

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

JHON ANDRES HERNANDEZ,

Petitioner,

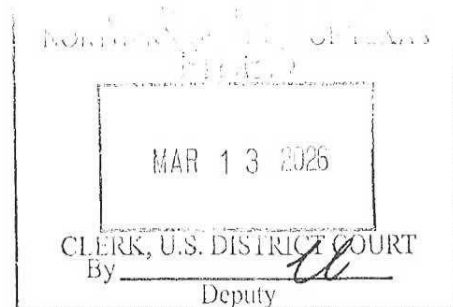
v.

FACILITY DIRECTOR, PRAIRIELAND
DETENTION CENTER; FIELD OFFICE
DIRECTOR, DALLAS FIELD OFFICE,
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; TODD M. LYONS,
Acting Director, U.S. Immigration
and Customs Enforcement; KRISTI
NOEM, Secretary, U.S. Department
of Homeland Security; PAMELA
BONDI, Attorney General of the
United States,

Respondents.

Civil Action No. **4-26CV-305-0**

Agency File No. A



PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

1. This petition arises from the U.S. government's unlawful policy—which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of consistent agency practice—of erroneously treating noncitizens who have been residing within the United States as "applicants for admission" subject to mandatory detention without bond under 8 U.S.C. § 1225(b)(2)(A), instead of applying the bond-eligible detention framework of 8 U.S.C. § 1226(a), which has historically and lawfully governed the detention of such individuals.
2. Petitioner Jhon Andres Hernandez ("Mr. Hernandez" or "Petitioner") is a citizen and national of Venezuela who has resided in the United States in Irving, Texas, with a long-time United States citizen family friend who has provided him housing and support since his arrival. He was detained by U.S. Immigration and Customs Enforcement ("ICE") on or about **February 16, 2026**, and has since been held without bond at the Prairieland Detention Center, 1209 Sunflower Lane, Alvarado, Texas 76009. Petitioners have no criminal history whatsoever, poses no danger to the community, and is not a flight risk. He has demonstrated strong ties to the United States, including his longstanding residence with a U.S. citizen family friend, stable employment, a pending asylum application, and law-abiding conduct.

3. Pursuant to the government's new detention policy announced on July 8, 2025—through an internal ICE memorandum entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission"—Respondents are detaining Mr. Hernandez without any opportunity to seek bond, incorrectly designating him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). This provision, however, applies by its plain terms only to noncitizens "seeking admission" at the nation's borders and ports of entry—not to individuals like Mr. Hernandez who have been residing in the United States.
4. Under 8 U.S.C. § 1226(a), the statute that properly governs the detention of noncitizens who are in removal proceedings and are already residing in the United States, Mr. Hernandez is entitled to an individualized bond determination by an Immigration Judge. Respondents' refusal to provide him with such a hearing violates both the INA and the Due Process Clause of the Fifth Amendment to the United States Constitution.
5. Petitioner accordingly seeks a writ of habeas corpus requiring that he be immediately released from custody or, in the alternative, afforded an individualized bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the Court's order. Petitioner is not challenging any discretionary denial of bond; he challenges the government's threshold legal determination that he is categorically ineligible for a bond hearing.

II. JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241(c) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the

Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

7. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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).

III. VENUE

8. Venue is proper in the United States District Court for the Northern District of Texas, Fort Worth Division, pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391(e), because Petitioner is detained at the Prairieland Detention Center in Alvarado, Texas, which is within the Northern District of Texas. Petitioner's immediate custodian is located within this district, and the events and omissions given rise to the claims in this petition occurred in this district. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).
9. Venue is also proper because at least one Respondent resides, works, operates, or conducts business within this district, and because the unlawful detention of Petitioner is occurring within this district.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

10. This Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* Given that Petitioner's

Master Calendar Hearing is scheduled for March 17, 2026, before Immigration Judge Alexander Lee, immediate judicial intervention is urgently needed.

11. The great writ "afford[s] a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. at 400 (emphasis added). The urgency of Petitioner's situation, including his proximity to an upcoming immigration hearing and his unlawful detention without bond consideration—demands prompt action from this Court.

