

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

MANUEL SAUCEDO LEMUS	)	
	)	
Petitioner,	)	Case No. _____
	)	
v.	)	PETITION FOR WRIT OF
	)	HABEAS CORPUS
	)	(under 28 U.S.C. §2241)
Warden, Rio Grande Processing Center;	)	
Miguel VERGARA, Field Office Director of	)	
Enforcement and Removal Operations, Harlingen	)	
Field Office, U.S. Immigration and Customs	)	
Enforcement (ICE); Kristi NOEM, Secretary, U.S.	)	
Department of Homeland Security; Pamela	)	
BONDI, U.S. Attorney General; U.S.	)	
DEPARTMENT OF HOMELAND SECURITY;	)	
EXECUTIVE OFFICE FOR IMMIGRATION	)	
REVIEW,	)	
	)	
Respondents.	)	
_____	)	

INTRODUCTION

1. Petitioner, Manuel Saucedo Lemus (hereinafter “Mr. Saucedo” or “Petitioner”), is in the physical custody of Respondents at the Rio Grande Processing Center in Laredo, Texas. Mr. Saucedo is unlawfully detained pursuant to mandatory detention policies recently adopted by the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR).

2. Petitioner is charged with having entered the United States without admission or parole on an unknown date. *See* 8 U.S.C. § 1182(a)(6)(A)(i). Based on this allegation, DHS and EOIR deem Petitioner subject to mandatory detention as an “applicant for admission” who is “seeking admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

3. DHS and EOIR each have nationwide policies mandating the detention of all persons who entered without admission or parole, regardless of whether that person was apprehended upon arrival. On September 5, 2025, in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the Board of Immigration Appeals (BIA) held that all persons who have entered the United States without admission or parole are now subject to mandatory detention under § 1225(b)(2)(A).

4. On February 6, 2026, the Fifth Circuit issued its decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496,---F.4th---, 2026 WL 323330 (5th Cir. Feb. 6, 2026) (consolidated with *Covarrubias v. Vergara, et al.*, Case No. 25-40701) (both of which are appeals from the United States District Court for the Southern District of Texas case numbers 4:25-cv-3726 and 5:25-cv-112). It held, as a matter of statutory interpretation, that noncitizens present in the United States who have not been admitted are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without eligibility for bond hearings. The decision reversed decades of prior practice and interpretation, under which people who entered the United States without inspection were generally detained under 8 U.S.C. § 1226(a) and entitled to bond hearings before Immigration Judges.

5. As such, Petitioner will be categorically denied bond by an Immigration Judge under the DHS's and EOIR's nationwide policy of denying bond to persons similarly situated and under the Fifth Circuit's statutory interpretation that he is subject to mandatory detention

6. The *Buenrostro-Mendez* opinion may dictate that this Court deny the relief being sought herein (i.e. a bond hearing, a bond, and/or an outright release). However, the holding of the Fifth Circuit in *Buenrostro-Mendez* goes against the government's prior and unbroken thirty-year practice of detaining inadmissible aliens apprehended within this country and applying

§1226—as opposed to §1225—and goes against voluminous prior holdings from all throughout this country which support the granting of the relief being requested herein. Petitioner respectfully files this petition to preserve error in this matter in the event the court is inclined to deny the request being sought herein.

7. Petitioner, Manuel Saucedo Lemus, brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents at the Rio Grande Processing Center. He now faces unlawful detention because DHS and EOIR have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

8. On November 20, 2025, the district court granted partial summary judgment on behalf of the individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,---F. Supp. 3d---, 2025 WL 3289861, at * 11(C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,---F. Supp. 3d---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

9. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11. Nonetheless, the Executive Office

for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have refused to abide by the declaratory relief.

