

- remains in active removal proceedings,
 - has not been convicted of any crime triggering mandatory detention, and
 - presents no danger to the community or flight risk.
4. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment and exceeds the Government's statutory authority.
 5. Petitioner therefore seeks:
 - Immediate release, or in the alternative
 - An order requiring a constitutionally adequate bond hearing before an Immigration Judge.

II. JURISDICTION AND VENUE

7. This Court has jurisdiction under:
 - 28 U.S.C. §2241
 - 28 U.S.C. §1331
 - 28 U.S.C. §1651
8. Petitioner challenges the legality of his detention, not the validity of his removal proceedings.
9. Venue is proper in this district because Petitioner is detained within this Court's jurisdiction at the Bluebonnet Detention Facility in Anson, Texas, which lies within the Northern District of Texas.

III. PARTIES

Petitioner

10. Petitioner **Martin Nava Guerrero** is a noncitizen currently detained by ICE at the Bluebonnet Detention Facility.
11. Petitioner has been continuously present in the United States since April 3, 1997.
12. Petitioner entered the United States without inspection.
13. Petitioner is currently in ongoing removal proceedings before the Immigration Court.

Respondents

14. **Todd M. Lyons**, Acting Director of ICE, is responsible for the administration and enforcement of immigration detention policies.
15. **Marcelo Villegas**, Warden of the Bluebonnet Detention Facility, is the immediate custodian of Petitioner.
16. **Markwayne Mullin**, Attorney General of the United States, is responsible for the administration of the immigration laws.

IV. FACTUAL BACKGROUND

A. Petitioner's Entry and Presence in the United States

17. Petitioner entered without inspection on April 3, 1997
18. On or about May 30, 2023, Petitioner was paroled into the United States by immigration authorities.
19. Since that time, Petitioner has remained continuously present in the United States.

B. Pending Removal Proceedings

20. Petitioner is currently in removal proceedings before the Immigration Court.
21. The immigration proceedings remain ongoing and no final removal order has been issued.

22. Petitioner is actively pursuing relief and complying with all immigration requirements.

C. Detention by ICE

23. On or about , Petitioner appeared for a routine ICE check-in as required. During that appointment, ICE officers detained Petitioner without prior warning.

24. Petitioner was transferred to the Bluebonnet Detention Facility where he remains detained.

D. Lack of Mandatory Detention

26. Petitioner has not been convicted of any offense triggering mandatory detention under INA §236(c).

27. Petitioner previously faced a criminal charge, but that charge was dismissed after Petitioner successfully completed the court-ordered requirements.

28. Because there is no qualifying conviction, Petitioner is not subject to mandatory detention.

E. Unlawful Detention

29. ICE continues to detain Petitioner without a meaningful opportunity for release.

30. The petitioner poses no danger to the community.

31. Petitioner entered the United States on a J-1 Exchange Visitor visa issued by the United States Department of State on or about May 30, 2023.

32. On or about December 15, 2025, Petitioner was taken into custody by the U.S. Immigration and Customs Enforcement (ICE) at his routine Ice Check-in and placed in removal proceedings.

33. Petitioner remains detained at Bluebonnet Detention Facility..

34. On February 5, 2026 Petitioner appeared before an Immigration Judge ("IJ") for a custody determination.

35. During that proceeding, the Immigration Judge denied bond and concluded that Petitioner constituted a “danger to the community.”
36. The Immigration Judge’s determination was based on a previous charge of driving under the influence that has been dismissed..
37. Petitioner disputes that determination and maintains that he poses no danger to the community.
38. The Immigration Judge’s finding relied on charges that have been previously dismissed, rather than clear and convincing evidence of dangerousness.
39. Petitioner has no violent criminal history and has strong community ties that demonstrate he does not pose a risk to public safety.

