

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Adalberto AGUIRRE MORALES

Petitioner,

Corpus

v.

Charlotte COLLINS, Warden,
T. Don Hutto Detention Center

Pamela BONDI, Attorney General
United States Department of Justice

Markwayne MULLIN, Secretary
United States Department of
Homeland Security

Todd LYONS, Acting Director
United States
Immigration and Customs
Enforcement (ICE)

and

Marcos CHARLES,
Acting Executive Associate Director for the
Office of Enforcement and Removal
Operations (ERO) for United States
Immigration and Customs Enforcement

Respondents.

Petition for Writ of Habeas

Case No.:

PETITION FOR WRIT OF HABEAS

Petitioner, Adalberto AGUIRRE MORALES, Alien Number , by and through
Petitioner's attorney, petitions this Honorable Court for a Writ of Habeas Corpus and immediate

release from custody to remedy Petitioner's unlawful detention. In support of therefore, Petitioner states as follows:

I. CUSTODY

1. Petitioner is in the physical custody of United States Immigration and Customs Enforcement ("ICE") detained at the Eden Detention Center at 1001 Welch St, Taylor, Texas, 76574. ICE contracted with Core Civic to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents.

II. JURISDICTION AND VENUE

2. This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 *et seq.*, and the Administrative Procedures Act ("APA"), 5 U.S.C. §701 *et seq.*, This court has jurisdiction and venue in this action pursuant to 28 U.S.C. §§ 2241(a), (c)(1,3); U.S. CONST. art I, §9, cl. 2 (the "Suspension Clause"); and 28 U.S.C. §1331, as Petitioner is presently in custody under the color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. *Zadvydas v. Davis*, 533 U.S. 678 (2001). This court may grant relief pursuant to 28 U.S.C. §2241, the APA, the Declaratory Judgement Act, 28 U.S.C. 2201 *et seq.* and the All Writs Act, 28 U.S.C. §1651. Further, this Court has jurisdiction under 28 U.S.C. §2241 to review constitutional as well as statutory issues. *INS v. St. Cyr*, 531 U.S. 1107 (2001). The Writ of Habeas Corpus "is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Harris v. Nelson*, 394 U.S. 286, 290 (1969). The power of this Court's inquiry on federal habeas corpus review is plenary. *Towsend v. Sain*, 372 U.S. 293, 312 (1963).

3. Venue is proper with this Court pursuant to 18 U.S.C. §1391(e), because Respondents are employees or officers of the United States or under contract with the United States acting in their official capacity, and an agency of the United States, and Petitioner is under their control; because Petitioner is detained by ICE at the T. Don Hutto Detention Center in Taylor, Texas, which is under the jurisdiction of the District; because a substantial part of the events or omissions giving rise to the claim occurred in this District; and because the government's decision to hold petitioner in custody and his administrative proceedings occurred in this District.

III. ALLEGATIONS

4. On August 12, 2025, ICE placed Petitioner in detention. On October 24, 2025, the Immigration Judge denied Petitioner's request for custody redetermination. An Immigration Judge's decision regarding a bond redetermination does not allow ICE to imprison Petitioner indefinitely. *See Demore v. Kim*, 538 U.S. 531 (2003)(finding mandatory detention is *only* for "the limited period of [the alien's] removal proceedings.) *See also Ramirez v. Watkins*, No. 1:10-CV-0126, 2010 WL 6269226, at 1* (S.D. Tex. Nov. 3, 2010)(stating the Supreme Court's use of the language "for the limited period of [the alien's] removal proceedings" implies the length of detention can become unreasonable and unconstitutional). Petitioner's detention is now over 229 days and detention has become "unreasonable." *See Saeku v. Johnson*, No. 1:16-CV-155-O, at 8* (N.D. Tex. Sept. 14, 2017)(stating one of the factors to be considered when making a reasonableness inquiry includes the length of detention).

IV. BACKGROUND

5. Petitioner is a native and citizen of Mexico.
6. Petitioner entered the United States with a visitor visa on or about March 1, 1988, near El Paso, Texas.
7. The Department of Homeland Security (“DHS”) initiated removal proceedings against Petitioner on August 4, 2020, when DHS issued Petitioner a Notice to Appear (“NTA”).
8. On August 12, 2025, ICE Officers detained Petitioner after Petitioner was released from Hays, Texas, Jail.
9. On August 9, 2025, the Executive Office for Immigration Review (“EOIR”) (“Immigration Court”) issued a Notice of Hearing for a removal hearing on September 9, 2025.
10. On September 19, 2025, the Immigration Court scheduled a removal hearing to occur on September 19, 2025.
11. On September 19, 2025, the Immigration Court scheduled a removal hearing to occur on October 3, 2025.
12. On October 3, 2025, the Immigration Court scheduled a removal hearing to occur on October 17, 2025.
13. On October 15, 2025, Petitioner filed a request for the Immigration Court to reconsider Petitioner’s custody status.
14. On October 24, 2025, an Immigration Judge denied Petitioner’s request for custody status redetermination.

15. On November 24, 2025, Petitioner appealed the Immigration Judge's denial of Petitioner's request for custody status redetermination to the Board of Immigration Appeals ("BIA").
16. On January 12, 2026, the Immigration Court scheduled a final removal hearing to occur on January 21, 2026.
17. On January 21, 2026, the Immigration Judge order Petitioner removed to Mexico.
18. On February 20, 2026, Petitioner appealed the removal decision of the Immigration Judge to the BIA.