10. On February 18, 2026, the Central District of California issued an order vacating *Yajure Hurtado*, part of its enforcement of its classwide declaratory judgment finding—directly contrary to the Fifth circuit in *Buenrostro*—that U.S.C. § 1226(a), not § 1225(b)(2)(A), applies to class members nationwide. See *Maldonado Bautista et al., v. Santacruz Jr. et al.*, No. 25-01873, ECF No. 116 (C.D. Cal. Feb. 18, 2026). The court ordered that all class members receive individualized notice that they “may be unlawfully detained and may seek release on bond or conditional parole under 8 U.S.C. § 1226(a).” *Id.* Petitioner argues as follows:

- a. Petitioner, Manuel Saucedo Lemus, is a member of the Bond Eligible Class, as he:
- b. does not have lawful status in the United States and is currently detained at the Rio Grande Processing Center. He was apprehended by immigration authorities on or around January 30, 2026;
- c. last entered the United States without inspection on or around November of 2008 and was not apprehended upon arrival; and
- d. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11. After apprehending Petitioner on or around January 30, 2026, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection and under 8 U.S.C. § 1182(a)(7)(A)(i)(I) as someone who is not in possession of a valid entry document.

12. Petitioners’ detention based on § 1225(b)(2) violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner, who previously entered and are now residing in the United States. Instead, such

individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. Indeed, § 1226(a) expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without admission or parole.

13. Respondent's and the Fifth Circuit's interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioners.

14. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

15. Most importantly, the Constitution's due process clause protections must be afforded to all those living in the United States before being deprived of their liberty. The Supreme Court has explained the critical distinction between those outside the United States and those within it when it comes to due process required before they may be deprived of their liberty:

The distinction between a [noncitizen] who has effected an entry into the United States and one who has never entered runs throughout immigration law. It is well established that certain constitutional protections available to persons inside the United States are unavailable to [noncitizens] outside of our geographic borders. But once a [noncitizen] enters the country, the legal circumstances changes, for the Due Process Clause applies to all "persons" within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent. Indeed, this Court has held that the Due Process Clause protects a [noncitizen] subject to a final order of deportation, though the nature of that protection may vary depending upon status and circumstance. *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001).

16. Here, Petitioner has resided in the United States since 1996 and has firmly established roots in the country. His length of residence and ties to the community create a heightened liberty interest, and therefore Petitioner is entitled to meaningful process in the form

of a bond hearing, notwithstanding *Buenrostro*. See, e.g., *Clemente Ceballos v. Garite*, No. 26-cv-00312, 2026 WL 446509, at *2 n.2 (W.D. Tex. Feb. 10, 2026) (Briones, J.) (holding *Buenrostro* does not change the procedural due process analysis and collecting cases); *Cumbe Lema v. De Anda-Ybarra*, No. 26-cv-249, ECF No. 7 (W.D. Tex. Feb. 9, 2026) (Cardone, J.) (similar).

17. Petitioner has a fundamental interest in liberty and being free from official restraint.

18. The Court should expeditiously grant this petition.

19. The Court should accordingly order that within one day, Respondents must release Petitioner. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

20. Petitioner is in the physical custody of the Respondents. Petitioner is detained at the Rio Grande Processing Center in Laredo, Texas.

21. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

22. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

23. Venue is proper because Petitioner is detained at the Rio Grande Processing Center in Laredo, Texas which is within the jurisdiction of this District.

24. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States and because a substantial

part of the events or omissions giving rise to the claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

25. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

26. The Court must grant the petition for 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, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

27. 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

28. Petitioner, Manuel Saucedo Lemus, was arrested by ICE on or around January 30, 2026, and has been detained at the Rio Grande Processing center since that date or soon after. Mr. Saucedo has resided in the United States without any interruptions in presence since November of 2008.

29. Respondent, Warden of the Rio Grande Processing Center, has immediate physical

custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Warden is a legal custodian of Petitioner. He/she is sued in his/her official capacity.

30. Respondent, Miguel Vergara, is sued in his official capacity as the Enforcement and Removal Operations Field Office Director for the Harlingen, Texas Field Office of U.S. Immigration and Customs Enforcement. Respondent Vergara is a legal custodian of Petitioner and has authority to release him.

31. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

32. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

33. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act (INA), including the detention and removal of noncitizens.

34. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redetermination in bond hearings.

