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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

RAUL DANIEL LIMONTA CHACON,

Petitioner,

v.

PHILLIP VALDEZ, Warden, Eden Detention Center, acting in his official capacity; JOSHUA JOHNSON, Acting Field Office Director of the Dallas Field Office, acting in his official capacity; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement, acting in his official capacity; KRISTI NOEM, Secretary of the United States Department of Homeland Security, acting in her official capacity; PAMELA BONDI, Attorney General of the United States, acting in her official capacity;

Respondents.
_____/

CASE NO.:

PETITION FOR WRIT OF HABEAS CORPUS 28 U.S.C. § 2241

INTRODUCTION

1. RAUL DANIEL LIMONTA CHACON ("Petitioner") has been residing in the United States since February 9, 2022. He was detained by Customs and Border Patrol ("CBP") on February 9, 2022, near Calexico, California. Petitioner was released from ICE custody under an Order of Release on Recognizance on February 10, 2022. (*See* Ex. 1, Order of Release on Recognizance). Petitioner filed a I-589 application for Asylum, Withholding of Removal and

Protection under the Convention Against Torture with the Office for Executive Immigration Review ("EOIR"). He has resided in Texas since his release, almost four years. Petitioner was served with a Notice to Appear "NTA" on February 10, 2022, charging him as a noncitizen present in the United States without being admitted or paroled. 8 U.S.C. § 1182(a)(6)(A)(i). (*See* Ex. 2, NTA).

2. While in removal proceedings, Petitioner has reported to Immigration and Customs Enforcement ("ICE") as required. Petitioner has also presented himself to all court hearings as required by EOIR.

3. On November 28, 2025, while reporting for a regular check-in at the Dallas Docket Control Office, Petitioner was detained by ICE officers.

4. Petitioner, at this moment, is detained at the Eden Detention Center, 702 E. Broadway, Eden, Texas. (*See* Ex. 3, ICE Detainee Locator). Petitioner has no arrests other than the one by Customs and Border Patrol on February 9, 2022, and his arrest on November 28, 2025, when he was reporting for his regular check-in with ICE. Therefore, he was detained due to the interceding Department of Homeland Security ("DHS") interpretation of their detention authority under 8 U.S.C. §§ 1225 and 1226. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) ("*Matter of Yajure Hurtado*").

5. Petitioner is in the physical custody of Respondents at the Eden Detention Center. He is pending removal proceedings with a NTA that has been filed with the EOIR under 8 U.S.C. § 1229a (*See* Ex. 2, *supra*). Thus, his ongoing detention is unlawful. Petitioner files this petition for writ of habeas corpus under 28 U.S.C. § 2241.

6. Petitioner is a citizen and national of Cuba (Ex. 4, Cuban Birth Certificate) who entered the United States on or about February 9, 2022, near Calexico, California to seek asylum.

Petitioner was encountered near the border and was detained.

7. At Petitioner's custody redetermination (bond) hearing on January 13, 2026, the Immigration Judge denied Petitioner a bond because of "lack of jurisdiction." (*See* Ex. 5, IJ Order on Motion for Custody Redetermination). The IJ's determination was based on the Board of Immigration Appeals September 2025 decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Petitioner remains detained.

8. This case presents a purely legal question appropriate for habeas review: whether a noncitizen encountered in the interior of the United States almost four years after entry, who has never applied for admission and is not currently "seeking admission," is detained under 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b). Petitioner does not challenge the initiation of removal proceedings, nor any discretionary custody determination. *See Madu v. US. Att'y Gen.*, 470 F.3d 1362, 1367-8 (11th Cir. 2006). Multiple decisions in this District have held that long-term residents encountered in the interior under these circumstances are detained under § 1226(a), not § 1225(b). *See*, e.g., *Navarro v. Bondi et. al*, No. 5:25CV1468-FB (W.D. Tex. Dec. 2, 2025); *Moradi v. Thompson et al*, No.5:25CV1470-OLG (W.D. Tex. Dec. 18, 2025);*Reyes v. Thomspon et al,* No.5:25CV1590-XR (W.D. Tex. Dec. 12, 2025); *Acosta-Balderas v. Bondi et al*, No.5:25CV1629-JKP (W.D. Tex. Dec. 11, 2025); *Tisighe v. De Anda-Ybarra et al*, 3:25CR593-KC (W.D. Tex. Dec. 5, 2025); *Chauhan v. Noem et al*, 3:25CV574-DB (W.D. Tex. Dec. 8, 2025); Gvedashvili v. Mooneyham et al, 6:25CV552-ADA-DTG (W.D. Tex. Dec. 22, 2025).[1]