V. PARTIES

19. Petitioner is a citizen of Mexico. Petitioner is currently detained by DHS at the T. Don Hutto Detention Center in Taylor, Texas, located within the jurisdiction of the United States District Court for The District of Northern Texas.
20. Respondent, Charlotte Collins, is sued in her official capacity as Warden of the T. Don Hutto Detention Center in Taylor, Texas. Petitioner is in Respondent's direct custody. Respondent is the legal custodian of Petitioner.
21. Respondent, Pamela Bondi, is sued in her official capacity as the United States Attorney General. In this capacity she has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. §1103(g).
22. Respondent, Markwayne Mullin, is sued in his official capacity as the Acting Secretary for the United States Department of Homeland Security. In this capacity, Respondent has responsibility for the administration of the immigration laws under 8 U.S.C. §1103(a) and is the legal custodian of Petitioner.

23. Respondent, Todd Lyons, is sued in his official capacity as the Acting Director for United States Immigration and Customs Enforcement. In this capacity, Respondent has responsibility for the administration of the immigration laws under the authority granted the Secretary for the Department of Homeland Security and is the legal custodian of Petitioner.

24. Respondent, Marcos Charles, is sued in his official capacity as the Acting Executive Associate Director for the Office of Enforcement and Removal Operations for the United States Immigration and Customs Enforcement. In this capacity, Respondent has responsibility for the administration of the immigration laws under the authority granted to the Secretary for the Department of Homeland Security and is the legal custodian of petitioner.

VI. EXHAUSTION

25. Petitioner exhausted his administrative remedies. Petitioner filed for a custody redetermination with the Immigration Judge who denied Petitioner's request. Petitioner appealed the Immigration Judge's decision to the BIA on November 24, 2025, and the BIA has yet to decide Petitioner's appeal. Additionally, the exhaustion requirement does not apply in Petitioner's case because Petitioner is raising a due process claim regarding the government's continued unlawful detention of Petitioner. *See Monteon-Camargo v. Barr*, 918 F. 3d 423 429 (5th Cir. 2019)(*stating* due process claims are generally exempt from the exhaustion doctrine).

VII. FIRST CLAIM OF RELIEF

(SUBSTATANTIVE DUE PROCESS)

26. Petitioner realleges and incorporates by reference paragraphs 1 through 25 of this Complaint as fully stated herein.
27. Petitioner remains detained for over 229 days.
28. A date in which the BIA will adjudicate Petitioner's appeal from the Immigration Judge's denial of Petitioner's custody redetermination request is not foreseeable.
29. All persons residing in the United State are protected by the Due Process Clause of the Fifth Amendment. *See Zadyvdas*, 533 U.S. at 693-94. The Due Process Clause of the Fifth Amendment provides "[n]o person shall be... deprived of life, liberty or property without due process of law." U.S. Const. amend V. "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process clause from arbitrary government action." *Foucha v. Lousiana*, 504 U.S. 71, 80 (1992). Petitioner's continued detention violates substantive due process by depriving him of his fundamental liberty interest in remaining free from detention.
30. Respondents' dentition of Petitioner is unreasonable and unlawful. Respondents continue to detain Petitioner for longer than is required for the limited period of removal proceedings. The prolonged detention is on account on the government's failure to timely adjudicate Petitioner's appeal of the Immigration Judge's denial of Petitioner's request to reconsider Petitioner's custody status. The immigration authorities have not acted promptly in this case and Petitioner's detention has become unreasonable. *See Saeku v. Johnson*, at 8*.

31. The Federal District Court should hold Respondents' continued detention of Petitioner is unlawful and order Respondents to release Petitioner immediately from ICE detention at the T. Don Hutto Detention Center in Taylor, Texas.

VIII. IRREPARABLE INJURY

32. Petitioner is suffering and will continue to suffer irreparable injury because of Respondent's actions. Every day that he is held in custody he suffers further injury, which is irreparable.

IX. PRAYER FOR RELIEF

WHEREFORE, and in light of the foregoing, Petitioner prays the Court:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Respondents to show cause why the District Court should not issue a Writ of Habeas Corpus;
- C. Issue a declaratory judgement holding Respondent's continued detention of Petitioner is unreasonable and unlawful;
- D. Compel Respondents to release Petitioner from ICE detention;
- E. Award Plaintiff attorney's fees and court costs pursuant to 28 U.S.C § 2412 and any other applicable statutory, common law, or Constitutional provision; and
- F. Grant Plaintiff any other relief that this Court deems just and proper at law and in equity.

Respectfully Submitted,

"/s/" Christopher Carlston

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2025, the foregoing Complaint for Writ of Mandamus was filed electronically. Parties may access this filing through the Court's system.

I further certify that a summons and Complaint were served upon each of the parties listed below:

Ryan Rabould, Esq.
United States Attorney
United States Department of Justice
500 Chestnut Street, Suite 601
Abilene, Texas 79602
Via certified mail, return receipt requested

Honorable Markwayne Mullin,
Acting Secretary United States Department of Homeland Security
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Via certified mail, return receipt requested

Honorable Todd Lyons,
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Marcos Charles,
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Via certified mail, return receipt requested

"/s/ Christopher Carlston
Christopher R. Carlston (TX 24087263)

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Attorney for Petitioner