

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

1. Alexander Nahum PARADA-  
CEDILLO,

Petitioner,

v.

1. Marcello VILLEGAS, Warden of the  
Bluebonnet Detention Facility;
  2. Todd LYONS, Acting Director of  
Immigration and Customs  
Enforcement;
  3. Daren MARGOLIN, EOIR Director,  
U.S. Department of Justice;
  4. Markwayne MULLIN, Secretary,  
U.S. Department of Homeland  
Security;
  5. Pamela BONDI, U.S. Attorney  
General;
- In their official capacities,

Respondents.

Case No. 1:26-cv-152

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1. Petitioner Alexander Nahum Parada-Cedillo is in the physical custody of Respondents at the Bluebonnet Detention Facility in Anson, Texas. He has been detained for over six months without an individualized hearing of any kind.
2. This is not a case about whether § 1225(b) or § 1226(a) governs Petitioner's detention. This is a case about whether the government may strip a person of liberty it previously granted—twice—without notice, without a hearing, without any finding of changed circumstances, and without any individualized determination that detention is necessary. The answer, under the Fifth Amendment, is no. And even within the statutory framework ICE chose to apply—mandatory detention under § 1226(c)—ICE got it wrong: misdemeanor DWIs are not aggravated felonies under binding Supreme Court precedent.
3. Petitioner entered the United States in 2014 at the age of 15 with his mother and sister, fleeing abuse and gang violence in Honduras. A Maryland state court found that Petitioner had been subjected to abuse, neglect, and abandonment by his father. Based on those findings, Petitioner was granted Special Immigrant Juvenile Status, and his I-360 petition was approved by USCIS in January 2019. In May 2021, the Department of Homeland Security itself agreed to a Joint Motion to Reopen and Terminate Petitioner's removal proceedings to facilitate his SIJS-based adjustment of status. The government's own conduct—

approving his SIJS petition and agreeing to reopen his case—reflects its determination that Petitioner had a viable path to lawful permanent residence.

4. In February and March 2024, Petitioner was arrested for two DWI offenses. ICE placed detainer holds both times and both times made an affirmative determination to release him into the community. Over a year later, on September 10, 2025, Petitioner reported to ICE for a routine check-in and was detained—citing the same arrests ICE already knew about when it released him. No notice. No hearing. No changed circumstances. No individualized assessment of danger or flight risk. Petitioner has been detained ever since.
5. Petitioner seeks a writ of habeas corpus requiring his immediate release—or, alternatively, that Respondents provide a bond hearing where they bear the burden of proof within five days.

### **JURISDICTION**

6. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas.
7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). See *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).
8. This Court may grant relief pursuant to 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

9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner currently is detained.
10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Texas.

## REQUIREMENTS OF 28 U.S.C. § 2243

11. 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, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
12. 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**

13. Petitioner Alexander Nahum Parada-Cedillo is a citizen of Honduras who has been in immigration detention since September 10, 2025. After re-detaining Petitioner at a routine ICE check-in in the Dallas–Fort Worth area on September 10, 2025, ICE did not set bond. Petitioner has been denied any individualized custody review. ICE classified Petitioner under mandatory detention pursuant to 8 U.S.C. § 1226(c), and no immigration judge has conducted an individualized bond hearing or custody redetermination of any kind.
14. Respondent Marcello Villegas is employed by Bluebonnet Detention Facility as Warden of the facility where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
15. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Lyons has supervisory authority over Petitioner’s detention and removal. He is named in his official capacity.
16. Respondent Daren Margolin is the Director of U.S. Department of Justice’s Executive Office for Immigration Review (EOIR), which includes the immigration court system. He is sued in his official capacity.
17. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”), and oversees ICE, which is

responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

18. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

### **LEGAL FRAMEWORK**

19. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
20. The three-factor balancing test of *Mathews v. Eldridge* is employed to determine whether civil immigration detention indeed violates procedural due process. *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893 (1976). *See Parada-Hernandez v. Johnson*, No. 3:25-cv-2729-K-BN, 2025 LX 595948, at \*10 (N.D. Tex. Oct. 29, 2025); *Perez v. Noem*, No. 1:25-cv-00181, 2025 U.S. Dist. LEXIS 272512, at \*3 (S.D. Tex. Aug. 26, 2025); *Lala Barros v. Noem*, No. EP-25-CV-488-KC, 2025 LX 532732, at \*9 (W.D. Tex. Nov. 10, 2025). The factors to be considered are: “(1) ‘the private interest that will be affected by the official

action’; (2) ‘the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards’; and (3) ‘the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.’” *Parada-Hernandez*, No. 3:25-cv-2729-K-BN, at \*10 (quoting *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)).

