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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

RUBIO ALEXANDER ROSERO ORDONEZ,

Petitioner,

v.

ROBERT CERNA, Field Office Director of
Enforcement and Removal Operations, Dallas
Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF
BLUEBONNET DETENTION FACILITY,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner, RUBIO ALEXANDER ROSERO ORDONEZ, a native and citizen of
3 Colombia, has been detained at Bluebonnet Detention Facility since approximately November
4 12, 2025. On April 14, 2025, an Immigration Judge issued a final order of removal against
5 Petitioner. Despite the entry of that order, the Department of Homeland Security (“DHS”) has
6 failed to effectuate Petitioner’s removal or to articulate any concrete, realistic plan for doing so
7 in the reasonably foreseeable future.

8 2. Since the issuance of the final order, DHS has continued to detain Petitioner
9 without providing any individualized post-order custody determination, meaningful procedural
10 review, or explanation as to why continued confinement is necessary. Petitioner has not been
11 found to present a danger to the community or a flight risk, nor has DHS demonstrated that his
12 continued detention meaningfully advances the civil purpose of effectuating removal.

13 3. Civil immigration detention is lawful only insofar as it remains reasonably related
14 to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where, as
15 here, detention continues in the absence of meaningful review and without a demonstrated
16 likelihood that removal will occur in the near future, continued confinement becomes arbitrary
17 and constitutionally infirm. Petitioner therefore seeks habeas relief to remedy his unlawful
18 detention and to vindicate his rights under the Fifth Amendment and the Immigration and
19 Nationality Act.

20 4. In addition, Petitioner suffers from Human Immunodeficiency Virus (HIV) and
21 requires specialized medical treatment administered every three (3) months in order to maintain
22 his health and prevent serious deterioration. Continued detention jeopardizes Petitioner’s ability
23 to receive this critical, time-sensitive treatment. Interruption or delay in HIV care can result in
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1 irreversible harm, immune system deterioration, and life-threatening complications. Civil
2 detention that exposes a noncitizen to serious medical risk or interferes with necessary treatment
3 violates the Fifth Amendment's guarantee of due process and provides an independent basis for
4 habeas relief.

5 JURISDICTION

6 5. Petitioner is detained in civil immigration custody at Bluebonnet Detention
7 Facility in Anson, Texas. He has been detained since on or about November 12, 2025. He has not
8 received an individualized post-order custody determination or review justifying continued
9 detention.

10 6. This action arises under the Constitution of the United States and the Immigration
11 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

12 7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
13 corpus), 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the United States
14 Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the
15 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

16 VENUE

17 8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Northern District of Texas,
19 because Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas, which is
20 within the jurisdiction of this District.

21 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because
22 Respondents are officers, employees, or agencies of the United States, a substantial part of the
23 events or omissions giving rise to her claims occurred in this district, and no real property is
24 involved in this action.

PARTIES

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2 10. Petitioner, RUBIO ALEXANDER ROSERO ORDONEZ, is a citizen of
3 Colombia. He has been detained since November 12, 2025, and is currently detained at the
4 Bluebonnet Detention Facility in Anson, Texas. He is in the custody, and under the direct
5 control, of Respondents and their agents.

6 11. Petitioner, ROBERT CERNA, is the Director of the Dallas Field Office of ICE's
7 Enforcement and Removal Operations division. As such, ROBERT CERNA, is Petitioner's
8 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
9 his official capacity.

10 12. Respondent, KRISTI NOEM, is the Secretary of the Department of Homeland
11 Security. She is responsible for the implementation and enforcement of the Immigration and
12 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
13 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

14 13. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the
15 federal agency responsible for implementing and enforcing the INA, including the detention and
16 removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal
17 custodian of Petitioner.

18 14. Respondent, PAMELA BONDI, is the Attorney General of the United States. She
19 is responsible for the Department of Justice, of which the Executive Office for Immigration
20 Review and the immigration court system it operates is a component agency. She is sued in her
21 official capacity.

22 15. Respondent, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), is
23 the federal agency responsible for implementing and enforcing the INA in removal proceedings,
24 including for custody redeterminations in bond hearings.

1 16. Respondent, WARDEN OF THE BLUEBONNET DETENTION FACILITY, has
2 immediate physical custody of Petitioner. He is sued in his official capacity.

3 **LEGAL FRAMEWORK**

4 17. Pursuant to 28 U.S.C. § 2243, a federal court reviewing a petition for writ of
5 habeas corpus must either grant the writ or issue an order directing the respondent to show cause
6 why the writ should not be granted. Habeas corpus is the proper vehicle to challenge unlawful
7 civil immigration detention that violates statutory or constitutional limits. See 28 U.S.C. § 2241.

8 18. The Fifth Amendment's Due Process Clause protects all "persons" within the
9 United States from arbitrary deprivation of liberty. U.S. Const. amend. V. This protection applies
10 to noncitizens in civil immigration detention, including those subject to final orders of removal.
11 See *Demore v. Kim*, 538 U.S. 510, 523 (2003). Freedom from physical restraint lies at the core of
12 the liberty protected by due process, and civil detention is permissible only when it serves a
13 legitimate, nonpunitive governmental purpose and is accompanied by adequate procedural
14 safeguards. See *Kansas v. Hendricks*, 521 U.S. 346, 356–57 (1997).