V. PARTIES

12. Petitioner Jhon Andres Hernandez is a citizen and national of Venezuela, born on [REDACTED]. [REDACTED]. His Alien Registration Number is A [REDACTED]. He is currently detained at the Prairieland Detention Center, 1209 Sunflower Lane, Alvarado, Texas 76009, in physical custody of Respondents. Prior to his detention, Petitioner resided in Irving, Texas 75062, together with a long-time United States citizen family friend. He holds a valid Texas Driver's License confirming his established presence in the state. He is employed, has no criminal history, and has maintained law-abiding conduct throughout his residence in the United States.
13. Respondent Facility Director, Prairieland Detention Center, is the individual in charge of the Prairieland Detention Center, 1209 Sunflower Lane, Alvarado, Texas 76009. The Facility Director is Petitioner's immediate physical custodian and has the authority to effectuate Petitioner's release. The Facility Director is sued in his or her official capacity.
14. Respondent Field Office Director, Dallas Field Office, U.S. Immigration and Customs Enforcement, is the Field Office Director of the Dallas ICE Field Office responsible for immigration enforcement and detention operations in the Northern District of Texas,

including Prairieland Detention Center. The Field Office Director is a legal custodian of Petitioner and holds authority to effectuate Petitioner's release. The Field Office Director is sued in his or her official capacity.

15. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is a legal custodian of Petitioner and possesses authority to effectuate Petitioner's release. He is sued in his official capacity.
16. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security ("DHS"), under whose authority and oversight U.S. Immigration and Customs Enforcement operates. As Secretary, Noem is responsible for delegating authority to and overseeing the operations of ICE, and for ensuring that the agency functions in compliance with the Constitution, U.S. laws, and regulations. She is a legal custodian of Petitioner and has the authority to effectuate Petitioner's release. She is sued in her official capacity.
17. Respondent Pamela Bondi is the Attorney General of the United States. As the chief legal officer of the federal government and head of the U.S. Department of Justice, she has ultimate supervisory authority over the enforcement of federal immigration laws, including the policies that have led to Petitioner's unlawful detention. She is sued in her official capacity.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES AND FUTILITY

18. Petitioner is not required to exhaust administrative remedies before this Court because any such attempt would be futile. The government's detention policy, announced on July 8, 2025, and formally codified by the Board of Immigration Appeals' ("BIA") precedential decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), makes clear that

Immigration Judges categorically refuse to conduct bond hearings for individuals like Mr. Hernandez. Accordingly, seeking a bond hearing before an Immigration Judge is futile, as the IJ lacks jurisdiction under current agency policy to grant such a hearing. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006) (neither IJs nor the BIA have authority to decide constitutional claims).

19. Moreover, any appeal to the BIA would be similarly futile, as the BIA itself issued the *Yajure-Hurtado* decision endorsing Respondents' unlawful policy, and the new governmental policy was issued "in coordination with" the Department of Justice. Furthermore, an appeal to the BIA process that typically takes months—cannot adequately remedy the irreparable harm of Petitioner's continued unlawful detention. Petitioners' only effective remedy is judicial review through this habeas corpus petition.

VII. STATEMENT OF FACTS

20. Petitioner Jhon Andres Hernandez is a thirty-two (32) year old citizen and national of Venezuela. He has resided in the United States continuously and has made his home in the Irving, Texas area, where he has established close ties to the community, maintained steady employment, and built a stable life alongside a long-time United States citizen family friend who has provided him with housing and support since his arrival in the country.
21. Since his arrival in the United States, Mr. Hernandez has resided in Irving, Texas, in the home of Nydia Sharaai Bernabel, a United States citizen who is a long-time family friend who has known Mr. Hernandez and his parents since his youth and has treated him as a member of her family. Ms. Bernabel has provided him with housing, guidance, and

support, and she relies on his assistance in daily life. Their address of record in Irving, Texas serves as Petitioner's established domicile in the United States.