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[1] It can fairly be said that a nationwide consensus has developed adopting this view. Notable recent decisions of the approximately 177 decisions rejecting the government's position on detention for uninspected entrants to the United States include: *Ruiz Mejia v. Noem*, No. 1:25-cv-1227, 2025 WL 3041827 (W.D. Mich. Oct. 31, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-CV- 830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *J.G.O. v. Francis*, No. 25-CV-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Puerto-Hernandez v. Lynch*, No. 1:25-cv-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *J.A.C.P. v. Wofford*, No. 1:25-cv-01345, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Nava Hernandez v. Baltazar*, No. 1:25-CV-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *De Fatima Lomeu*

9. Petitioner respectfully requests an order directing Respondents to release Petitioner from custody on bond or in the alternative, to release him from custody under § 1226(a) within seven days.

10. Section 1225(b)(2)(A) states that an applicant for admission shall be detained for removal proceedings. It is the position of both DHS and EOIR (which houses both the BIA and immigration judges), that 8 U.S.C. §1225(b)(2)(A) applies to all individuals who arrived in the United States without documents, regardless of how long they have lived in the United States and regardless of how far they were from the border when they were apprehended. *See Matter of Yajure Hurtado*. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are present in the United States for a significant period – in this case almost four years. Instead, such individuals are subject to detention under a separate statute, 8 U.S.C. § 1226(a), and are eligible for release.

11. Early in July 2025, ICE released a memorandum instructing attorneys to coordinate with the Department of Justice, the agency housing EOIR to reject bond redetermination hearings for applicants who had arrived in the United States without documents. *See* ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission, AILA (July 8, 2025), https://shorturlat/XF71Y ("Lyons Memo").[2]

12. EOIR applied this amended reasoning in a May 15, 2025, BIA decision, *Matter of Q.*

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v. Soto, No. 25cv16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Bethancourt Soto v. Soto*, No. 25-CV-16200, --- F. Supp. 3d , 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Maldonado de Leon v. Baker*, No. 25-3084, 2025 WL 2968042 (D. Md. Oct. 21, 2025); *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP,--- F. Supp. 3d ---, 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025); *Alejandro v. Olson*, No. 1:25-CV-02027, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Rico-Tapia v. Smith*, --- F. Supp. 3d ---, 2025 WL 2950089 (D. Haw. Oct. 10, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025; *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, g they ha2025); *Giron Reyes v. Lyons*, --- F. Supp. 3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025).

[2] "ICE Says Many In Immigration Detention No Longer Qualify For Bond Hearings," CBS News (Jul. 15, 2025) https://www.cbsnews.com/news/ice-immigration-detention- bond-hearings/ ; "ICE declares millions of undocumented immigrants ineligible for bond hearings," The Washington Post (Jul. 15, 2025) https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented- immigrants-bond-hearings/

Li, 29 I&N Dec. 66 (BIA 2025), finding that a noncitizen who had entered the United States without documents was ineligible for bond, despite not being placed in expedited removal proceedings. *Matter of Yajure Hurtado* followed. Since that decision, virtually all courts throughout the country have rejected the government's unlawful reversal of nearly three decades of settled immigration practice regarding the scope of mandatory detention pursuant to 8 U.S.C. §§ 1225 and 1226. *See* FN. 1.

13. Nonetheless, Respondents continue to maintain that noncitizens who entered the United States without inspection, even years prior such as Petitioner and were previously released from immigration custody are subject to mandatory detention, because they are deemed to be on-going applicants for admission within the meaning of U.S.C. §1225(b)(2)(A).

14. This interpretation of the relevant law is a violation of the statute and due process. As such, Petitioner seeks an order of injunctive relief to be released from custody and to set aside relief under the Administrative Procedure Act ("APA") requiring that he be released immediately from ICE custody.

JURISDICTION

15. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's continued detention. Habeas jurisdiction is available to noncitizens challenging the statutory basis of immigration detention. *See Madu*, 470 F.3d at 1366-68 (11th Cir. 2006). Petitioner is not challenging the initiation of removal proceedings or any discretionary decision regarding custody. Instead, he challenges only the government's legal conclusion that his detention is governed by 8 U.S.C. § 1225(b) rather than 8 U.S.C. § 1226(a). Such a "pure question of statutory interpretation" falls squarely within habeas jurisdiction. *Id.* at 1367.

16. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar review. Section

1252(a)(5) and § 1252(b)(9) apply only to challenges to removal orders and claims arising from removal proceedings. Petitioner raises neither. *See Id.* at 1367—68 ("Section 1252 does not preclude habeas review of claims that are independent of challenges to removal orders"). Section 1252(g) does not apply because Petitioner does not challenge the Attorney General's decision to commence proceedings, adjudicate proceedings, or execute any removal order. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Section 1252(e) is inapplicable because Petitioner does not challenge the validity of any expedited removal order, nor could he - he was never subject to expedited removal.

17. Finally, Section 1252(a)(2)(B)(ii) does not apply because Petitioner is not seeking review of a discretionary custody determination. 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).

VENUE

18. Venue lies in this District under 28 U.S.C. § 2241(a) and (d), because Petitioner is detained at Eden Detention Center which is within the Northern District of Texas, San Angelo Division. *See Rumsfeld v. Padilla*, 542 US. 426, 434-35 (2004). PHILLIP VALDEZ, Warden, Eden Detention Center, acting in his official capacity, is a proper respondent, as the official with immediate physical custody over Petitioner. *See Id.* at 435. The additional federal officials are included in their official capacities because they possess legal authority over Petitioner's detention under the Immigration and Nationality Act ("INA").

PARTIES

19. Petitioner, RAUL DANIEL LIMONTA CHACON, is a native and citizen of Cuba, detained by ICE at Eden Detention Center within the Northern District of Texas, San Angelo

Division. He brings this petition pursuant to 28 U.S.C. § 2241 to challenge the legality of his continued detention.

20. Respondent, PHILLIP VALDEZ, in his official capacity as WARDEN of the Eden Detention Center, is the immediate custodian and the official responsible for Petitioner's physical detention.

21. Respondent, JOSHUA JOHNSON, Acting Field Office Director of the Dallas Field Office, in his official capacity as Field Office Director ("FOD"), US. Immigration and Customs Enforcement is responsible for the custody, detention, and removal operations for individuals detained within the geographic area encompassing Petitioner's place of confinement.

22. Respondent, TODD LYONS, in his official capacity as Senior Official Performing the Duties of the Director of ICE, directs the agency that exercises authority over the detention, custody, and supervision of noncitizens pursuant to the INA.

23. Respondent, KRISTI NOEM, in her official capacity as U.S. Secretary of Homeland Security, is the highest official within the DHS, which is charged with administering and enforcing federal immigration laws, including detention authority under the INA.

24. Respondent, PAMELA BONDI, in her official capacity as Attorney General of the United States, acting in her official capacity, presides over the Executive Office for Immigration Review, which oversees the Immigration Judge that has declined to hear Petitioner's request for release from custody.

UNDISPUTED FACTS

28. Petitioner is a native and citizen of Cuba who entered the United States without inspection near Calexico, California. Petitioner has resided continuously in the United States since that time.

29. Petitioner was detained by ICE on November 28, 2025, at his regular check-in at the Dallas, Texas ICE Control Office.

30. Prior to November 28, 2025, Petitioner had been detained but was released under the following circumstances and conditions: he was apprehended by Customs and Border Protection on February 9, 2022, shortly after entering the United States. He was released under an Order of Release on Recognizance (I-220A) on February 10, 2022.

31. On February 10, 2022, CBP issued a Notice to Appear charging Petitioner as removable under 8 U.S.C. § 1182(a)(6)(A)(i).

32. On January 13, 2026, Petitioner requested a custody redetermination hearing under 8 U.S.C. § 1226(a). He presented information regarding residence, family relationships, community ties, work history, and the absence of criminal history.

33. At the custody hearing, The Immigration Judge denied Petitioner a bond. *See Custody Redetermination Order* attached hereto as Ex. 5.