21. The first *Mathews* factor, the private interest affected by the action, involves the Petitioner’s physical liberty and interest in being physically unrestrained and separated from family, friends, and community.
22. The second *Mathews* factor is the risk of erroneous deprivation of the interest in question along with the value of any other safeguards used. This Court has noted that the risk of erroneous deprivation is high in a noncitizen case: “Without a bond hearing, [the petitioner] will likely remain in custody.” *Parada-Hernandez*, at \*12.
23. Finally, the government’s interest must be considered as the third *Mathews* factor. To be sure, the governmental Respondents have an interest in continuing to prosecute removal proceedings against a noncitizen and ensure his presence at these removal hearings. However, the government should provide support for its position that a petitioner would abscond. As the Western District of Texas noted significantly while weighing this *Mathews* factor for a nonimmigrant, “[Respondents] have failed to even articulate an individualized reason for which

[the petitioner] should be detained.” *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 U.S. Dist. LEXIS 195616, at \*38 (W.D. Tex. Oct. 1, 2025). Similarly, Southern District of Texas has noted as significant in a noncitizen’s habeas case, while weighing the third *Mathews* factor, “Respondents have proffered no evidence showing that Petitioner is a flight risk or a danger to the community...” *Cruz-Reyes v. Bondi*, No. 5:26-CV-60, 2026 U.S. Dist. LEXIS 27758, at \*20 (S.D. Tex. Feb. 3, 2026).

24. While the Fifth Circuit recently issued its highly publicized noncitizen decision in *Buenrostro-Mendez*, that decision only foreclosed statutory arguments for noncitizens who entered the country without authorization who believe they are detained under 8 U.S.C. §1226. *See generally, Buenrostro-Mendez v. Bondi*, -- F.4<sup>th</sup> --, No. 25-20496, 2026 WL 323330, \*2 (5<sup>th</sup> Cir. Feb. 6, 2026).
25. Notably, the Fifth Circuit did not address any other bases of claims for habeas that could apply to noncitizens.<sup>1</sup> Accordingly, the holding of *Buenrostro-Mendez* is narrowly limited to statutory arguments as to whether Sections 1225 or 1226 apply to noncitizens who entered the country unlawfully and does not affect, in any manner, other bases for noncitizen habeas actions.

---

<sup>1</sup> “Indeed, 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 (5<sup>th</sup> Cir. Feb. 3, 2026), available at [https://www.ca5.uscourts.gov/OralArgRecordings/25/25-20496\\_2-3-2026.mp3](https://www.ca5.uscourts.gov/OralArgRecordings/25/25-20496_2-3-2026.mp3).” *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC, \*3 (W.D. Tex. Feb. 9, 2026).

26. In a recent decision (post *Buenrostro-Mendez*) by the Western District of Texas, that court granted a very similar noncitizen habeas case on the basis of due process alone. *Hassen v. Noem*, No. EP-26-CV-00048-DB, 2026 LX 42398 (W.D. Tex. Feb. 9, 2026). The court explicitly held, “*Buenrostro-Mendez* does not change this case’s outcome on procedural due process grounds.” *Id.* at \*5 n.1. In so deciding, the court agreed with an earlier case in the same district finding the applicability of Sections 1225 versus 1226 “inconsequential for purposes of its [due process] analysis.” *Id.* at \*3 (internal citations omitted). Regardless of which detention statute applied to the petitioner, the court found a writ of habeas corpus appropriate under the Due Process Clause, reasoning that “noncitizens who have ‘established connections’ in the United States by virtue of living in the country for a substantial period acquire a liberty interest in being free from government detention without due process of law.” *Id.*
27. *Hassen* is not the only Texas decision to grant a noncitizen habeas on due process grounds alone after the *Buenrostro* decision. See *Ceballos v. Garite*, No. EP-26-CV-00312-DB, 2026 LX 71436 (W.D. Tex. Feb. 10, 2026) (habeas for Mexican national granted on procedural due process grounds); *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026) (habeas for noncitizen denied in part on statutory grounds after *Buenrostro-Mendez* but granted in part on procedural due process grounds).
28. Accordingly, if Petitioner’s detention violates due process, this habeas corpus petition must be granted. These due process protections apply regardless of

which immigration detention statute governs Petitioner's custody. The Constitution provides a floor below which no statutory framework may fall. See *Zadvydas*, 533 U.S. at 695; *Clark v. Martinez*, 543 U.S. 371, 380 (2005) (extending *Zadvydas* to inadmissible aliens).