22. Prior to his detention, Mr. Hernandez was gainfully employed and consistently contributed to his household and community. He has resided in the Irving, Texas area since his arrival and holds a valid Texas driver's license, further confirming his longstanding and established presence in the state (see Exhibits D and E).
23. Mr. Hernandez has a pending asylum application based on his well-founded fear of persecution in Venezuela. In connection with this asylum application, the U.S. government issued him an Employment Authorization Document (EAD), confirming that his protection claim was accepted for processing and that he was authorized to work lawfully in the United States (see Exhibits A and B).
24. On March 22, 2024, following a brief detention, U.S. Immigration and Customs Enforcement itself granted Mr. Hernandez parole from its custody pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(d)(5)(A), and issued him an *Interim Notice Authorizing Parole* In lieu of Form I-94. (See Exhibit C.) The ICE Alien Booking Record (Form I-385) confirms he was released by parole on March 27, 2024. This prior grant of parole by the United States government itself—more than two years before his current detention—confirms that Mr. Hernandez has been residing in the United States under an official grant of immigration status, not merely as an unlawful entrant. At minimum, it further demonstrates that he is an interior resident of the United States, not a person "seeking admission" at the border, and that § 1226(a) governs his current detention.

25. Mr. Hernandez has complied with all requirements related to his asylum case, his parole, and his EAD. He has worked lawfully, reported as required, and used his work authorization solely to support himself and the U.S. citizen family friend who has provided him with housing and support. His pending asylum case gives him every incentive to remain in the United States and comply with all immigration proceedings.
26. Mr. Hernandez has no criminal history anywhere in the United States or abroad. He has never been arrested, charged with, or convicted of any crime. He is not a danger to the community, and there is no basis for any such finding. He is not a flight risk: he has a U.S. citizen family friend with whom he resides, an established residence of record, stable employment, and a pending asylum case that gives him every incentive to remain and comply with immigration proceedings.
27. On or about February 16, 2026—more than two years after ICE had granted him parole and he had been residing lawfully in Irving, Texas—ICE agents took Mr. Hernandez into immigration custody. The ICE detention record reflects two warrant numbers: M2611916 and 401539344, and states that the hold was placed by ICE Agent "raji.alex" on February 16, 2026, at 2:57 PM. The bond amounts listed are \$0.00, indicating that Respondents did not set any bond and have denied Petitioner any opportunity to seek release on bond or other conditions of supervision.
28. Following his arrest, Mr. Hernandez was transferred to the Prairieland Detention Center, 1209 Sunflower Lane, Alvarado, Texas 76009, where he remains in immigration custody as of the date of this petition. The ICE detainee locator confirms his continued detention at Prairieland Detention Center (Visitor Information: (817) 409-3995).

29. A Master Calendar Hearing is scheduled for March 17, 2026, at 8:30 AM, before Immigration Judge Alexander Lee via Webex. Mr. Hernandez has not been afforded an individualized bond determination by any immigration judge. Respondents have categorically denied him the opportunity for a bond hearing, pursuant to the unlawful July 8, 2025, ICE policy, on the erroneous basis that he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

VIII. LEGAL FRAMEWORK

A. The Statutory Framework: Section 1226(a) Governs Petitioner's Detention

30. INA prescribes three principal detention frameworks. First, 8 U.S.C. § 1226 authorizes detention of noncitizens who are in removal proceedings. Under § 1226(a), individuals taken into immigration custody pending a decision on whether they are to be removed are generally entitled to seek release on bond. Second, 8 U.S.C. § 1225(b) provides for mandatory detention of certain recently arrived noncitizens at the nation's borders and ports of entry who are "seeking admission." Third, 8 U.S.C. § 1231 governs detention of noncitizens who have already received final orders of removal. Section 1231 is not at issue here.
31. Section 1226(a) is the default detention statute for all noncitizens in removal proceedings who are "already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Under § 1226(a), individuals may be released on bond set by ICE or through a bond hearing before an Immigration Judge. Section 1226 also contains a mandatory detention exception at § 1226(c) for noncitizens with certain criminal histories, but that exception has no application to Mr. Hernandez, who has no criminal history.

