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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Kulutwe Mayele Fils,
Petitioner,

v.

CHARLOTTE COLLINS, Warden, T. Don
Hutto Detention Center; **MIGUEL**
VERGARA, Field Office Director of
Enforcement and Removal Operations, San
Antonio Field Office, Immigration and Customs
Enforcement; **TODD M. LYONS**, Acting
Director of Immigration and Customs
Enforcement; **KRISTI NOEM**, Secretary, U.S.
Department of Homeland Security; **UNITED**
STATES DEPARTMENT OF HOMELAND
SECURITY; **PAMELA BONDI**, U.S.
Attorney General; **EXECUTIVE OFFICE**
FOR IMMIGRATION REVIEW, *in their*
official capacities.

Respondents.

Case No. 1:26-cv-00339-ADA-SH

**REPLY TO RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner timely files this reply to Federal Respondents' Response in Opposition to Habeas Corpus.

ARGUMENT

I. Mr. Mayele Fils has met exhaustion requirements

Respondents assert that Mr. Kahilo failed to exhaust his administrative remedies by failing to request a bond hearing, but the Department of Homeland Security's (DHS) policy and the Board of Immigration Appeals (BIA) precedential decision *Matter of Yajure Hurtado* render further exhaustion futile. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). On or about February 20, 2026, Chief Immigration Judge Teresa L. Riley issued guidance instructing all immigration judges within the Fifth Circuit that: "For cases arising in the 5th Circuit, the court did not overrule or vacate the recent 5th Circuit precedential decision...Nor did the court overrule or vacate well-established precedent requiring administrative agencies to apply binding circuit court precedent to cases arising within that circuit." Immigration judges within the Fifth Circuit are thus instructed to treat the BIA's decision in *Matter of Yajure Hurtado* as binding precedent.¹ Under these circumstances, no administrative body within EOIR within the Fifth Circuit has authority to provide the relief sought.

Therefore, Petitioner has been categorically denied access to any administrative custody review, and no adequate alternative remedy exists; exhaustion is either satisfied or excused as futile. A writ of habeas corpus is the sole avenue to vindicate Petitioner's constitutional rights and to restore his liberty.

¹ See https://news.bloomberglaw.com/litigation/immigration-judges-guidance-sets-up-race-to-avoid-fifth-circuit?fbclid=IwY2xjawQJeQ5leHRuA2FlbQIxMABicmlkETJLdzdKNXh0Tjd3MkFjYUdzc3J0YwZhchHBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHhGfOI9FOkPNih7h0h128BNLKl8c80PzOfAgY0Ju1MY9_Ga8f0Eo38qipS64_aem_33iS8PmfweCOHrDX6MLiVA.

II. Mr. Mayele Fils has a Due Process right to release

Respondents in their reply wrongly claim that Mr. Mayele Fils has no Due Process rights beyond what is articulated in the INA due to the Supreme Court's *Thuraissigiam* decision. *Dep't of Homeland Sec. v. Thuraissigiam*, 91 U.S. 103, 140. That Supreme Court decision actually held that "aliens who have established connections in the country have due process rights in deportation proceedings," and only that the INA provided adequate Due Process protections for individuals who have just entered the country to contest their removal. *Id.*

As already stated in Petitioner's Amended Petition for Writ of Habeas Corpus, Dkt. 3, noncitizens have both substantive and procedural Due Process rights, and Respondents have violated these by re-detaining and then continuing to detain Mr. Mayele Fils. The Western District Texas has already held that the Fifth Circuit's decision in *Buenrostro v. Bondi* does not preclude habeas relief on constitutional grounds, and that noncitizens re-detained for no individualized reason warrant release on habeas. *Hassen v. Noem*, 3:26-cv-00048-DB (W. D. Tex. Feb. 9, 2026); *see also Buenrostro v. Bondi*, No. 25 20496, ---- F.4th ---- 2026 WL 323330 (5th Cir. Feb. 6, 2026). Accordingly, Petitioner respectfully requests that this Court grant his Petition for Writ of Habeas Corpus.

DATED this 23rd day of February, 2026.

/s/Meredith Hoffman
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Certificate of Service

I, Meredith Hoffman, certify that I served Federal Respondents electronically, since I have confirmed that Federal Respondents' counsel participates in CM/ECF.

/s/ Meredith Hoffman
2/23/2026