ICE custody, or, in the alternative, order a prompt and constitutionally adequate custody redetermination hearing.

Respectfully submitted,

/s/ Rodolfo Castillo

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February 2026, I electronically filed the foregoing **Supplemental Memorandum of Law in Support of Emergency Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief** with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Warden, Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

and

Todd M Lyons
ICE Acting Director
500 12th Street, SW
Washington, DC 20536

Respectfully submitted,

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