UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Arockia Xavier Jesu Michael Petitioner, v. **Pamela Bondi**, Attorney General of the United States **Kristi Noem**, Secretary of the U.S. Department of Homeland Security; **Todd M. Lyons**, Acting Director of Us. Immigration and Customs Enforcement **Joshua Johnson**, Acting Director of Dallas Field office for U.S. Customs and Immigration Enforcement; Unknown Name, Warden of the Prairieland Detention Center; in their official capacities, Respondents	Case No: **PETITION FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

1. Arockia Xavier Jesu Michael, ("Petitioner") was born in on [redacted] in Nagercoil India. The Petitioner entered the United States in Dallas Texas and applied for admission on March 30, 2024.[1] Petitioner was briefly detained by the U.S. Department of Homeland Security ("DHS"). On April 18, 2024, Petitioner was released by DHS on parole.[2] Petitioner was given instructions to attend scheduled check-ins with DHS, to keep his address up to date with DHS, to appear for all hearings in the immigration court and not to violate any laws.

[1] Exhibit 1
[2] Exhibit 2

2. On May 13, 2024, the immigration judge dismissed the Petitioner's immigration case for a failure to prosecute.

3. On June 13, 2024, DHS filed another Notice to Appear ("NTA"), initiating a new removal proceeding.

4. On July 2, 2024, Petitioner filed an I-589 Application for Asylum and Withholding of Removal with the Dallas Immigration court. His application for asylum is still pending.

5. After Petitioner was released from DHS custody April 18, 2024, he attended all hearings, kept his address up to date with DHS, attended all check-ins and he did not break any laws.

6. On January 15, 2026, at one of his regular check-ins with DHS, he was detained and transported to Prairieland Detention Center in Alvarado, Texas where he has remained in the custody of DHS, to date. The Petitioner was not provided with any notice that DHS planned to re-detain him. When Petitioner asked why he was being re-detained, he was told by the officer that it was because Donald Trumps was President now. This is not a lawful reason to re-detain the Petitioner.

7. Accordingly, to vindicate Petitioner's Constitutional & regulatory rights, this Court should grant the instant Petition for a Writ of Habeas Corpus or order the Respondents to show cause why the Petitioner should be detained. Petitioner asks this Court to find that the Petitioner's detention is unlawful and order his immediate release.

II. JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief under the habeas corpus statutes, 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.

III. VENUE

9. Venue is proper because Petitioner is detained at Prairieland Detention Center, in Alvarado, Texas, which is within the jurisdiction of this Court.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause. Additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

V. PARTIES

12. Petitioner is a foreign national in immigration proceedings and is currently detained at Prairieland Detention Center in Alvarado, Texas and he is in the custody of, and under the direct control, of Respondents and their agents.

13. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

14. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement U.S. Customs and Border Protection, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

15. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent Lyons is responsible for the enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of the Petitioner.

16. Respondent Joshua Johnson is sued in his official capacity as the Acting Director of the Dallas Field Office of U.S. Immigration and Customs Enforcement.

Respondent Johnson is a legal custodian of Petitioner and has authority to release him.

17. Respondent "Warden of Prairieland Detention Center" and has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Warden of Prairieland Detention Center is a legal custodian of Petitioner and has the authority to release him.

VI. LEGAL ARGUMENT

DHS Lacks Authority to Re-Detain a Respondent Previously Released on Bond or on an Order of Supervision Absent Materially Changed Circumstances

18. Although 8 C.F.R. § 236.1(c) authorizes DHS to arrest and detain a noncitizen whose removal proceedings are pending, that authority is *not unlimited*. Detention under § 236.1(c) implements INA § 236(a), which is discretionary and constrained by fundamental due process principles. Once DHS has exercised that discretion to release a respondent on bond or on their own recognizance, it may not re-detain the individual without a legitimate and materially changed custody basis.

19. Allowing re-detention in the absence of new facts would render the initial bond or supervisory release determination meaningless and permit indefinite, cyclical detention, a result inconsistent with the regulatory scheme and constitutional norms.

VII. CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

20. The allegations in the above paragraphs are realleged and incorporated herein.

21. The Fifth Amendment's Due Process Clause protects all "persons" within the United States, including noncitizens, from arbitrary deprivation of liberty. Immigration detention is civil, not punitive, and therefore must be reasonably related to a legitimate governmental purpose and accompanied by fundamentally fair procedures.

22. Once the government has exercised its detention authority and released an individual from custody, the individual's liberty interest is reinvigorated and substantial. Any subsequent deprivation of that liberty requires heightened procedural and substantive justification.

23. The Fifth Amendment prohibits detention that is disconnected from its civil purpose. Civil detention is constitutional only when it is reasonably related to its stated purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001) Re-detention without notice or new justification bears no rational relationship to ensuring appearance at proceedings or protecting the community which it is alleged to accomplish. Instead, it operates as punishment for past conduct or procedural posture, which the Fifth Amendment categorically forbids in civil immigration enforcement.

24. To date, the Respondents have provided no legitimate basis to re-detain the Petitioner.

25. For these reasons, the Petitioner's detention violates the Due Process clause of the Fifth Amendment

COUNT TWO

Re-detention absent materially changed circumstances violates 8 C.F.R. § 236.1(c)

26. The allegations in the above paragraphs are realleged and incorporated herein.

27. Under 8 C.F.R. § 236.1 and re-detention absent materially changed circumstances is a violation of this Federal Regulation.

28. For these reasons, Petitioner's detention violates 8 C.F.R. § 236.1(c)

COUNT THREE

Arbitrary Re-Detention violates the Administrative Procedures Act (APA)

29. The allegations in the above paragraphs are realleged and incorporated herein.

30. Agency action is unlawful when it is arbitrary, capricious or an unexplained departure from a prior policy or factual findings.

31. The arbitrary re-detention of the Petitioner by DHS without notice or materially changed circumstances is a violation of the APA.

VIII. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter.

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 C.F.R. § 236.1(c), and the Administrative Procedures Act.

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.

(5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Respectfully submitted,
s/ Gina V. Pointon_____.
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Dated: February 6, 2026

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

I represent Petitioner, Arockia Xavier Jesu Michael, and submit this verification on his 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 6th day of February 2026.

s/ Gina V. Pointon .