34. Presently, Petitioner remains detained at the Eden Detention Center.

EXHAUSTION OF REMEDIES

35. There is no statutory exhaustion requirement for habeas challenges to the legal basis of immigration detention under 28 U.S.C. § 2241. *See Madu* at 1366—68 (11th Cir. 2006). Even if exhaustion applied, it would be futile. As the Supreme Court has held, exhaustion is excused where "the administrative body is shown to be biased or has otherwise predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992); *see also Shalala v. 111. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). This District has already held in identical circumstances that an administrative appeal would be futile because the result is predetermined by binding agency precedent. *See Patel*, 2025 WL 3442706, at 3.; *Vasquez Carcamo*, 2025 WL

3041895, at 3. Because the agency lacks authority to provide a custody redetermination under 8 U.S.C. § 1226(a), exhaustion would be futile.

STATUTORY BACKGROUND

36. Section 1226(a) provides that, "[o]n a warrant issued by the Attorney General," a noncitizen arrested and detained pending a decision on removal "may continue to be detained" or "may be released on bond" or conditional parole. 8 U.S.C. § 1226(a)(1) - (2). The statute authorizes the Attorney General to make both the initial custody determination and subsequent custody redeterminations. Implementing regulations assign authority for custody redeterminations to Immigration Judges. *See* 8 C.F.R. § 1003.19(a).

37. Section 1225 governs the inspection and processing of applicants for admission. Under section 1225(b)(1) and (b)(2), certain applicants for admission who are determined to be inadmissible "shall be detained" pending further consideration of their application or removal. These provisions apply only to "applicants for admission" as defined by the INA.

38. The INA defines "admission" as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). With limited exceptions not relevant here, a noncitizen who has entered the United States without inspection is not considered an "applicant for admission" at a later date solely by virtue of being encountered inside the country. Rather, the term applies to individuals who present themselves for inspection at a port of entry or who are treated as seeking admission under specific statutory provisions.

39. Section 1182(a)(6)(A)(i) renders an individual inadmissible if they are "present in the United States without being admitted or paroled." Section 1182(a)(7)(A)(i)(I) applies to "an immigrant who, at the time of application for admission, is not in possession of a valid unexpired

immigrant visa" or other entry documents. The two grounds serve distinct statutory functions: § 1182(a)(6)(A)(i) describes unlawful presence after entry without inspection, while § 1182(a)(7) presumes an ongoing or contemporaneous "application for admission."

40. Under 1226(a), individuals detained pending removal proceedings are entitled to custody redeterminations before an Immigration Judge unless detained under statutory provisions that expressly withhold such authority. *See* 8 C.F.R. § 1003.19(h). By contrast, individuals detained under § 1225(b) are not eligible for bond redetermination because detention is mandatory for applicants for admission falling within that section.

41. The Department of Justice's 1997 regulations implementing the Illegal Immigration Reform and Immigrant Responsibility Act reaffirmed that noncitizens who entered without inspection and were later arrested inside the United States are detained under § 1226(a) and may seek bond before an Immigration Judge. *See Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997) (explaining that aliens "arrested in the interior" fall under the Attorney General's general detention authority).

42. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court distinguished the detention schemes of §§ 1225, 1226, and 1226(c), holding that each operates according to its terms and that bond eligibility turns on the statutory authority under which the individual is detained. The Court reiterated that §§ 1225(b) and 1226(a) impose mandatory detention, while § 1226(a) allows discretionary release.

43. This case does not involve 8 U.S.C. § 1231 or post-removal-order custody. Petitioner is in § 1229a proceedings and subject only to the pre-order detention provisions of the INA.

CONSTITUTIONAL VIOLATION

44. "It is well established that the Fifth Amendment entitles [noncitizens] to due process

of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S, 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

45. In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 US. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 US. at 690.

46. "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), In this case, to determine the due process to be afforded to Petitioner, the Court should consider (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of that private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government's interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. i*d.* at 335.

LEGAL ARGUMENT

The statutory scheme governing immigration detention distinguishes between individuals detained as applicants for admission and those detained after entry while removal proceedings are pending. For individuals arrested in the interior of the country who have already entered without inspection, detention is governed by 8 U.S.C. § 1226(a). That provision authorizes the Attorney General to determine custody status during removal proceedings and permits release on bond or conditional parole. This framework applies to noncitizens who, like Petitioner, entered

the United States without inspection years earlier and were encountered inside the country rather than at a port of entry. The implementing regulations have long recognized this distinction, continuing that individuals "arrested in the interior" after unlawful entry fall under the general detention authority of Section 1226(a).