32. Section 1225(b)(2), by contrast, applies to noncitizens "seeking admission" at the nation's borders and ports of entry—not to those who are already residing in the United States. *See Jennings*, 583 U.S. at 287, 289 (explaining that § 1225(b)(2)'s mandatory detention scheme applies "at the Nation's borders and ports of entry" to noncitizens "seeking admission into the United States"). The entire statutory framework of § 1225(b) is premised on inspection of people seeking entry at a border or port of entry.
33. The text of § 1226 explicitly contemplates its application to noncitizens charged under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection. Specifically, § 1226(c)(1)(E) creates a mandatory detention exception for noncitizens charged under § 1182(a)(6)(A)(i) who are also inadmissible because of criminal grounds. This express reference to persons charged under § 1182(a)(6)(A)(i) within § 1226 makes clear that, absent those specific criminal exceptions, such individuals are entitled to bond hearings under § 1226(a). When Congress creates specific exceptions to a statute's applicability, it confirms that the statute generally applies.
34. Following the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, the Executive Office for Immigration Review ("EOIR") expressly acknowledged that persons who entered without inspection "will be eligible for bond and bond redetermination," notwithstanding their technical classification as "applicants for admission." *See* Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). For nearly three decades, consistent with this regulatory guidance, persons charged with inadmissibility under § 1182(a)(6)(A)(i) received bond hearings before Immigration Judges—unless their criminal history rendered them subject to mandatory

detention under § 1226(c). That longstanding practice was abruptly reversed by the July 8, 2025, ICE memo.

B. The Government's New Policy Is Unlawful

35. On July 8, 2025, ICE, purportedly "in coordination with" the Department of Justice, issued interim guidance directing all ICE employees to subject noncitizens who entered without inspection to mandatory detention under § 1225(b)(2)(A), regardless of how long they have resided in the United States, and without any bond hearing before an Immigration Judge. The policy contradicts the plain statutory text of the INA, decades of consistent agency interpretation and practice, and the constitutional guarantee of due process.
36. The government's new policy is particularly untenable as applied to Petitioner. ICE itself previously paroled Mr. Hernandez from custody under 8 U.S.C. § 1182(d)(5)(A) in March 2024 and released him to reside in the United States. (See Exhibit C.) The government cannot credibly argue that a man it formally paroled—and who then lived lawfully in Texas for nearly two years—is suddenly "seeking admission" at the border. To apply mandatory border-entry detention to someone, the government itself released into the interior of the country via an official parole grant is both legally absurd and inconsistent with the government's own prior conduct.
37. On September 5, 2025, the BIA issued a precedential decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), purporting to endorse the government's new policy. However, that decision—like the policy it seeks to uphold—is contrary to the plain text of the INA and has been rejected by numerous federal district courts. As one court aptly observed, the BIA's reasoning is "at odds with every District Court that has been confronted

with the same question of statutory interpretation." *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *7 (E.D. Mich. Sept. 9, 2025).

C. Federal Courts Across the Country Have Rejected the Government's Policy

38. Since the July 8, 2025, policy was announced, federal courts across the United States have consistently and overwhelmingly rejected the government's legal interpretation, holding that § 1226(a)—not § 1225(b)(2)—applies to noncitizens who were already residing in the United States when apprehended by immigration authorities. The following cases are representative of the nationwide consensus:

Rodriguez v. Bostock, 779 F. Supp. 3d 1239 (W.D. Wash. Apr. 24, 2025) (§ 1226(a) applies to noncitizens residing in the U.S. when apprehended);

Lopez-Campos v. Raycraft, --- F.Supp.3d ---, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) ("There can be no genuine dispute that Section 1226(a), and not Section 1225(b)(2)(A), applies to a noncitizen who has resided in this country for years and was already within the United States when apprehended and arrested");

Pizarro Reyes v. Raycraft, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (granting habeas relief and rejecting Yajure-Hurtado as unpersuasive).