LEGAL FRAMEWORK

35. Admittedly, Petitioner has not sought bond relief before an Immigration Judge. However, there is no statutory requirement to exhaust remedies for noncitizen detention claims; rather, “[u]nder the INA exhaustion of administrative remedies is only required by Congress for appeals on final orders of removal.” *Lopez-Arevalo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828, at *6 (W.D. Tex. Sep. 22, 2025) (quoting *Garza-Garcia v. Moore*, 539 F. Supp. 2d 899, 904 (S.D. Tex. 2007)); *see also* 8 U.S.C. § 1252(d)(1) (“A court may review a *final order of removal* only if ... the [noncitizen] has exhausted all administrative remedies.”) (emphasis added).

36. Here, Mr. Saucedo is not asking the court to review a final removal order, so there is no statutory requirement to exhaust. Aside from statutory requirements, federal prisoners must exhaust administrative remedies before filing a Section 2241 habeas petition. *See, e.g., Gallegos-Hernandez v. United States*, 688 F. 3d 190, 194 (5th Cir. 2012). However, exhaustion may be waived “where the attempt to exhaust such remedies would itself be a patently futile course of action.” *Id.* (citing *Fuller v. Rich*, 11 F. 3d 61, 62 (5th Cir. 1994)).

37. As will be discussed below, the BIA & the Fifth Circuit have held that Immigration Judges lack jurisdiction to hear bond claims like Petitioner’s, as such, it would be patently futile to require him to seek relief through the Immigration Judge & the BIA on this issue. *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 217. *Buenrostro-Mendez v. Bondi*, No. 25-20496, ---F.4th---, 2026 WL 323330 (5th Cir. Feb. 6, 2026).

38. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

39. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention

are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

40. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

41. Lastly, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1232(a)-(b).

42. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

43. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration and Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

44. Following the enactment of IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without admission or parole were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

45. Subsection 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

46. The text § of 1226 also explicitly applies to people charged as being inadmissible, including those who entered without admission or parole. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a).

47. Section 1226 therefore leaves no doubt that this applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

48. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

49. In decades that followed IIRIRA, most people who entered without admission or parole were placed in standard removal proceedings and received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a)(1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

50. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

51. On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice.

52. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without admission or parole shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

53. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are considered applicants for admission who are seeking admission and are ineligible for Immigration Judge bond hearings.

54. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like the Petitioner.

55. On November 20, 2025, the Central District of California granted partial summary judgment on behalf of the individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,---F. Supp. 3d---, 2025 WL 3289861, at * 11(C.D. Cal. Nov. 20,

2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,---F. Supp. 3d---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners’ Motion for Partial Summary Judgment).

56. On February 6, 2026, the Fifth Circuit issued its decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496,---F.4th---, 2026 WL 323330 (5th Cir. Feb. 6, 2026) (consolidated with *Covarrubias v. Vergara, et al.*, Case No. 25-40701) (both of which are appeals from the United States District Court for the Southern District of Texas case numbers 4:25-cv-3726 and 5:25-cv-112). It held, as a matter of statutory interpretation, that noncitizens present in the United States who have not be admitted are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without eligibility for bond hearings. The decision reversed decades of prior practice and interpretation, under which people who entered the United States without inspection were generally detained under 8 U.S.C. § 1226(a) and entitled to bond hearings before immigration judges.

57. On February 18, 2026, the Central District of California issued an order vacating *Yajure Hurtado*, part of its enforcement of its classwide declaratory judgment finding—directly contrary to the Fifth circuit in *Buenrostro*—that U.S.C. § 1226(a), not § 1225(b)(2)(A), applies to class members nationwide. *See Maldonado Bautista et al., v. Santacruz Jr. et al.*, No. 25-01873, ECF No. 116 (C.D. Cal. Feb. 18, 2026). The court ordered that all class members receive individualized notice that they “may be unlawfully detained and may seek release on bond or conditional parole under 8 U.S.C. § 1226(a).” *Id.*

58. The *Buenrostro-Mendez* opinion may dictate that this Court deny the relief being sought herein (i.e. a bond hearing, a bond, and/or an outright release). However, the holding of the Fifth Circuit in *Buenrostro-Mendez* goes against the government's prior and unbroken thirty-year practice of detaining inadmissible aliens apprehended within this country and applying §1226—as opposed to §1225—and goes against voluminous prior holdings from all throughout this country which support the granting of the relief being requested herein. Petitioner respectfully files this petition to preserve error in this matter in the event the court is inclined to deny the request being sought herein.