Mandatory detention under 8 U.S.C. § 1225(b), by contrast, applies only to persons who are processed as applicants for admission. The statute predicates mandatory detention on that status and references individuals who present themselves for inspection, who are placed in expedited removal screening, or who otherwise fall within the statutory definition of an applicant for admission. The definition of admission, set forth at 8 U.S.C. § 1101(a)(13)(A), requires lawful entry after inspection and authorization. Individuals who enter without inspection are not transformed into applicants for admission simply because they are later encountered inside the United States during enforcement operations. The statutory structure does not permit treating long-settled interior residents as if they were arriving at the border. The application of § 1225(b)(2) to permit the continued detention of Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. 5 U.S.C. §706(2).

The Order entered by the Immigration Judge at the custody redetermination hearing held on January 13, 2026, confirms the statutory classification that applies here. *See Custody Redetermination Order* attached hereto as Ex. 5. The Immigration Judge determined he lacked jurisdiction to make a custody redetermination. That determination does not align with the statutory text and removes any foundation for detaining Petitioner under Section 1225(b).

Because removal proceedings are pending under Section 1229a and no statutory provision mandates custody, Petitioner falls squarely under Section 1226(a) as a matter of law. Under that provision, Immigration Judges retain authority to conduct custody redetermination

hearings unless expressly divested of jurisdiction. The Immigration Judge in this case concluded that he lacked authority based under Section 1225(b) "Freedom from imprisonment – from government custody detention, or other forms of physical restraint – lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). Petitioner has a fundamental interest in liberty and being free from official restraint.

The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Prior to his detention and arrest on November 28, 2025, Petitioner was employed as a delivery driver for Amazon and Walmart for two years, was and continues to be respected and loved by co-workers in his job. Petitioner will be residing with his girlfriend Amanda Roger and his father, Raul Limonta Jibert, who is a lawful permanent resident. Petitioner has friends and relatives who are lawful permanet residents and United States citizens. Petitioner does not have a criminal record.

Where an agency declines to exercise statutory authority based on a legal error, habeas jurisdiction is appropriate to correct the misclassification. As aforementioned, this Court, as well as others around the nation have repeatedly held interior arrests of long-term residents who entered without inspection fall under Section 1226(a) and that detention under Section 1225(b) is not authorized in such circumstances.[3] These decisions reflect the statutory structure enacted by

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[3] *See, e.g., Vincens-Marquez v. Soto*, No. 25-16906 (KSH), 2025 WL 3097496 (D. N]. Nov. 6, 2025); *Beltran, et. al v. Noem*, No. 25- cv-2650—LL-DEB, 2025 WL 3078837 (SD. Cal. Nov. 4, 2025); *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (SD. Ga. Nov. 4, 2025); *Flores v. Olson*, 25 C 12916, 2025 WL 3063540 (ND. Ill. Nov. 3, 2025); *J.A.M. v. Streeval*, No. 4:25-cv-342 (CDL), 2025 WL 3050094 (M.D. Ga Nov. 1, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (ED. Wis. Oct. 29, 2025); *Hernandez Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM, 2025 WL 3022245 (MD. Fla. Oct. 29,2025); *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Tomas Elias v. Hyde*, No. 25- cv-540-JJM-AEM, 2025 WL 3004437 (D. R.I. Oct. 27, 2025); *Aguilar Guerra v. Joyce*, 2:25-cv-534-SDN, 2025 WL 2986316 (D. Maine Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25 cv-l3004, 2025 WL 2985256 (D. NJ. Oct. 23, 2025); *Gomez Garcia v. Noem*, No. 5:25- cv-02771-ODW (PDx), 2025 WL 2986672 (CD. Cal. Oct. 22, 2025); *Caballero v. Baltazar*, No. 25-cv-03120NYW, 2025 WL 2977650 (D.Colo. Oct. 22, 2025); *Ochoa Ochoa v. Noem*, N0. 25-CV-10865, 2025 WL 2938779 (ND. 111. Oct. 16, 2025); *N.A. v. Larose*, No. 25 cv-2384-RSH-BLM, 2025 WL 2841989 (SD. Cal. Oct. 7, 2025); *Lopez- Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Sampiaa v.*

Congress and the longstanding regulatory distinction between applicants for admission and individuals arrested within the United States. Petitioner's continued detention without access to a custody redetermination therefore rests on an error of law that warrants relief.