Gomes v. Hyde, No. 25-CV-11571, 2025 WL 1869299 (D. Mass. July 7, 2025).

Martinez v. Hyde, --- F. Supp. 3d ---, 2025 WL 2084238 (D. Mass. July 24, 2025).

Maldonado v. Olson, --- F. Supp. 3d ---, 2025 WL 2374411 (D. Minn. Aug. 15, 2025);

Lopez Santos v. Noem, No. 25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025);

Bautista v. Santacruz Jr., No. 25-CV-1873 (C.D. Cal. July 28, 2025) (Dkt. 14) (certifying nationwide class; final declaratory relief order issued December 18, 2025).

39. The Eastern District of Michigan has also found petitioners in multiple cases, and federal courts in Louisiana and throughout the country have consistently reached the same conclusion. The overwhelming weight of federal judicial authority rejects the government's erroneous statutory interpretation.

D. Petitioner's Constitutional Right to Due Process Demands an Individualized Bond

Hearing

40. Even setting aside the statutory argument, Petitioner's continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution. "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 (2001). The government may not deprive a person of this fundamental liberty interest without individualized process adequate to justify that deprivation.
41. Categorical mandatory detention of individuals like Mr. Hernandez—who have lived in the United States, established ties with U.S. citizens, maintained employment, and have no criminal history—without any individualized determination of whether they pose a flight risk or danger to the community, violates substantive and procedural due process. *See Zadvydas*, 533 U.S. at 690–91. The government has offered no individualized justification for Mr. Hernandez's continued detention. He is neither a danger to the community nor a flight risk—he has a U.S. citizen family friend with whom he resides, a fixed address,

stable employment, and a pending asylum case that gives him every reason to participate in his immigration proceedings.

42. Procedural due process at minimum requires notice, an opportunity to be heard, and a neutral decision-maker before the government may deprive a person of liberty. The government's categorical refusal to conduct any bond hearing—without any individualized consideration of Mr. Hernandez's specific circumstances—denies him the procedural protections the Constitution guarantees.

IX. CLAIMS FOR RELIEF

COUNT I Violation of the Immigration and Nationality Act

43. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
44. Respondents are unlawfully detaining Petitioner without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2)(A). That provision does not apply to Petitioner, who was residing in the United States—not arriving at a border or port of entry seeking admission—at the time he was apprehended and placed in removal proceedings.
45. Petitioner should be subject to the detention provisions of 8 U.S.C. § 1226(a). He is therefore entitled to an individualized custody determination by ICE and, if custody is continued, to a custody redetermination (i.e., a bond hearing) by an Immigration Judge where the government must demonstrate that detention is warranted based on flight risk or danger to the community.

46. Respondents' application of 8 U.S.C. § 1225(b)(2)(A) to Petitioner results in his unlawful detention without any opportunity for a bond hearing, in direct violation of the INA as properly construed.

COUNT II Violation of the Fifth Amendment Right to Due Process

47. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
48. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "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 (2001).
49. Mr. Hernandez has a fundamental interest in liberty and being free from official restraint. He is not dangerous. He is not a flight risk. He has a U.S. citizen family friend with whom he resides, a stable home, lawful employment, and a pending asylum case that gives him every reason to appear for all immigration proceedings. He has no criminal history. There is no legitimate governmental interest that justifies his categorical detention without any individualized bond determination.
50. The government's detention of Petitioner without an individualized custody determination or bond hearing—predicated solely on his membership in a broad category of noncitizens without any evaluation of whether he individually poses a flight risk or danger—violates both procedural and substantive due process under the Fifth Amendment.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner Jhon Andres Hernandez respectfully prays that this Honorable Court:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause, directing Respondents to show cause within three (3) days why this petition should not be granted, pursuant to 28 U.S.C. § 2243.
- (3) Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A)—is the appropriate statutory provision governing Petitioner's detention, because Petitioner was already residing in the United States when he was apprehended by ICE and was not a recent arrival "seeking admission" at a border or port of entry.
- (4) Issue a Writ of Habeas Corpus and order Petitioner's immediate release from custody on reasonable conditions of supervision, to his established residence in Irving, Texas, with the United States citizen family friend with whom he has resided since his arrival in the United States; OR, in the alternative,
- (5) Order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days of this Court's order, at which the government must bear the burden of demonstrating by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.
- (6) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court pending resolution of this petition.
- (7) Declare that Respondents' detention of Petitioner without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution.
- (8) Award Petitioner his taxable costs, if any; and