15 19. Following the entry of a final order of removal, the Immigration and Nationality
16 Act authorizes detention under 8 U.S.C. § 1231(a) solely for the purpose of effectuating removal.
17 Detention under this provision is not punitive and may not be imposed for its own sake. Rather,
18 continued confinement must bear a reasonable relation to the government's asserted civil
19 objective and must remain justified by actual progress toward removal. See *Demore*, 538 U.S. at
20 528; *Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

21 20. Critically, neither the INA nor the Constitution authorizes the government to
22 detain a noncitizen post-order in the absence of meaningful procedural review or without an
23 individualized assessment demonstrating that continued detention is necessary to serve the
24 purpose of removal. When detention continues without a custody determination evaluating flight

1 risk, danger, or the realistic likelihood of removal, it becomes arbitrary and untethered from its
2 statutory justification.

3 21. Federal courts retain authority to review the constitutionality of prolonged or
4 unjustified immigration detention through habeas corpus, even where the governing statute does
5 not expressly provide procedural protections. See *Jennings v. Rodriguez*, 583 U.S. 281, 308–09
6 (2018) (confirming availability of constitutional habeas challenges to immigration detention).
7 Due process requires that civil detention be supported by more than the mere existence of a
8 removal order; it requires ongoing justification and procedural safeguards sufficient to ensure
9 that confinement does not become excessive, arbitrary, or punitive in nature.

10 22. Accordingly, where DHS continues to detain a noncitizen after a final order of
11 removal without providing meaningful procedural review and without demonstrating that
12 removal is realistically forthcoming, such detention exceeds the limits of statutory authority
13 under 8 U.S.C. § 1231(a) and violates the Due Process Clause of the Fifth Amendment.

14 23. Civil detention also becomes unconstitutional where it exposes a detainee to
15 serious medical risk or fails to provide adequate medical care. See *Estelle v. Gamble*, 429 U.S.
16 97 (1976); *Brown v. Plata*, 563 U.S. 493 (2011) (recognizing constitutional limits where
17 detention conditions threaten health and safety).

18 **CLAIMS FOR RELIEF**

19 **COUNT ONE**

20 **Violation of Fifth Amendment Right to Due Process**

21 24. Petitioner re-alleges and incorporates by reference all preceding paragraphs as
22 though fully set forth herein.

1 25. The Due Process Clause of the Fifth Amendment prohibits the Government from
2 depriving any person of liberty without due process of law. This protection applies to noncitizens
3 in civil immigration detention, including those subject to final orders of removal.

4 26. Petitioner, Rubio Alexander Rosero Ordonez, a native and citizen of Colombia,
5 has been detained at the Bluebonnet Detention Facility in Anson, Texas, since approximately
6 November 12, 2025. On April 14, 2025, an Immigration Judge issued a final order of removal
7 against Petitioner.

8 27. Since the issuance of the final order of removal, Respondents have continued to
9 detain Petitioner without providing any meaningful individualized post-order custody
10 determination, hearing, or procedural review assessing whether continued detention is justified.

11 28. Respondents have not found that Petitioner poses a danger to the community or a
12 flight risk, nor have they articulated any legitimate basis demonstrating that continued detention
13 meaningfully advances the civil purpose of effectuating removal.

14 29. Petitioner is a person living with HIV and requires ongoing specialized medical
15 monitoring and treatment every three months. Upon information and belief, detention conditions
16 and logistical barriers interfere with Petitioner's ability to consistently access this medically
17 necessary treatment. The Government may not continue civil detention where it subjects a
18 detainee to serious medical risk or fails to ensure continuity of essential care. Petitioner's
19 medical vulnerability weighs heavily in favor of immediate release.

20 30. Civil immigration detention is lawful only so long as it remains reasonably related
21 to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where
22 detention continues without individualized justification and without meaningful review, it
23 becomes arbitrary and excessive in relation to its stated purpose.

1 31. By continuing to detain Petitioner without adequate procedural safeguards and
2 without a demonstrated, realistic basis for believing that removal will occur in the reasonably
3 foreseeable future. Respondents have violated Petitioner's right to due process under the Fifth
4 Amendment.

5 **COUNT TWO**

6 **Violation of 8 U.S.C. § 1231(a)**

7 32. Petitioner re-alleges and incorporates by reference all preceding paragraphs as
8 though fully set forth herein.

9 33. The Immigration and Nationality Act authorizes post-order detention under 8
10 U.S.C. § 1231(a) solely for the purpose of effectuating removal. Detention under this provision is
11 not punitive and must bear a reasonable relationship to that limited statutory purpose.

12 34. Respondents have continued to detain Petitioner without demonstrating that his
13 continued confinement is necessary to effectuate removal or that removal is realistically
14 forthcoming.

15 35. Because Petitioner's continued detention no longer serves the statutory purpose of
16 effectuating removal and is not supported by any individualized determination or procedural
17 safeguards, his detention exceeds the authority granted by 8 U.S.C. § 1231(a).

18 36. Respondents' ongoing detention of Petitioner is therefore unlawful and not
19 authorized by statute.
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PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, particularly in light of Petitioner's serious medical condition and need for uninterrupted HIV treatment;
- (4) In the alternative, order Respondents to provide an immediate individualized post-order custody hearing with the burden on the Government to justify continued detention;
- (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.

DATED this 11th day of February 2026.

Lorena Villalon

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