The legal arguments supporting Petitioner's claims under the Fifth Amendment are fully set out by the Honorable Kathleen Cardone in her Opinion and Order in *Erazo Rojas v. Noem et al*, EP-25-CV-443-KC (WD. Tx. Oct. 30, 2025), which will be repeated here in full and with absolute agreement.

"To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976)." *Martinez v. Noem ("Martinez II")*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). Those factors are: (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 safeguards"; 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." *Mathews*, 424 U.S. at 335. "The essence of procedural due process is that a person risking a serious loss be given notice and an opportunity to be heard in a meaningful manner and at a meaningful time." *M.S.L.*

Hyde, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (ED. Mich. Sept. 9, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Garcia v. Noem*, No. 25—cv-02180-DMS MM, 2025 WL 2549431 (SD. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (ED. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Ramirez Clavilov v. Kaiser*, No. 25-CV06248-BLF, 2025 WL 2419263 (ND. Cal. Aug. 21, 2025); *Samb v. Joyce*, No. 25 Civ. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv- 01789-ODW (DFMx), 2025 WL 2379285 (CD. Cal. Aug. 15, 2025); *Maldonado v. Olson*, No. 25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. 25-CV-02157-PHX-DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. 25-CV- 02157-PI-1X-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Diaz Martinez v. Hyde*, No. 25CV-l l613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Games v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025).

v. Bostock, No. 25-cv-1204, 2025 WL 2430267, at *8 (D. Or. Aug. 21, 2025) (citing *Mathews*, 424 U.S. at 348).

1. Private Interest

As to the first element, "'[t]he interest in being free from physical detention' is 'the most elemental of liberty interests." *Martinez II*, 2025 WL 2598379, at *2 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Respondents' position appears to be that [Petitioner] does not acquire a liberty interest until his detention becomes unreasonably prolonged, because he is mandatorily detained under § 1225(b) and does not have a statutory right to a bond hearing. This Court has previously held that that once released from immigration custody, noncitizens acquire "a protectable liberty interest in remaining out of custody on bond." *Lopez-Arevelo*, 2025 WL 2691828 at *10–11 (quoting *Diaz v. Kaiser*, No. 25-cv-5071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025)); accord *M.S.L.*, 2025 WL 2430267, at *8 ("Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.") (quoting *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019)).

Because he was released from immigration custody and spent over [four] years at liberty in the United States, [Petitioner] possesses a strong interest in his continued freedom from detention.

2. Risk of Erroneous Deprivation

Under the second *Mathews* factor, the Court considers "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." *Martinez II*, 2025 WL 2598379, at *3 (quoting *Gunaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. May 21, 2025)). Although

the record does not reveal whether [Petitioner] has requested a bond hearing[4], it is likely that such a request would be futile because in recent cases, IJs have "declined to exercise jurisdiction, finding that [the petitioner was] subject to mandatory detention under § 1225." *Lopez-Arevelo*, 2025 WL 2691828, at *11 (quoting *Espinoza v. Kaiser*, No. 25-cv-1101, 2025 WL 2581185, at *11 (E.D. Cal. Sept. 5, 2025)). Thus, there is a high risk that [Petitioner] will continue to be erroneously deprived of his liberty.

> Respondents [may] argue that the process afforded to [Petitioner] in his removal proceedings is sufficient due process. As discussed above, insofar as those procedures relate to [Petitioner's] removal and not his detention, they do not ameliorate the risk that he will be erroneously deprived of his liberty while his removability is assessed. Respondents [may] appeal to the humanitarian parole process, which although "sparsely granted in only the most extenuating circumstances," still provides [Petitioner] a vehicle to seek his release. *Id.* at 12. This Court has previously held that deficiencies in the humanitarian parole process, including the lack of a neutral arbiter, a statement of reasons, or an appeal process, create a high risk that a noncitizen will be erroneously deprived of their liberty. *See Santiago*, 2025 WL 2792588, at *11.
>
> In terms of available alternatives and their probable benefits, agency decisionmakers regularly "conduct[] individualized custody determinations . . . consider[ing] flight risk and dangerousness." *Velesaca v. Decker*, 458 F. Supp. 3d 224, 242 (S.D.N.Y. 2020) (citation omitted); *see also* 8 C.F.R. §§ 236.1(c)(8), 1003.19(h)(3). Indeed, under "decades of DHS's own practices" prior to 2025, noncitizens "who are present without having been admitted or paroled" just like [Petitioner], received bond hearings. *Chogllo Chafla v. Scott*, Nos. 25-cv-437, -438, -

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[4] Petitioner did in fact have a custody redetermination (bond) hearing on January 13, 2026, which as noted above proved futile. The Immigration Judge denied Petitioner a bond because of "lack of jurisdiction."

