

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

1. Blanca Isela MENDOZA MACIAS,
2. Wendy Citlali GARCIA
MENDOZA,

Petitioners,

v.

1. Marcello VILLEGAS, Warden of the
Bluebonnet Detention Facility;
 2. Todd LYONS, Acting Director of
Immigration and Customs
Enforcement;
 3. Daren MARGOLIN, EOIR Director,
U.S. Department of Justice;
 4. Kristi NOEM, Secretary, U.S.
Department of Homeland Security;
 5. Pamela BONDI, U.S. Attorney
General;
- In their official capacities.

Respondents.

Case No. 1:26-cv-00056

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioners, a mother and daughter, are in the physical custody of Respondents at the Bluebonnet Detention Facility in Anson, Texas. They now face unlawful detention at the hands of Respondents.
2. Petitioners were released from ICE custody in 2018 on their own recognizance and have complied with the conditions of their release ever since.
3. Without notice of any violations or an opportunity to respond, Respondents suddenly detained Petitioners on February 2, 2026, at a regularly scheduled check-in appointment.
4. Accordingly, Petitioners seek a writ of habeas corpus requiring that they be released immediately.

JURISDICTION

5. Petitioners are in the physical custody of Respondents. Petitioners are detained at the Bluebonnet Detention Facility in Anson, Texas.
6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
7. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner currently is detained.
9. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
11. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

12. Petitioner Blanca Isela Mendoza Macias is a citizen of Mexico who was detained by Respondents on February 2, 2026, in Oklahoma City, Oklahoma. She is detained in Anson, Texas, at the Bluebonnet Detention Facility.
13. Petitioner Wendy Citlali Garcia Mendoza is a citizen of Mexico who was detained by Respondents on February 2, 2026, in Oklahoma City, Oklahoma. She is currently detained in Anson, Texas, at the Bluebonnet Detention Facility.
14. Respondent Marcello Villegas is employed by Bluebonnet Detention Facility as Warden of the facility where Petitioners are detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
15. Respondent Russell Holt is the Director of the Chicago Field Office of Department of Homeland Security's (DHS) Enforcement and Removal Operations division of Immigration and Customs Enforcement (ICE). As such, Holt is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
16. Respondent Todd Lyons is the Acting Director of DHS' Immigration and Customs Enforcement. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

17. Respondent Daren Margolin is the Director of the U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which contains the immigration court system. He is sued in his official capacity.
18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
19. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

LEGAL FRAMEWORK

20. Respondents possess statutory authority under the Immigration and Nationality Act to detain noncitizens at various stages of immigration proceedings, including under 8 U.S.C. §§ 1225, 1226, and 1231. That statutory authority, however, does not eliminate constitutional due process constraints or excuse noncompliance with binding agency regulations.
21. The Supreme Court has recognized that civil immigration detention implicates a core liberty interest protected by the Due Process Clause and is constitutionally

permissible only so long as it bears a reasonable relationship to its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

22. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release reflects an agency determination that continued detention is not justified under the governing statutory framework. Courts have recognized that such a release creates a constitutionally protected liberty interest in remaining at liberty, such that any subsequent re-detention constitutes a new and distinct deprivation of liberty rather than a mere continuation of prior custody. Because re-detention revokes an existing liberty interest, the government may not lawfully re-detain a previously released noncitizen absent constitutionally adequate procedural safeguards, including notice, an opportunity to be heard, and a justification grounded in materially changed circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196–97 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1142–45 (9th Cir. 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968–70 (N.D. Cal. 2019).
23. A growing body of district court authority holds that the sudden re-detention of a previously released noncitizen without prior notice, explanation, or an individualized custody determination violates procedural due process. Courts recognize that re-detention after an initial release constitutes a new and serious deprivation of liberty, not a mere continuation of prior custody, and therefore requires meaningful procedural safeguards. At a minimum, due process requires

the government to provide notice or a reasoned explanation for re-detention and to make an individualized determination grounded in legitimate regulatory purposes such as flight risk or dangerousness. Where the government has previously determined that release was appropriate, the absence of any identified material change in relevant circumstances significantly heightens the risk of erroneous deprivation and supports a finding that re-detention is arbitrary. *See, e.g., Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163–65 (W.D.N.Y. 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Valdez v. Joyce*, 803 F. Supp. 3d 213 (S.D.N.Y. 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 484–86 (S.D.N.Y. 2025).

24. In addition to constitutional constraints, Respondents' discretion to revoke a noncitizen's release is limited by their own binding regulations. DHS regulations governing parole and post-order release require that revocation decisions be accompanied by written notice and articulated reasons, and, in the post-order context, a prompt opportunity for the noncitizen to respond. *See* 8 C.F.R. § 212.5(e)(2)(i) (providing that parole may be terminated only upon written notice stating the basis for termination); 8 C.F.R. § 241.4(l)(1) (requiring notice of the reasons for revocation of post-order release and a prompt informal interview affording the noncitizen an opportunity to respond). Failure to comply with these mandatory regulatory safeguards renders re-detention unlawful and independently violates due process.

