

FILED

MAR 02 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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United States District Court
Western District of Texas

Prepared by Detainee
in Absence of Legal & Technical Support

Edisson Silva Castillo

petitioner

v.

David Silva

Attorney General, Secretary of Department of
Home Land Security, Director of ICE, Director
of ICE enforcement & Removal operation,
warden: Karnes County Immigration processing
center et al; all named in their official
Capacity.

Respondents

Petition For writ of Habeas Corpus pursuant
to 28 U.S.C 2241

petitioner, Edison Silva Castillo, A
No A # ~~XXXXXXXXXX~~, by and through this
petition and response to Respondents'

Response Received on 1/1/2026 pertaining to Civil Action / Case Number [REDACTED], seeking a writ of Habeas Corpus to challenge his prolonged and unlawful detention by Respondents, which violates the petitioner's Statutory Rights, which are protected and maintained by U.S. Constitution, Fifth Amendment and Federal Laws.

Challenges to Detention
petitioner challenges the legality of his continued detention by the U.S. Immigration and Customs Enforcement (ICE) on Immigration Charges. Despite the existence of valid Documents such as [REDACTED], the petitioner has been detained since 1/1/202 [REDACTED], since his first arrest and has been in custody despite being in Immigration Court proceedings.

pre-Determined Judgements
it has been witnessed that Immigration judges are under extreme pressure from the Executive Branch, and as a result judges are entering courts with

pre-determined judgement, which supports ICE's claim for Deportation/ Removal which in turn violates the very basis of Democracy and judicial independence in the United States of America.

Detention / Removal and Deportation order under the precedent of *Zadvydas v. Davis*, 53 U.S. 678 (2001), such prolonged, indefinite detention is Constitutionally suspect.

Asylum Application vs Court Decision.
An Asylum Application has been submitted by petition since his first entry into the United States.

Jurisdiction of Court

This Court has Jurisdiction to hear this petition pursuant to 28 U.S.C. 2241, as it challenges the lawfulness of the petitioner's Detention under Federal Law, see *Demore v. Kim* 538 U.S. 510 (2003).

Venue is proper in the Western District of Texas as the petitioner is currently confined within this district.

Flight Risk / Threat to Community

Since my entry to the United States of America and my continued Residence and Despite mistakes I now regret doing, I have never committed any crime or being involved in Traffic violations. In Addition being a family person, Responsible worker, I am always Keen to follow and Adhere to the Country's Laws whether Federal or State based. As a Result of holding a clean Record with No Criminal or Moral Crimes, I am positive I shall always be a usefull member of society and shall always attend my Immigration Court hearings without Delay.

Fear-Based Relief and Hardship.

The Court may also consider the persuasive Argument made in D.V.D. United States Dep of Homeland Security, (25-10676) where the Court temporarily restrained DHS from removing an Alien to a third Country with the opportunity to raise fear-based relief this highlights the importance of fair process

such ongoing detention also raises a humanitarian concerns, at my age, such long and repeated detentions inflict a significant emotional and psychological toll, revive painful memories and causing trauma where I suffer constant depression and anxiety as well as lack of sleep, and constant nightmares, it is like a ground Hog day, a recurring nightmare of non-stop cruel, unusual punishment in contravention of the 8th Amendment.

I understand the American need for Immigration Regulations and I am fully willing to co-operate with Authorities, However, no one should forget, specially the Respondents that the American Democracy and Freedom principles don't exist where I come from and my fear for my life is what has encourage me to come to the United State of American - the Cradle of Democracy and freedom.

which is protected by U.S.C., laws and treaties one of which is "the Immigration and nationality Act, which prohibits detentio

for over 90 or 180 days unless justified by and governed by legal grounds with violation to the U.S. Constitution, Federal Laws and treaties where U.S. is a member or a party to, such as Geneva Convention and U.N. Statute for Human Rights.

Due process and Ground Relief

Ground 1:

prolonged Detention is a violation of Due process and Statutory Rights.

ICE Detention violates the due process clause of the Fifth Amendment and 8 U.S.C 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas v. Davis*. The petitioner's detention is no longer reasonably related to the purpose of effectuating Removal Deportation and has become indefinite and punitive.

The petitioner has fully cooperated with Authority through the Detention process and relief has become due to enable the petitioner to continue the Court hearing outside the Detention. Petitioner here agrees to be placed under supervision while outside Detention, where appropriate and suitable to the Respondents.

petitioners Request for Relief.

the petitioner appeals to the Honourable Court and the Respected Respondents to approve the Relief as suggested below:

- ① Respondents release petitioner from Custody under appropriate Conditions of release to a suitable public place of the petitioner's original place of Arrest.
- ② Respondents notify petitioner's Counsel of the Exact Location and time of Release as soon as practicable.
- ③ the Respondents' party shall file a Joint Status report confirming that petitioner has been released.
- ④ Respondents are enjoined from re-detain the petitioner without notice and a pre-deprivation hearing before a neutral Decision maker pursuant to U.S.C. 1226.