29. Moreover, while Petitioner contends that release is the proper relief, if the Court were to issue a bond hearing, the requirements of that hearing would also need to comply with procedural due process.
30. Courts have found that due process requires the government to bear the burden of proving, at any bond hearing, that the noncitizen is a danger, flight risk, or threat to national security. See *L.G. v. Choate*, 744 F. Supp. 3d 1172 (D. Colo. 2024) (ordering bond hearing for petitioner under 8 U.S.C. § 1226(a), holding that DHS must bear the burden to prove by clear and convincing evidence that petitioner was a flight risk or a danger to the community); *Ochoa v. Noem*, No. 1:25-cv-00881-JB-LF, 2025 U.S. Dist. LEXIS 220632 (D.N.M. Nov. 7, 2025) (citing *Choate*, holding that under a *Mathews* analysis, the civil immigration detainee's liberty interest outweighs the government's interest in his detention, ordering individualized bond hearing in which DHS bears the burden of proof); *Vizguerra-Ramirez v. Baltazar*, Civil Action No. 25-cv-00881-NYW, 2025 U.S. Dist. LEXIS 261067 (D. Colo. Dec. 17, 2025) (granting petitioner's prolonged

detention claim, ordering immigration court to conduct burden-shifted hearing at which DHS must prove petitioner is a danger or a flight risk).<sup>2</sup>

### FACTS

31. Petitioner Alexander Nahum Parada-Cedillo is a 27-year-old native and citizen of Honduras, born on [REDACTED] 1998, in Santa Rita, Yoro, Honduras. On or about April 27, 2014, Petitioner entered the United States without inspection at the age of 15, accompanied by his mother, Deisy Maribel Cedillo-Cedillo, and his sister, [REDACTED] Parada-Cedillo.
32. Upon entry, Petitioner was placed in removal proceedings. His father, Amadeo Parada-Del Cid, failed to bring him to immigration court, and Petitioner was ordered removed in absentia on February 21, 2017. Petitioner was a child at the time and had no control over his father's failure to appear.
33. On July 27, 2017, the Circuit Court for Montgomery County, Maryland (Case No. 144297 FL) entered an Order of Custody and Order Regarding Factual Findings pursuant to Maryland Family Law § 1-201(b)(10), making the following findings: (a) Petitioner's father had neglected, abandoned, and emotionally and psychologically abused the minor children; (b) the father had been unwilling to provide for their care, custody, and well-being; (c) reunification with the father was not a viable option; (d) the father abandoned

---

<sup>2</sup> See also *Brito v. Barr*, 415 F. Supp. 3d 258, 263 (D. Mass. 2019). In this class action challenge, the court held that placing the burden of proof on the noncitizen in bond hearings violated due process and the APA.

the children in Honduras years before they left for the United States, failed to maintain regular contact, and failed to provide financial or emotional support; (e) after the minors' entry to the United States, the father failed to enroll them in school, failed to provide medical care, and abused them emotionally and psychologically; and (f) it was not in the minors' best interests to be returned to Honduras, where their lives had been threatened by gang members. The court granted sole legal and physical custody to Petitioner's mother.

34. Based on these findings, Petitioner's mother, Deisy Maribel Cedillo-Cedillo, filed the Custody Petition in the Montgomery County Circuit Court. Both Petitioner and his sister then filed I-360 Petitions for Amerasian, Widow(er), or Special Immigrant (SIJS) with USCIS on August 18, 2017. Both petitions were approved by USCIS in January 2019.
35. In approximately May 2021, Petitioner's counsel and the Department of Homeland Security filed a Joint Motion to Reopen and Terminate Removal Proceedings before the Arlington, Virginia Immigration Court. DHS agreed to join the motion, stating that "the Department is in agreement that proceedings, once reopened, will be transferred to the Immigration Court in Arlington, Virginia" to allow Petitioner and his sister to file I-485 Applications for Adjustment of Status with USCIS. The motion noted that both Respondents' priority date was current on the Visa Bulletin for EB-4 Honduras, and that there were no inadmissibility issues. The motion to reopen was granted.