25. Courts have held that when DHS re-detains a previously released noncitizen without complying with its own binding revocation procedures, the re-detention is unlawful and violates procedural due process. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 164 (W.D.N.Y. 2025).
26. Importantly, courts adjudicating re-detention challenges recognize that procedural due process imposes independent limits on the government's authority to revoke a previously granted release. Where the government re-detains a noncitizen after a period of liberty, re-detention without notice, explanation, and an individualized justification violates due process without requiring resolution of the precise statutory provision the government invokes to justify detention. *See Valdez*, 803 F. Supp 3d 213; *Lopez Benitez*, 795 F. Supp. 3d at 484–86.
27. Accordingly, courts have granted habeas relief in re-detention cases even where the government asserts mandatory detention authority under 8 U.S.C. § 1225(b), including by invoking the no-bond framework articulated in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), to argue that no bond or custody hearing is required, when re-detention occurs without notice, an individualized determination, or a showing of materially changed circumstances. *See, e.g., Valdez*, 803 F. Supp 3d 213; *Lopez Benitez v. Francis*, 795 F. Supp. 3d 484, 484–86.
28. Where immigration detention violates constitutional due process or governing regulations, habeas corpus is an appropriate vehicle to remedy unlawful executive detention. Habeas relief is equitable and may include an order

directing release or requiring constitutionally adequate procedures. The Supreme Court has explained that “[h]abeas is at its core a remedy for unlawful executive detention,” and that “[t]he typical remedy for such detention is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 536 (2004) (plurality); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

FACTS

29. Petitioners are a mother (Blanca) and her adult daughter (Wendy) who are citizens of Mexico.
30. Blanca and Wendy arrived together at an official point of entry at the border in El Paso, Texas, in May of 2018. At that time, ICE took Petitioners into custody and charged them in Immigration Court as being inadmissible arriving aliens to the United States.
31. On May 8, 2018, ICE voluntarily released both Petitioners on their own recognizance. Thereafter, Petitioners faithfully attended their Immigration Court hearings as they applied for and pursued the relief of asylum.
32. After their last Immigration Court hearing on May 13, 2022, Petitioners were together ordered removed. However, since Petitioners timely appealed this removal order to the Board of Immigration Appeals, and that appeal remains pending, the removal order is not yet final.

33. During the time between May 2018 and February 2026, Petitioners did not violate the rules of their orders of release from ICE.
34. On February 2, 2026, during a regularly scheduled ICE check-in appointment, ICE took custody of both Petitioners in Oklahoma City, Oklahoma. Petitioners were not advised of any alleged violations of their release orders that resulted in the revocation. Apparently, there have been no violations or changed circumstances warranting a revocation of the orders of release.
35. Petitioners remain in detention. Without relief from this Court, they face the prospect of months, or even years, in immigration custody, separated from family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the Fifth Amendment Due Process Clause – Unlawful Re-Detention Without Process

36. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.
37. The Fifth Amendment's Due Process Clause protects all persons from arbitrary deprivation of liberty.
38. Freedom from physical restraint lies at the core of the liberty protected by due process, including freedom from civil detention absent constitutionally adequate justification reasonably related to a legitimate regulatory purpose.

39. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release creates a constitutionally protected liberty interest in continued freedom from detention.
40. Where the government seeks to revoke that liberty interest and re-detain a previously released individual, procedural due process requires, at a minimum:
 - a. notice or a reasoned explanation of the grounds for re-detention;
 - b. meaningful opportunity to be heard before re-detention or, at a minimum, promptly thereafter; and
 - c. individualized custody determination grounded in legitimate detention purposes (such as flight risk or danger), including identification of *materially changed circumstances* where the government has previously determined release was appropriate.
41. Courts across the country have held that sudden re-detention of a previously released noncitizen without notice, explanation, or an individualized custody determination violates procedural due process, without requiring resolution of the precise statutory detention provision invoked by the government.
42. Here, Respondents re-detained Petitioners after a period of liberty previously granted by the government, without providing notice of any alleged violation, without identifying any material change in circumstances, and without affording Petitioners any meaningful opportunity to be heard in connection with the deprivation of liberty.

43. Respondents' re-detention of Petitioners therefore constitutes an arbitrary and unconstitutional deprivation of liberty in violation of the Fifth Amendment.
44. Petitioners are entitled to habeas relief ordering their release from custody or, in the alternative, requiring Respondents to provide constitutionally adequate process governing any continued detention.

COUNT II

Unlawful Revocation of Release in Violation of Governing Regulations

45. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
46. When the Department of Homeland Security releases a noncitizen from custody pursuant to parole, recognizance, or supervision, that release is governed by binding regulations that impose mandatory constraints on the government's discretion to revoke release.
47. Those regulations require that revocation of release be accompanied by written notice stating the reasons for revocation and, in the post-order context, a prompt opportunity for the individual to respond.
48. Respondents revoked Petitioners' previously granted release and re-detained them without complying with the procedural requirements set forth in the governing regulations, including but not limited to 8 C.F.R. §§ 212.5(e)(2)(i) and 241.4(l)(1).

49. Respondents' failure to comply with their own binding regulations renders Petitioners' re-detention unlawful and independently violates the Due Process Clause.
50. Petitioners are entitled to habeas relief ordering their release or reinstatement of prior conditions of release consistent with law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioners shall not be transferred outside the Northern District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioners or, in the alternative, provide Petitioners with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five days;
- e. Declare that Petitioners' detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 5th day of February, 2026.

/S/ Elissa R Stiles
Elissa Stiles
Rivas & Associates
PO Box 470348, Tulsa OK 74147
918-419-0166 T | 918-513-6724 F
estiles@rivasassociates.com
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioners, Blanca Isela Mendoza Macias and Wendy Citlali Garcia Mendoza, and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 5th day of February, 2026.

/S/ Elissa R Stiles
Elissa Stiles