59. In the alternative, the Due Process Clause of the Fifth Amendment provides Mr. Saucedo with important protections regarding his detention. As the Supreme Court has explained, “[f]reedom 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).

60. To guarantee against such arbitrary detention and to guarantee the right to liberty, due process requires “adequate procedural protections” that ensure the government's asserted justification for a noncitizen's physical confinement “outweighs the individual's constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

61. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. 510, 522, 528 (2003). The government may not detain a noncitizen based on any other justification.

62. Mr. Saucedo argues that his detention without an opportunity for a meaningful individualized custody determination is unlawful on both statutory grounds, as well as constitutional due process grounds. The *Buenrostro-Mendez* panel opinion held that the statute does not entitle people in Mr. Saucedo's position to a bond hearing when they are detained pending removal proceedings. *Buenrostro-Mendez*, 2026 WL 323330, at *1. However, the *Buenrostro-Mendez* court did not reach the due process question, confining its analysis and holding to statutory interpretation. See generally *Buenrostro-Mendez*, 2026 WL 323330, at *1-10. And the case was remanded to the district court, not for dismissal, but "for further proceedings consistent with this opinion." *Id.* at *10. Those further proceedings will likely entail considerations of *Buenrostro-Mendez*'s due process claim, which the district court declined to reach in the first instance. *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, at *3 n.4 (S.D. Tex. Oct. 7, 2025). In fact, the Government's counsel stated it bluntly during oral argument: "We have one issue before the Court now: the statutory question.... There's not, in other words, a due process claim here." Oral Argument, *Buenrostro-Mendez v. Bondi*, No. 25-20496, at 44:56-45:11 (5th Cir. Feb. 3, 2026), available at https://www.ca5.uscourts.gov/OralArgRecordings/25/25-20496_2-3-2026.mp3. In sum, *Buenrostro-Mendez* has no bearing on this Court's determination of whether Mr. Saucedo is being detained in violation of his constitutional right to procedural due process.

63. Due process requires an opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Petitioner received no such opportunity and/or no such opportunity is available through the immigration courts at this time as a result of DHS' position, *Hurtado*, and the 5th Circuit's recent statutory interpretation in *Buenrostro-Mendez*.

64. To determine whether government conduct violates procedural due process, the Court weighs three factors in *Mathews* for courts to weigh: (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of the 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. *Id.* at 335.

A. Private Interest

65. Petitioner's private interest is the right to be free from government detention. Being free from physical detention by the government is at the core of due process protection, and "is the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). In our country, "liberty is the norm, and detention without trial 'is the carefully limited exception.'" *Id.* Petitioner's interest in being free from government detention is magnified by the fact that he has substantial family ties and physical presence in the United States.

66. Further, detention at a remote detention center miles away from major cities in Texas and with limited visiting hours makes it unnecessarily difficult for his family to visit him as traveling is time consuming and costly. Oftentimes, family visitation hours are limited to weekdays or times that conflict with work and school. If Petitioner's family makes the sacrifice to forego work and/or school, the visiting space is cold, restrictive, and unwelcoming. Their only option is a non-contact visit where they are physically separated from their loved one by a glass barrier preventing them from embracing or even touching their family member. Additionally, Petitioner's detention has made it impossible for him to financially provide for his family. Petitioner's spouse and children are forced to deal with this sudden loss of income forcing them into financial instability while their primary financial provider is detained indefinitely.

67. Prior to this administration, Petitioner would have been afforded the opportunity to seek a bond hearing before an Immigration Judge. An Immigration Judge would adjudicate whether he was a flight risk or a danger to the community and grant or deny bond as appropriate. After posting the requisite bond, Petitioner would be released throughout the pendency of his removal proceedings allowing him the opportunity to reunite with his wife and children. Today, such a hearing is not available to him without federal court intervention.

68. The private interest here is fundamental: freedom from detention. It weighs heavily in consideration of the *Mathews* factors.