Precedents of Fifth Circuits.

the petitioner, to the Best of his ability, presents the following 5th Circuits precedents in support of the petitioner request for release

See *Martinez v. Hyde*, 792 F. Supp. 3d 211, 223 n.23 (D. Mass 2025)

because petitioner can't be detained under section 1225(b)(2), the remaining option is section 1226, as Respondents do not claim the petitioner is being detained under section 1226. However, the Court has seen no reason to consider section 1226 as a basis for petitioner's current detention. His detention is unlawful and Habeas Relief is proper. See also ECF No 6 at 3 (Respondents' acknowledgment that the only relief available to petitioner through Habeas Corpus is release from custody).

Additional 5th Circuit precedents

Quandos v. Noem, 2025 U.S. Dist Lexis 232321

Pineda v. Noem, 2025 U.S. Dist Lexis 253622

Camacho-Gutierrez v. Thompson, 2026 U.S. Dist Lexis 167

Vazquez-Dela Torre v. Bondi, 2026 U.S. Dist Lexis 430

Gonzalez-Perez v. Bondi, 2026 U.S. Dist Lexis 26797

Coulibaly v. Thompson, 2025 U.S. Dist Lexis 250958

Hernandez Santos v. Merrick, 2026 U.S. Dist Lexis 2312

Luis C. v. Bondi, 2026 U.S. Dist Lexis 15371

Jose G. v. Bondi, 2026 U.S. Dist Lexis 14414

Amelia C.P. v. Noem, 2025 U.S. Dist Lexis 26058

Leon v. Noem, 2025 U.S. Dist Lexis 273815

Singh v. Taylor, 2026 U.S. Dist Lexis 26160

Lopez v. Bobby Thompson, warden, S. Tex., Det. CTV, 2025 U.S. District Lexis 26713

Naveda v. Noem, 2026 U.S. Dist Lexis 15136

Brito Rosales v. Noem, 2026 U.S. Dist Lexis 450

Lorenzo C.P. v. Noem No 1:25-CV-181, 2025 U.S. Dist Lexis 264574

Curman v. Bondi, 2025 U.S. Dist Lexis 268695

Lopez v. Noem, 2026 U.S. Dist Lexis 13625

Cordova v. Noem, 2026 U.S. Dist Lexis 15489

Colmenares-silva v. Bondi, 2026 U.S. Dist Lexis 2802

Brito Rosales v. Noem, 2026 U.S. Dist. Lex. 450

Blanco v. Bondi, 2025 U.S. Dist. Lex. 270379

Case from Karnes County Immigration

Mogos v. Thompson, 2026 U.S. Dist. Lex. 336

Conclusion

it is important to respond to Respondent's assertion that the Court's Jurisdiction is circumscribed in making its determination due to the sweeping powers granted to the other government branches. in the field of immigration ECF No. 11 at 2. one must However distinguish between the substantive power of the Executive Branch over immigration issues, an area in which it indeed has plenary power, and the means the government has chosen to exercise that plenary power to which no executive defence is necessary *Ashley v. Ridge* 288 F. Supp. 2d 662, 667 (D.N.J. 2003), see also *Zadvydas v. Davis*, 533 U.S. 678, 695, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). "Noting the government's plenary power to expel immigrants, but stating that Congress must choose a Constitutionally permissible means of implementing its immigration power, *INS v. Chadha*, 462 U.S. 919, 940-941, 103 S. Ct. 2764, 77 L. Ed. 2d 317 (1982).

petitioner believes that his detention pursuant to the automatic stay provision of 8 C.F.R. §1003.19(i)(2) not the mandatory Detention provision of 8 U.S.C. §1225(b), therefore the Court should only be concerned with the Lawfulness of

the automatic stay, the present Basis for the petitioner's detention.

In Addition, the Respondents only minimally address the TRO Legal standards, see ECF No. 11 in this regard. Respondents' primary argument concerning the Question of Detention does address the merits on which this petition was made for release from Detention.

A Likelihood of Success on the Merits
Noncitizens are entitled to due process of the law under the Fifth Amendment, see *Demore v. Kim*, 538 U.S. 510, 523, 123 S. Ct. 1708, 155 L. Ed. 724 (2003) to determine whether a Civil Detention violates a detainee's due process rights.

Courts apply the three-part test set in *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) pursuant to *Mathews*, Courts weight the following 3 Factor

(1) the private interest that will be affected by the official action

(2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural

safe guards, and

(3) the government's interest; including the function involved and the fiscal and Administrative burdens that the additional or substitute procedural requirement would entail.

