

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATCHAIAPPAN MURUGAVEL,

Petitioner,

v.

DONALD TRUMP, ET AL.,

Respondents.

Civil Action No. 3:26-CV-812-E-BN

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

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I. Introduction

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, requesting a bond hearing or release from immigration detention. However, Petitioner is lawfully detained as an admitted alien under the government's discretionary detention authority. The immigration court twice denied Petitioner's request for a bond, and by statute and under Fifth Circuit precedent, Petitioner cannot establish jurisdiction in this Court to review the exercise of the immigration court's authority to deny bond. Additionally, Petitioner failed to exhaust his administrative remedies, by failing to appeal the bond denials to the Board of Immigration Appeals, and Petitioner also fails to show any grounds for relief related to his application for a U visa. The petition should be denied.

II. Background

On March 2, 2012, Petitioner was admitted into the United States as an "Alien in Transit" for a period not to exceed March 31, 2012. (App. 002.) Petitioner apparently had no intention of complying with the terms of his temporary admission into the United States, because "[a]fter his arrival, [Petitioner] settled in Tulsa, Oklahoma." (Dkt. No. 1, ¶ 27.) Approximately five years later, Petitioner applied for a U nonimmigrant visa, which received a *bona fide* determination and deferred action. (Dkt. No. 1, ¶¶ 29–31; *see also* Dkt. No. 1-6.) On October 3, 2025, though, Petitioner was placed in removal proceedings and was detained for the pendency of those proceedings. (Dkt. No. 1, ¶ 34; *see also* App. 002.)

While in custody, the immigration court twice denied Petitioner's requests for bond, and he evidently did not appeal those denials to the Board of Immigration Appeals.

(Dkt. No. 1-4; Dkt. No. 1-5.) On February 12, 2026, the immigration court ordered Petitioner's removal to India—a ruling that he has appealed. (Dkt. No. 1-8; Dkt. No. 1-9.) Most recently, on March 12, 2026, Petitioner filed this habeas action.

III. Argument and Authorities

A. Petitioner cannot establish jurisdiction for review of the Attorney General's decisions or actions concerning Petitioner's U nonimmigrant status.

As an initial matter, to the extent Petitioner seeks to enjoin execution of a removal order (*see* Dkt. No. 1 at 19), he cannot do so here. Even if framed as seeking to preserve the status quo, a request for a stay of removal is a challenge to a removal order. *See Imran v. Harper*, No. 25-30370, 2026 WL 93131, at *1 (5th Cir. Jan. 13, 2026). The Fifth Circuit has held that “[f]ederal courts lack jurisdiction over ‘claims connected directly and immediately with a ‘decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.’” *Id.* (quoting *Humphries v. Various Fed. USINS Emps.*, 164 F.3d 936, 943 (5th Cir. 1999) (quoting 8 U.S.C. § 1252(g))). Thus, no jurisdiction exists in this Court to grant Petitioner's request for stay of removal. *See id.* Further, to the extent Petitioner challenges his detention, Congress granted the Attorney General authority to detain aliens during their removal proceedings (which for Petitioner remain pending given that he has appealed to the Board of Immigration Appeals). *See* 8 U.S.C. § 1226; *Demore v. Kim*, 538 U.S. 510 (2003).

Petitioner's suggestion that he is entitled to relief in this Court due to the fact that he filed (and received a *bona fide* determination on) a U visa application is also unavailing. The regulation governing such visa applications makes clear that the

pendency of a U visa application does not preclude the government from moving forward with removal proceedings and even with executing an order of removal, once final¹:

(i) Petitioners in pending immigration proceedings. An alien who is in removal proceedings . . . and who would like to apply for U nonimmigrant status must file a Form I-918 directly with USCIS. U.S. Immigration and Customs Enforcement (ICE) counsel may agree, as a matter of discretion, to file, at the request of the alien petitioner, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while a petition for U nonimmigrant status is being adjudicated by USCIS.

(ii) Petitioners with final orders of removal, deportation, or exclusion. An alien who is the subject of a final order of removal, deportation, or exclusion is not precluded from filing a petition for U-1 nonimmigrant status directly with USCIS. *The filing of a petition for U-1 nonimmigrant status has no effect on ICE's authority to execute a final order*, although the alien may file a request for a stay of removal pursuant to 8 CFR 241.6(a) and 8 CFR 1241.6(a). If the alien is in detention pending execution of the final order, the time during which a stay is in effect will extend the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the petitioner's removal.

8 C.F.R. § 214.14(c)(1)(i)–(ii) (emphasis added); *see also Pacheco de Oliveira v. Soto*, No. 25-16604, 2025 WL 2945553, at *4 n.3 (D.N.J. Oct. 17, 2025) (“[A]lthough Petitioner suggests that it was improper to detain him because he had a bona fide determination granting deferred action . . . , he does not cite any legal authority specifically prohibiting the detention of individuals who have been given deferred action on a U-Visa application.”). At most, Petitioner is entitled to ask ICE to file a joint motion

¹ Petitioner's removal order is not yet final given that he is pursuing an administrative appeal.

to terminate the removal proceedings, or to seek to stay a removal order, but these are requests Petitioner must make to ICE and/or the immigration court.

As the immigration court explained, “[d]espite the bona fide determination and grant of deferred action, [Petitioner] is detained, appears removable as charged, and the petition remains pending. [Petitioner] may continue to pursue the U nonimmigrant status during these proceedings, outside the United States, and may pursue a motion to reopen, should that become necessary.” (Dkt. No. 1-6.) Petitioner is not, however, entitled to any relief on his habeas petition.