B. Risk of Erroneous Deprivation

69. The second factor—the risk of erroneous deprivation of Mr. Saucedo’s liberty—is likewise substantial. The government’s sudden about face in the way it interpreted § 1225(b)(2)(A) prevents Petitioner from having a bond hearing at all—much less a fair one. This is particularly true when there is significant evidence that this new position was reached by DHS, the “prosecuting agency” in conjunction with “EOIR” the agency that is supposed to provide neutral adjudication of the noncitizen’s proceedings. “Such a rule [and process] is anomalous in our legal system,” and it represents a basic conflict that has been disapproved of in this context and others. *Günaydn*, 2025 WL 1459154, at *8; *see also Marcello v. Bonds*, 349 U.S. 302, 305-06, 75 S. Ct. 757 (1955) (holding that officer adjudicating immigration case cannot undertake prosecutorial role in the same matter). When procedural protections are almost non-existent, it markedly increases the risk of erroneous deprivation of Petitioner’s liberty interests. *See Black v. Dir. Thomas Decker*, 103 F.4th 133, 152 (2d Cir. 2024).

C. Government Interest

70. The government has no valid interest in depriving Petitioner of a bond hearing. The government's interest is supposed to be in upholding the Constitution and laws, both of which are plainly violated by its recent actions and continued unlawful detention of Petitioner. Depriving anyone of their liberty is a serious thing that should only be done as punishment or when necessary to prevent flight or danger to the community.

71. To balance liberty interest against interests in assuring appearance and safety, the INA explicitly provides bond hearings for noncitizens who are not described in § 1226(c) or 8 C.F.R. § 1003.19(h). The government, however, wants to detain everyone without any regard to whether they are a danger or a flight risk. *Jacinto v. Trump*, 2025 WL 240227, at *4 (“The governmental interest in the continued detention of these least-dangerous individuals, in contravention of the order of a neutral fact-finder, does not outweigh the liberty interest at stake.”). On balance, the private interests affected and the risk of erroneous deprivation under the current procedures greatly outweigh the government's interest in detaining anyone they want regardless of whether it is necessary or lawful. Petitioner's arbitrary detention without a bond hearing by a neutral adjudicator violates Petitioner's substantive due process rights as guaranteed by the Fifth Amendment.

72. Petitioner consequently seeks habeas relief.

STATEMENT OF FACTS

73. Petitioner is a 45-year-old citizen of Mexico. (Exhibit A, Petitioner's Birth Certificate). Mr. Saucedo first arrived in the United States in 1996. Admittedly, Petitioner has some brief interruptions in presence after departing from the country on his own accord. Mr.

Saucedo last entered the United States without inspection in November of 2008 and has not departed the country since this last entry date. To date, he has resided in the United States for over seventeen years without any interruptions in presence. In the United States, Mr. Saucedo is steadily employed as a welder with [REDACTED] where he earned \$171,720.93 in wages in 2025. (Exhibit U, Petitioner's 2025 W-2).

74. Petitioner is the husband to a U.S. citizen wife—Alma Nelly Vasquez; the couple has been married for 14 years. (Exhibit J & K, Marriage Certificate & Wife's Naturalization Certificate). Mr. Saucedo is the father to four U.S. citizen children: K.S. Lara (22); Y.S. Lara (20); G. Saucedo (10); and C.M. Saucedo (8). (Exhibits L – O, Children's Birth Certificates and/or Certificates of Naturalization). Petitioner is the son to two U.S. Legal Permanent Residents—Froilan Saucedo Cisneros and Maria Guadalupe Lemus de Saucedo. (Exhibit P – Q, LPR Cards for Father & Mother). Petitioner has three siblings in the United States with legal status: Felipe Saucedo Lemus (U.S. Citizen); Francisco Javier Saucedo Lemus (Legal Permanent Resident); and Ana Maria Pimentel (Legal Permanent Resident). (Exhibits R – T, Certificate of Naturalization & LPR Cards for Siblings).