(9) Grant any other and further relief that this Court deems just, proper, and equitable.

Respectfully submitted this 6 day of March 2026.

Jhon A

JHON ANDRES HERNANDEZ

Petitioner, Pro Se

c/o Prairieland Detention Center

1209 Sunflower Lane

Alvarado, Texas 76009

Alien Registration No.: A249-072-776

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

I, Jhon Andres Hernandez, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the Petitioner named in the foregoing Petition for Writ of Habeas Corpus, that I have read the petition, and that the factual allegations contained therein are true and correct to the best of my knowledge and belief.

Executed this 6 day of March 2026, at Prairieland Detention Center, Alvarado, Texas.

Jhon A.H.

JHON ANDRES HERNANDEZ

Petitioner



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____ | Agency File No. A 

LIST OF EXHIBITS

Exhibit A — Pending Asylum Application (Form I-589)

Receipt or cover page of Mr. Hernandez's pending asylum application (Form I-589), showing that his asylum case is currently in process before the immigration court.

Exhibit B — Asylum-Based Employment Authorization Document (EAD)

Copy of Mr. Hernandez's asylum-based Employment Authorization Document (EAD), front and back, confirming that he was authorized to work lawfully in the United States.

Exhibit C — ICE Interim Notice Authorizing Parole (March 22, 2024)

ICE Interim Notice Authorizing Parole, dated March 22, 2024, issued in lieu of Form I-94, reflecting that ICE granted Mr. Hernandez parole under section 212(d)(5)(A) of the

INA. Includes ICE Alien Booking Record (Form I-385) confirming release on March 27, 2024.

Exhibit D — Texas Driver's License

Copy of Mr. Hernandez's valid Texas Driver's License, confirming his established residence and ties to the State of Texas.

Exhibit E — Proof of Residence in Irving, Texas

Documents showing Mr. Hernandez's residence in Irving, Texas, with his long-time United States citizen family friend, Nydia Sharaai Bernabel, including proof of address and supporting correspondence.

EXHIBIT A

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____

Agency File No. A



Exhibit A — Pending Asylum Application (Form I-589)

Receipt or cover page of Mr. Hernandez's pending asylum application (Form I-589), showing that his asylum case is currently in process before the immigration court.

EXHIBIT B

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____

Agency File No. A2



Exhibit B — Asylum-Based Employment Authorization Document (EAD)

Copy of Mr. Hernandez's asylum-based Employment Authorization Document (EAD), front and back, confirming that he was authorized to work lawfully in the United States.

EXHIBIT C

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____

Agency File No. A

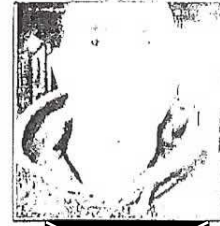


Exhibit C — ICE Interim Notice Authorizing Parole (March 22, 2024)

ICE Interim Notice Authorizing Parole, dated March 22, 2024, issued in lieu of Form I-94, reflecting that ICE granted Mr. Hernandez parole under section 212(d)(5)(A) of the INA. Includes ICE Alien Booking Record (Form I-385) confirming release on March 27, 2024.

Nationality
Venezuela

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement



Date: 03/22/2024

In Reference 

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

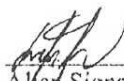
Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.