F. Bond Denial and Erroneous Danger Finding

32. On February 05, 2026, Petitioner appeared before an Immigration Judge for a bond hearing.
33. The Immigration Judge denied bond, citing ICE’s allegation that Petitioner posed a “danger to the community.”
34. This finding is factually and legally unsupported, because:
 - Petitioner has no convictions that trigger mandatory detention under INA §236(c);
Petitioner successfully completed court requirements for prior dismissed charges;
Petitioner has no history of violence or criminal behavior that could reasonably endanger the community;
Petitioner has been lawfully present in the United States since May 30, 2023 and has fully complied with all ICE check-in requirements;
ICE’s characterization relies solely on past, dismissed charges, not on current conduct or risk.
The denial of bond based on this erroneous “danger” finding violates both INA §236(a) and the Fifth Amendment, because it arbitrarily deprives Petitioner of his liberty without proper justification.

V. LEGAL FRAMEWORK

A. Detention Under INA §236(a)

33. Noncitizens in removal proceedings who are not subject to mandatory detention are detained under **INA §236(a), 8 U.S.C. §1226(a)**.

34. Section 236(a) provides the Government discretion to:

- detain the individual, or
- release the individual on bond or conditional parole.

35. Individuals detained under §236(a) are entitled to an individualized bond determination.

B. Constitutional Limits on Civil Detention

36. Immigration detention is civil, not punitive.

37. Under the Fifth Amendment, civil detention must be reasonably related to its purpose.

38. Prolonged detention without an individualized determination of necessity violates due process.

C. Bond Determinations and Dangerousness Findings

43. When determining whether a noncitizen detained under **8 U.S.C. §1226(a)** should be released on bond, immigration judges consider whether the individual poses a danger to the community or a risk of flight.

44. However, courts have recognized that immigration detention remains civil in nature, and a finding of dangerousness must be supported by reliable and probative evidence.

45. Immigration judges must evaluate the totality of the circumstances, including criminal history, family ties, employment, and community connections.

46. A conclusory or unsupported determination that an individual is a danger to the community cannot justify prolonged or indefinite detention without meaningful review.

47. Federal courts retain authority under **28 U.S.C. §2241** to review immigration detention where the underlying custody determination violates constitutional due process or federal law.

VI. CLAIMS FOR RELIEF

COUNT I

UNLAWFUL DETENTION IN VIOLATION OF INA §236(a)

39. Petitioner realleges all prior paragraphs.
40. Petitioner is detained under **INA §236(a)** because he is in ongoing removal proceedings and not subject to mandatory detention.
41. ICE's continued detention without a meaningful opportunity for release exceeds its statutory authority.
42. Petitioner is therefore entitled to **habeas relief under 28 U.S.C. §2241**.

COUNT II

VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

43. Petitioner realleges all prior paragraphs.
44. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.
45. Petitioner's detention without a meaningful bond determination violates the Constitution.

COUNT III

Violation of the Fifth Amendment – Arbitrary Dangerousness Determination

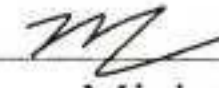
48. Petitioner incorporates the preceding paragraphs.
49. The Immigration Judge denied bond after concluding that Petitioner constitutes a danger to the community.
50. That determination was made without sufficient reliable evidence demonstrating that Petitioner poses a genuine risk to public safety.
51. Civil immigration detention cannot be justified based on unsupported or speculative conclusions of dangerousness.
52. The Fifth Amendment requires that deprivations of liberty occur only through fair procedures and reasoned decision-making.
53. The Immigration Judge's determination failed to adequately consider:
 - Petitioner's lawful entry into the United States on a J-1 visa
 - Petitioner's lack of serious criminal history
 - Petitioner's family and community ties
 - Petitioner's ability to comply with conditions of release
54. Continued detention based on an unsupported dangerousness finding therefore violates the Due Process Clause of the Fifth Amendment.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus;
- B. Order Respondents to immediately release Petitioner from custody;
- C. Grant such other relief as the Court deems just and proper.

Respectfully submitted,



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VERIFICATION

I, Michael B Piri, declare under penalty of perjury that I am the Petitioner in this action and that the foregoing facts are true and correct to the best of my knowledge.

Executed on the 30th of March, 2026



Petitioner
Attorney