75. Petitioner's only blemish is single conviction for driving under the influence of alcohol. On June 2, 2002, Mr. Saucedo was arrested by the Carroll County Sheriff's Office in Carroll County, Georgia. (Exhibit V, Criminal Records). Petitioner pled guilty and was ordered to serve 12 months of probation and pay a \$725 fine. *Id.* Twenty-three years later, Mr. Saucedo has never been arrested or convicted of any other crime.

76. On November 13, 2023, Mr. Saucedo filed Form I-360 with the United States Citizenship and Immigration Services (USCIS) as a VAWA self-petitioning spouse and Form I-485, Application for Adjustment of Status. (Exhibits D – E, Receipt Notices for I-360 & I-485)

On December 4, 2025, USCIS granted a request for an extension of a prima facie determination until June 2, 2026. (Exhibit E, Prima Facie Determination Extension). USCIS' case status tool indicates that both Petitioner's I-360 & I-485 remain pending and a final decision has not been issued. (Exhibit F, USCIS Case Status for I-360 & I-485). In connection to his I-485, Application for Adjustment of Status, Petitioner applied for and was issued a combo employment authorization document—"EAD" or "work permit"—and an advance parole document. (Exhibit C, EAD/Parole Document). This document allows Petitioner to lawfully work in the United States and travel outside the country and re-enter with advanced permission.

77. On or around January 30, 2026, Mr. Saucedo was detained at the Sarita, Texas CBP Checkpoint while in route home to Ingleside, Texas after working in Brownsville, Texas. Mr. Saucedo presented to immigration agents his EAD in conjunction with the Receipt Notices of his pending applications before USCIS. Despite the pending application, he was detained and processed by immigration officers.

78. Mr. Saucedo was placed in removal proceedings by the filing of a Notice to Appear (NTA) dated February 4, 2026 under INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Secretary of the Department of Homeland Security and under INA § 212(a)(7)(A)(i)(I) as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act. (Exhibit G, Notice to Appear). To date, Mr. Saucedo has been detained at the Rio Grande Processing Center in Laredo, Texas in the custody of DHS. (Exhibit H, ICE Locator Information).

79. Mr. Saucedo is currently set for a Master Calendar Hearing—or a pretrial hearing—on March 9, 2026, at 8:30 AM, before Immigration Judge Courtney Chua Stevens at the Laredo Immigration Court. (Exhibit I, Automated Case Information, Next Hearing Information). Mr. Saucedo intends to seek two forms of relief from removal—cancellation of removal for certain nonpermanent residents under INA § 240A(b) as his U.S. citizen children would suffer an exceptional and extremely unusual hardship should he be removed and withholding of removal under INA § 241(b)(3) and relief under the Convention Against Torture. If relief is denied, Mr. Saucedo intends to appeal an unfavorable decision to the Board of Immigration Appeals (BIA) automatically staying a removal order from going into effect until a final decision is made on his case. While his removal proceedings and a potential administrative appeal to the BIA remains pending, the basis for his detention remains 8 U.S.C. § 1226(a).

80. Mr. Saucedo has not had a bond hearing. Pursuant to DHS policy, *Matter of Yajure Hurtado*, and the 5th Circuits interpretation in *Buenrostro*, Respondents consider him subject to mandatory detention.

81. As a result, Mr. Saucedo remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

CLAIMS FOR RELIEF

COUNT ONE Violation of the INA

82. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

83. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As

relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

84. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT TWO
Violation of Fifth Amendment Right to Due Process

85. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

86. 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).

87. Petitioner has a fundamental interest in liberty and being free from official restraint.

88. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

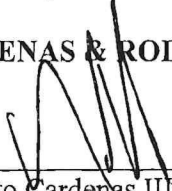
- (1) Assume jurisdiction over this matter;
- (2) Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

- (3) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- (4) Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- (5) Grant any other and further relief this Court deems just and proper.

DATED this 17th of March, 2026.

Respectfully submitted,

CARDENAS & RODRIGUEZ



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Counsel for Petitioner

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

I represent Petitioner, Manuel Saucedo Lemus, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17th day of March, 2026.

A handwritten signature in black ink, appearing to read 'Norberto Cardenas III', written over a horizontal line.

Norberto Cardenas III