B. Petitioner cannot establish jurisdiction for his request for release.

Petitioner also requests a release from immigration detention. (Dkt. No. 1 at 19.) But Petitioner was denied bond by the immigration court (Dkt. No. 1-4; Dkt. No. 1-5), and in 8 U.S.C. § 1226(e), Congress left no room for doubt that federal district courts have no jurisdiction to review such a decision:

The Attorney General’s discretionary judgment regarding the application of [§ 1226] shall not be subject to review. No court may set aside any action or decision by the Attorney General under [§ 1226] regarding the detention or release of any alien or the grant, revocation or denial of bond or parole.

This statute “plainly divests [the] Court of the authority to review discretionary decisions by the Attorney General under section 1226(a) and (b) regarding arrest, detention, release, bond, or parole.” *Galvez v. Lewis*, 56 F. Supp. 2d 637, 641 (E.D. Va. 1999); *see also Loa-Herrera v. Trominski*, 231 F.3d 984, 991 (5th Cir. 2000) (explaining that § 1226(e) precludes judicial review of the “[t]he Attorney General’s discretionary judgment regarding the application of parole—including the manner in which that

discretionary judgment is exercised, and whether the procedural apparatus supplied satisfies regulatory, statutory, and constitutional constraints”).

The Fifth Circuit’s analysis, in *Loa-Herrera*, of a court’s power to review the Attorney General’s discretionary determination of whether to grant parole under § 1226(a) applies equally to that same subsection’s bond-release authority—and to the flip side of both parole and bond under that subsection, detention in lieu of release on bond. “[U]nder 8 U.S.C. § 1226(e) and the Fifth Circuit’s decision in *Loa-Herrera*[], as well as 8 U.S.C. § 1252(a)(2)(B)(ii), [a district court] lack[s] jurisdiction to review the decision to deny release on bond itself or the Attorney General’s discretionary judgment regarding the application of § 1226(a), ‘including the manner in which that discretionary judgment is exercised’” *Maramba v. Mukasey*, No. 3:08-CV-351-K, 2008 WL 1971378, at *3 (N.D. Tex. Apr. 28, 2008) (quoting *Loa-Herrera*, 231 F.3d at 991).

As another court in this circuit has summarized, a “review process exists to determine whether a detainee may be released on bond,” and “[t]his administrative process gives the Attorney General discretion in determining whether there is a likelihood of removal as well as whether a detainee may be released and, if so, under what conditions.” *Hernandez-Esquivel v. Castro*, No. 5-17-CV-0564-RBF, 2018 WL 3097029, at *10 (W.D. Tex. June 22, 2018). Thus, “[i]nsofar as [a petitioner] challenge[s] this discretionary decision on the merits, this Court lacks jurisdiction because the Attorney General’s exercise of discretion is not reviewable.” *Id.*

C. The doctrine of prudential exhaustion should be applied to admitted aliens who have not requested a bond hearing under 8 U.S.C. § 1226(a).

Unlike the situation in a large number of the habeas petitions that courts in this district have been addressing, Petitioner was lawfully admitted into the United States (for a period of limited duration, which he exceeded), and therefore is entitled to a bond hearing in immigration court (unless other disqualifying elements exist). 8 U.S.C. § 1226(a); *see also Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026) (holding that unadmitted aliens are subject to mandatory detention without the availability of a bond hearing). And here, Petitioner was given a bond hearing, but was denied bond “on the merits” by the immigration court (twice), and apparently decided not to administratively appeal that denial to the Board of Immigration Appeals, as could have been done under 8 C.F.R. § 236.1(d)(3).

Petitioner’s failure to pursue available administrative relief implicates the doctrine of prudential exhaustion, which reflects a “long settled rule of judicial administration [which mandates] that no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted.” *Taylor v. U.S. Treasury Dep’t*, 127 F.3d 470, 476 (5th Cir. 1997) (quoting *Myers v. Bethlehem Shipbuilding Corp.*, 303 U.S. 41, 50–51 (1938)). The doctrine’s purpose is:

(1) to avoid premature interruption of the administrative process; (2) to let the agency develop the necessary factual background upon which decisions should be based; (3) to permit the agency to exercise its discretion or apply its expertise; (4) to improve the efficiency of the administrative process; (5) to conserve scarce judicial resources, since the complaining party may be successful in vindicating rights in the administrative process and the courts may never have to

intervene; (6) to give the agency a chance to discover and correct its own errors; and (7) to avoid the possibility that “frequent and deliberate flouting of administrative processes could weaken the effectiveness of an agency by encouraging people to ignore its procedures.

Id. (quotation marks and citation omitted).

Here, if Petitioner was dissatisfied with the result of the bond hearing(s) in immigration court, an adequate administrative remedy was available in the form of an appeal to the Board of Immigration Appeals. The adequacy of the remedy in the immigration court is the same as the remedy Petitioner requests from this court, *i.e.*, a bond hearing or release, and more importantly, the Board of Immigration Appeals has jurisdiction to review the immigration court’s bond denial. Petitioner’s failure to exhaust available administrative remedies is an additional reason his petition should be denied.

IV. Conclusion

The petition should be denied.

Respectfully submitted,

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Certificate of Service

On May 11, 2026, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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