Alien Name



Alien Signature

3/27/24
Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☒ In person ☐ Other: _____

JOSEPH MORAZZ
ICE Official Name


ICE Official Signature

3/27/24
Date

Address: SUBJECT failed to provide

Phone: SUBJECT failed to provide

[REDACTED]		S [REDACTED]		Event No [REDACTED]	
HERNANDEZ, JHON ANDRES		First Name	Middle Name	2. Age	3. Country of Citizenship
				30	VENEZUELA
4. Alias		5. Date Apprehended		6. Office	
		[REDACTED]		EPS	
7. Birth Date	8. Birth Place TACHIRA, VENEZUELA				
[REDACTED]					
9. Sex	10. OSC/WA Served		14A 		
☒ Male ☐ Female	☐ Yes ☐ No (Explain)				
11. [REDACTED]	12. Bond Date Posted				
	\$				
13. CINS	14 Medical Alert		☒ No ☐ Yes (Explain)		
☐ Yes ☒ No					
FROM		TO			
A					
B					
C					
16. ADMITTED BY:		19. RELEASED TO: ☐ V/R ☐ Deport		22. Rt. Index Print - In	
		Parole		23. Rt. Index Print - Out	
17. SEARCHED IN BY:		20. RELEASED BY: 3311		[REDACTED]	
18. DATE ADMITTED:		21. DATE RELEASED: 3/27/24			
24. Remarks:					
FORM 1-385 (08/01/07) ALIEN BOOKING RECORD UNITED STATES DEPARTMENT OF HOMELAND SECURITY					



U.S. Citizenship
and Immigration
Services

Applicant: JHON ANDRES HERNAN-
DEZ

A #: [REDACTED]

Officer: Colin Andrew

Date of Determination: Mar 25, 2024

ANALYSIS

The applicant has established
a reasonable possibility of future torture

Torture Written Analysis

There is a reasonable possibility that the severe harm the applicant fears will be inflicted by a public official or other person acting in an official capacity. The applicant testified that on [REDACTED] officers driving a [REDACTED] patrol vehicle came to the applicant's house and demanded money. The officers threw the applicant on the floor, handcuffed him, and beat him. On [REDACTED] three CICPC patrol vehicles showed up at the applicant's mother-in-law's house. Officers wearing black vests asked for the applicant's documents and then tried to forcibly take the applicant with them. The officers then threatened the applicant and said "things were not going to stay like that" after the applicant's family prevented the officers from taking the applicant.

DETERMINATION OF INADMISSIBILITY

Event No: File No: Date: In the Matter of: JHON ANDRES HERNANDEZ

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
4. to wit, on or about February 12, 2024, you illegally entered the United States at or near EL PASO, TX and were not inspected by an Immigration Officer.

Border Patrol Agent

Name and title of immigration officer (Print)

RICARDO ROBLES

Date: 2024.02.12 16:08:34 -07:00
0574439850.CBP

Signature of immigration officer

ORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Border Patrol Agent

Name and title of immigration officer (Print)

RICARDO ROBLES

Date: 2024.02.12 16:08:38 -07:00
0574439850.CBP

Signature of immigration officer

ACTING/PATROL AGENT IN CHARGE

Name and title of supervisor (Print)

ARIN BABICH

Date: 2024.02.12 17:03:43 -07:00
0729980987.CBP.1

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 02/12/2024

RICARDO ROBLES

Date: 2024.02.12 16:08:47 -07:00
0574439850.CBP

Border Patrol Agent

Signature of immigration officer

(Date)

EXHIBIT D

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____

Agency File No. A2



Exhibit D — Texas Driver's License

Copy of Mr. Hernandez's valid Texas Driver's License, confirming his established residence and ties to the State of Texas.

EXHIBIT E

Jhon Andres Hernandez v. Facility Director, Prairieland Detention Center, et al.

Civil Action No. _____

Agency File No. A2



Exhibit E — Proof of Residence in Irving, Texas

Documents showing Mr. Hernandez's residence in Irving, Texas, with his long-time United States citizen family friend, Nydia Sharaai Bernabel, including proof of address and supporting correspondence.

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

FORT WORTH DIVISION

JHON ANDRES HERNANDEZ,

Petitioner,

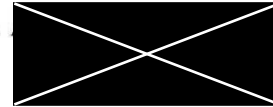
v.