439, 2025 WL 2688541, at *8 (D. Me. Sept. 22, 2025) (citations omitted). This is precisely the type of proceeding that would give [Petitioner] an opportunity to be heard and to receive a meaningful assessment of whether he is dangerous or likely to abscond, and it would greatly reduce the risk of an erroneous deprivation of his liberty. Therefore, the second *Mathews* factor weighs in favor of [Petitioner].

3. Government's Interest

Respondents do not identify their interest in detaining [Petitioner] without a bond, other than perhaps their general interest in enforcing the INA as they interpret it. But again, assuming Respondents' interpretation of the statute is correct, [Petitioner's] constitutional interest in his liberty exists above and apart from the INA. *See A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) ("[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.") (citation omitted). Certainly, the Government has an interest in ensuring that noncitizens appear for their removal hearings and do not pose a danger to the community. But the decision to release [Petitioner] more than [four] years ago while his removal proceedings were pending, in and of itself, "reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd 905 F.3d 1137 (9th Cir. 2018). While there is no evidence in the record indicating that [Petitioner] would be a flight risk or a danger to the community, if any such concerns exist, they would be squarely addressed through a bond hearing. *See Martinez II*, 2025 WL 2598379, at *4. Thus, the third *Matthews* factor also weighs in favor of [Petitioner].

Since all *Mathews* factors support [Petitioner's] position, the Court [should] find[] that his detention without an individualized assessment of flight risk and dangerousness deprives him of his constitutional right to procedural due process under the Fifth Amendment of the

United States Constitution. Thus, he is entitled to a bond hearing. *See, e.g., Lopez-Arevelo*, 2025 WL 2691828, at *13." (Citations to original record deleted).

CLAIMS FOR RELIEF

Count One

Denial of Custody Redetermination Based on Legal Error

Petitioner realleges and incorporates the preceding allegations. Petitioner is detained during the pendency of removal proceedings and is not subject to any statutory provision mandating custody. Petitioner is detained under the statutory framework set forth in 8 U.S.C. § 1226(a), which authorizes discretionary release on bond and assigns immigration judges authority to conduct custody redeterminations.

Notwithstanding these findings, the Immigration Judge's decision to deny Petitioner a bond, depriving Petitioner of his freedom and subjecting him to custody based solely on a legal conclusion that Petitioner is subject to mandatory detention as an applicant for admission under 8 U.S.C. § 1225(b) was wrong.

Where continued detention is based solely on misapplication of the governing statute, habeas corpus is the appropriate means to correct the classification and requires the agency to release Petitioner on bond or release Petitioner from custody altogether.

Count Two

Violation of the Fifth Amendment of the United States Constitution

Petitioner realleges and incorporates the preceding allegations. Petitioner is detained during the pendency of removal proceedings and is not subject to any statutory provision mandating custody. Petitioner has a right under the Fifth Amendment of the United States Constitution and its guarantee of due process to an individualized determination of his custody while his status in the United States is determined by the immigration courts.

The Immigration Judge's decision to deny bond based on lack of jurisdiction is depriving

Petitioner of his freedom and subjecting him to custody in violation of the Fifth Amendment of the United States Constitution.

Where continued detention is based on a violation of constitutional protections, habeas corpus is the appropriate means to address the violation and requires the agency to provide an individualized custody determination or release Petitioner from custody altogether.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue an order to show cause under 28 U.S.C. § 2243 ordering Respondents to answer within 3 days;

c. Issue a writ of habeas corpus directing Respondents to release Petitioner from custody with a posting of a bond; or in the alternative, to release Petitioner from custody.

d. Enjoin Respondents from continuing to detain Petitioner and;

e. Award costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and

f. Grant such further relief as the Court deems just and proper.

Respectfully submitted on this ____ day of February, 2026.

RAUL DANIEL LIMONTA CHACON

By his attorney:

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VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 11th day of February, 2026.

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2026, I sent a true and correct copy of the foregoing

Petition for Writ of Habeas Corpus to be served pursuant to Fed. R. Civ. P. 5 and in compliance with the Local Rules of the United States District Court for the Western District of Texas to the Respondents via electronic filing through CM/ECF:

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