

WESTERN DISTRICT OF TEXAS
UNITED STATES COURT

Carlos Alberto Sosa Morales
Petitioner,

v.

Pam Bondi, et al.,
Respondents

FILED
MAR 19 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK
No. EP-26-CV-00345-DCG

**PETITIONER'S RESPONSE TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS**

Respondents' Arguments

I. Statutory Interpretation

The Respondents argue that the Petitioner is lawfully detained under §1225(b) because he is an "arriving alien". Respondents argue that the recent panel opinion of the 5th Circuit in the *Buenrostro-Mendez v. Bondi* case held that the statute does not entitle people in the Petitioner's position to a bond hearing when they are detained pending removal.

II. Lawful Detention Under 8 U.S.C. §1231(a)(6)

The Respondents argue that the Petitioner is being detained lawfully because he is in removal proceedings and therefore the Respondent can detain him for a certain period of time while the removal proceedings continue. They also argue that Petitioner's prolonged detention is, "of his own making" because he has failed to comply with ICE.

Response to Aforementioned Arguments

I. Statutory Interpretation Argument

Even though the Respondents are stating that the Petitioner is being detained lawfully under §1225(b) the Petitioner does not fall under §1225(b) statute but falls under statute §1226.

His detention violates the plain language of the INA because §1225 does not apply to individuals who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, §1226(a) that (1) expressly applies to individuals who are charged as inadmissible for having entered the United States without inspection and (2) allows for release on conditional parole or bond.

The Petitioner was not arriving at the time of his detention but was present in the United States since 2008. "Once an alien enters the country, the legal circumstance changes, for 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 v. Davis*, 533 U.S. at 693.

The Respondents have brought up the recent panel decision by the 5th Circuit in the *Buenrostro-Mendez v. Bondi* case held that the statute does not entitle people in the Petitioner's position to a bond hearing when they are detained pending removal. However, even if the statutory interpretation is in favor of the Respondents, the Due Process Violation is still valid.

In *Marceau v. Noem*, No. 3:26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) the Court states, "*Buenrostro-Mendez* has no bearing on this Court's determination of whether [a habeas petitioner] is being detained in violation of her constitutional right to procedural due process." And in the case of *Marceau* the Court of Western District of Texas partially granted the Habeas petition on the ground of Procedural Due Process Violation.

II. Lawful Detention Under 8 U.S.C. §1231(a)(6) Argument

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C. §1231(a)(6), when "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a

period reasonably necessary to bring about that alien's removal from the United States." 533U.S. at 689. "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal." Id. at 699. If the individual's removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute." Id. At 699-700.

The Petitioner has been detained by ICE still April 3rd, 2024 for a duration of almost 2 years. He has been granted Convention Against Torture (CAT) on November 13th, 2024 because there were clear evidence that if he was to be removed to his native country of El Salvador his life would be in danger.

Immigration and Customs Enforcement has had since November 13th, 2024 to remove Petitioner from the United States. They have not attempted any removals until January, 2026 that is more than 1 year after his CAT was granted.

The attempted removal to Mexico has not been successful. The Petitioner is complying with ICE and is informing ICE that removal to Mexico would be a threat to his life due to the same reasons he was granted CAT from El Salvador. The people who pose a threat to the Petitioner in El Salvador are also present in Mexico. But ICE is still continuing to force Petitioner to voluntarily submit to removal to Mexico.

The Mexican authorities have not issued any documentation to the Petitioner and him being forcefully removed to Mexico without any legal documents, without any regard to the credible fear he has of that country, and with his entire family being present in the United States would displace him and put him in danger.

An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court "will likely grant" habeas petition after fourteen months if ICE is "unable to present document confirmation that the Nigerian government has agreed to [petitioner's] repatriation"); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at*7 (W.D. Wash. February 28, 2002)

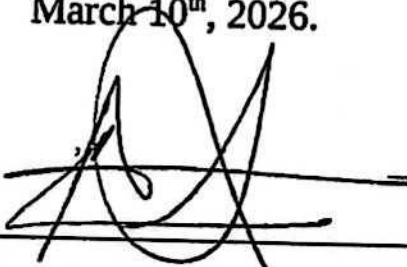
(government's failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner's removal in the reasonably foreseeable future).

Conclusion

Petitioner's family are all present in the United States and are United States Citizens. There has been sufficient time for ICE to execute removal. ICE has not attempted any removal until a year after Petitioner was granted CAT. Petitioner's detention has become prolonged and unreasonable and he asks this Court to grant him relief.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this on

March 10th, 2026.



Carlos Alberto Sosa Morales

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8915 Montana Ave.

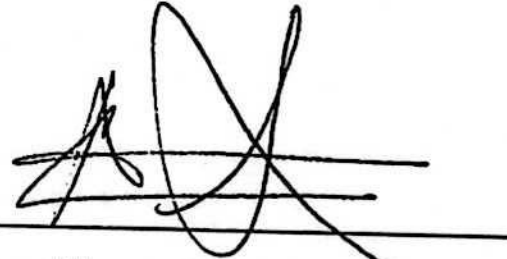
El Paso, Texas 79925

CERTIFICATE OF SERVICE

I, Carlos Alberto Sosa Morales, certify that a true copy of the above documents (Petitioner's Response to Respondents' Response to Petition for Writ of Habeas Corpus and Amendment to Petition for Writ of Habeas Corpus) was served on March 10th, 2026, upon the following:

Western District Court of Texas
Albert Armendariz, Sr. United States Courthouse
525 Magoffin Avenue
Room 105
El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Carlos Alberto Sosa Morales, *Pro Se*

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