FACILITY DIRECTOR, PRAIRIELAND
DETENTION CENTER, et al.,

Respondents.

Civil Action No. _____

Agency File No. _____



CERTIFICATE OF SERVICE

I, Nydia Sharaai Bernabel, hereby certify that on March, 09, 2026, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying documents upon the following parties by United States Postal Service, First-Class Mail, postage prepaid:

1. U.S. Attorney's Office, Northern District of Texas

1100 Commerce Street, 3rd Floor

Dallas, Texas 75242

2. Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, D.C. 20530

3. ICE Chief Counsel, Dallas Field Office

Office of the Principal Legal Advisor

8101 N. Stemmons Freeway

Dallas, Texas 75247

4. Facility director, Prairieland Detention Center (Immediate Custodian)

1209 Sunflower Lane

Alvarado, Texas 76009

5. Petitioner Jhon Andres Hernandez (Copy via Detention Center)

A249-072-776

c/o Prairieland Detention Center

1209 Sunflower Lane

Alvarado, Texas 76009

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 09 day of March, 2026, at Irving, Texas.

Nydia Sharaai Bernabel

NYDIA SHARAAI BERNABEL

On Behalf of Petitioner Jhon Andres Hernandez

3515 Coker Street, Apartment 108

Irving, Texas 75062

CERTIFICATE OF SERVICE

I, Jhon Andres Hernandez,  hereby certify that on the date indicated below, I placed a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all attached Exhibits in the U.S. mail at Prairieland Detention Center, with first-class postage prepaid, addressed to each of the following:

1. Office of the Clerk

United States District Court
Northern District of Texas, Fort Worth Division
501 West 10th Street, Room 310
Fort Worth, Texas 76102

2. United States Attorney's Office

Northern District of Texas
501 West 10th Street, Suite 1000
Fort Worth, Texas 76102

3. ICE – Enforcement and Removal Operations (ERO)

Dallas Field Office
8101 North Stemmons Freeway
Dallas, Texas 75247

4. U.S. Department of Justice

Office of Immigration Litigation (OIL)
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044

Date: 03/09/2026

Signature: 

Jhon Andres Hernandez, Pro Se



c/o Prairieland Detention Center 1209 Sunflower Lane
Alvarado, Texas 76009

JS 44 (Rev. 04/21) (TXND 4/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HERNANDEZ, Jhon Andres

DEFENDANTS

Facility Director, Prairieland Detention Center, et al.

(b) County of Residence of First Listed Plaintiff Dallas County, TX
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Johnson County, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se - Jhon Andres Hernandez, A249-072-776
c/o Prairieland Detention Center, 1209 Sunflower Lane
Alvarado, TX 76009

Attorneys (If Known)

4-26CV-305-0

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Description.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	☐ 310 Airplane	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 315 Airplane Product Liability	☒ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(n))
☐ 130 Miller Act	☐ 320 Assault, Libel & Slander		☐ 820 Copyrights	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 330 Federal Employers' Liability		☐ 830 Patent	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine		☐ 835 Patent - Abbreviated New Drug Application	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 345 Marine Product Liability		☐ 840 Trademark	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 350 Motor Vehicle		☐ 880 Defend Trade Secrets Act of 2016	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability			☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury			☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 362 Personal Injury - Medical Malpractice			☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability				☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 850 Securities/Commodities/Exchange
				☐ 890 Other Statutory Actions
				☐ 891 Agricultural Acts
				☐ 893 Environmental Matters
				☐ 895 Freedom of Information Act
				☐ 896 Arbitration
				☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 2241; 8 U.S.C. Section 1226(a); U.S. Const. amend. V

Brief description of cause:

Unlawful immigration detention without bond hearing - ICE applies Section 1225(b)(2)(A) to interior resident entitled to bond hearing under Section

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

N/A

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE N/A

DOCKET NUMBER N/A

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 04/21) (TXND (4/21))

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.