(1) Private Interest

it is undisputed, petitioner has a significant private interest in being free from Detention. "the interest in being free from physical detention" is the most elemental of liberty interests. when Addressing the Private interest; Courts should consider the detainee's conditions of Confinement.

in this declaration, petitioner reports being held at the Karnes County Immigration processing center, and is experiencing all the deprivations of incarceration, including loss of contact with friends and family, loss of income earning, lack of privacy and most fundamentally, the lack of freedom of movement, see *Canady*, 2025 U.S. Dist Lexis 99237, 2025 WL 1459154 at *7.

Thus, the first Mathews factor "private interest" supports the petitioner's claim of a Fifth Amendment violation.

(2) Risk of Erroneous Deprivation

Under this factor, the Honorable Court must assess whether the challenged procedure creates a Risk of Erroneous deprivation of individuals' private rights and the degree to which alternative procedures could ameliorate these risks. The risk of Deprivation is high because, taking into account the past period, proving that petitioner is neither a flight Risk nor a Community Risk taking into account, that petitioner has sought alternative means such as Bonds, where immigration judges are denying such opportunities, specially in states like Texas.

Therefore the case presents a serious Risk of erroneous deprivation of the petitioner's private interest and § 1003 19(i)(1) already provides a simple alternative that would safeguard these Rights.

Thus the second Mathews factor also

supports petitioner's claim of a fifth Amendment violation:

(3) Respondents Competing interest and Burdens of Additional or substitute procedural Requirements.

As to the third Mathews factor, Courts have found in numerous cases that Mathews is likely to succeed in determining demonstrating that ensuring persons subject to removal do not commit crimes or evade law enforcement is a significant governmental interest. In this case and under this factor, Court should weigh the private interest at stake and the Risk of erroneous deprivation of those interests against Respondents' interests in persisting with the automatic stay and the Burdens of additional or substitute requirements, see Mathews 424 U.S. at 335.

Further more, Respondents state only in conclusory fashion "the government and the public at large have a strong interest in the Enforcement of

the immigration laws and the removal of criminal Aliens. There is no Doubt that such interests have already been secured by the Judge(s) throughout the immigration Court hearings, the petitioner is neither a danger nor a flight Risk thus the government's interest is both vague and minimal especially in contrast to the significant liberty interest at stake for the petitioner.

Based on the above, the petitioner appeal to the Honourable Court to adopt the view that petitioner is likely to succeed in demonstrating the automatic stay Regulation found at 8 C.F.R. § 100.3.19(i)(2), violates the petitioner's procedural due process rights under the Fifth Amendment, fulfilling the first element an applicant must satisfy to obtain a TRO.

(4) No Doubt petitioner has suffered greatly of irreparable harm, including but not limited to psychological, financial not just to him but to his immediate

family whether in the U.S.A or in his home country.

Respondents gave short shrift to irreparable harm, failing to refute or respond to the petitioner's claims other than stating "petitioner has provided no basis for this Court to determine that his continued detention will cause him irreparable harm, therefore the honourable Court should notice that the harm is self-evident, fulfilling the second element, the petitioner satisfy to obtain TRO

(5) Balance of Harms & public interest
The Balance of harm and public interest favour the petitioner, as Judge(s) have not cited during the hearings any events of danger or Risk in addition Respondents have not presented any evidence to support their Request for continuous detention.

the petitioner clearly reports here that this unlawful detention

outweigh in terms of harm and suffering due to the deny of his liberty.

No Doubt the protection of Constitution and National Security are the ultimate interest of the public, yet, the Respondents state only in conclusory fashion the government and the public at large have strong interest in the enforcement of the immigration laws and the removal of Criminal Aliens. ECF No 11 at 6, Thus, the petitioner here clearly meets his burden of persuasion.

Accordingly, I, the petitioner here with urge the Honorable Court to issue the writ of Habeas Corpus relief of Release, subject to reasonable conditions of Supervision if necessary. further grant deems just and proper

Respectfully Submitted.

Verification

I, Edisson Silva Castillo, the petitioner declare under penalty of perjury under the Laws of the United States of America that the foregoing is true and correct to the Best of my ability.

I further understand that a false statement of a material fact herein may serve as the Basis for prosecution for perjury.

Executed on 02/25/2026

Name: Edisson Silva Castillo

Alien No: 

Certificate of Service

I, Edisson Silva Castillo declare that I mailed a copy of this foregoing document to the respondents on this date 02/25/2026 to the following Address.

Mary Kruger, U.S. Attorney's office, Chief, Civil Division
601 NW Loop 410, Suite 600, San Antonio, TX 78216