36. Petitioner has resided continuously in the United States for over eleven years, primarily in the Tarrant County area of the Dallas–Fort Worth metroplex and previously in the Rockville and Gaithersburg, Maryland area.
37. On February 5, 2024, Petitioner was arrested in Tarrant County, Texas, for Driving While Intoxicated. ICE placed a detainer hold. ICE then released Petitioner and instructed him to appear in Immigration Court in February 2026.
38. On March 10, 2024—approximately five weeks later—Petitioner was arrested for a second DWI and Possession of a Controlled Substance, Penalty Group 2, less than 1 gram. ICE again placed a detainer hold. ICE again released Petitioner, with the same February 2026 court date.
39. On August 1, 2024, Petitioner was convicted of two counts of DWI in Tarrant County Criminal District Court No. 4, before Hon. Rainey Webb: (1) DWI / Open Alcohol Container, Texas Penal Code § 49.04(c), a Class B Misdemeanor (Case No. 1818468), sentenced to 60 days in Tarrant County Jail plus community supervision; and (2) a second DWI, a Class A Misdemeanor, sentenced to 45 days in Tarrant County Jail. The Possession of a Controlled Substance charge (Case No. 1818471) was dismissed on the same date.
40. Following his convictions, Petitioner served his sentences. He has maintained sobriety since March 2024—approximately two years as of the date of this filing. He has had no subsequent arrests, criminal charges, or incidents of any kind.
41. After Petitioner’s release from criminal custody, ICE required him to report for periodic check-ins while his immigration case remained pending. Petitioner

complied with every check-in. As of September 23, 2025, the Department of Homeland Security's own filings before the Dallas Immigration Court listed Petitioner as "NON-DETAINED."

42. On September 10, 2025—more than one year after his criminal convictions—Petitioner reported to ICE for a routine check-in and was detained. He was informed that his case would "move forward because circumstances had changed following the arrests." But the "circumstances" ICE cited—the DWI arrests and convictions—were the same facts known to ICE when it released Petitioner twice in 2024.
43. Prior to re-detention, Petitioner received no written notice that he would be detained at the check-in. He received no hearing before a neutral decisionmaker. He received no opportunity to present evidence of rehabilitation, community ties, or his pending SIJS-based adjustment of status.
44. Since September 10, 2025, Petitioner has been continuously detained at the Bluebonnet Detention Center in Anson, Texas. As of the filing of this Petition, Petitioner has been detained for approximately 199 days—over six months.
45. Upon information and belief, ICE has classified Petitioner as subject to mandatory detention, either under 8 U.S.C. § 1226(c) based on his misdemeanor DWI convictions or under 8 U.S.C. § 1225(b)(2). To the extent ICE relies on § 1226(c), that classification is legally incorrect under *Leocal v. Ashcroft*, 543 U.S. 1 (2004), which unanimously held that DWI offenses are not aggravated felonies. To the extent ICE relies on § 1225(b)(2), Petitioner's constitutional

claims apply with full force. Regardless of the classification, no neutral decisionmaker has ever evaluated whether Petitioner's detention is justified. In 199 days of custody, Petitioner has never received an individualized bond hearing. No immigration judge has assessed whether he poses a danger to the community or a flight risk.

46. Following Petitioner's detention, the Immigration Court advanced his hearing date from February 2026 due to his detained status and criminal history.
47. On October 31, 2025, while detained, Petitioner through counsel filed an I-485 Application for Adjustment of Status based on his approved SIJS I-360 petition, paying the \$1,500 filing fee. Petitioner sought adjustment under INA § 245(a), with the § 245(h) waiver of inadmissibility grounds available to SIJS beneficiaries—a statutory provision that specifically permits SIJS beneficiaries to adjust status despite grounds of inadmissibility that would otherwise bar adjustment.
48. On December 16, 2025, Immigration Judge Polivka in the Dallas Immigration Court denied Petitioner's application for adjustment of status as an exercise of discretion, citing the DWI convictions. The IJ also entered an order of removal. Petitioner's counsel argued on appeal that the IJ abused his discretion by giving disproportionate weight to the DWI arrests, failing to properly apply the *Castillo-Perez* balancing test, and failing to adequately consider Petitioner's exceptionally difficult childhood, his immigration history as a minor, the death of his young brother, and his committed efforts toward rehabilitation.

49. On January 15, 2026, Petitioner's immigration counsel, Kasid Ahmad Naeem of Leyruta & Associates, P.C., timely filed a Notice of Appeal (EOIR-26) to the Board of Immigration Appeals. The appeal is currently pending before the BIA with no briefing schedule set.
50. Because the BIA appeal is pending, the IJ's removal order is not final. Petitioner is in pre-final-order detention under § 1226, not post-order detention under § 1231.
51. As a result, Petitioner remains in detention. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody—despite an approved SIJS petition, the government's own 2021 agreement to reopen his case for adjustment, a pending I-485 with a statutory waiver of inadmissibility, and an active BIA appeal with meritorious arguments.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Misapplication of 8 U.S.C. § 1226(c) Mandatory Detention**

52. Petitioner incorporates by reference all preceding paragraphs.
53. Upon information and belief, Respondents have classified Petitioner as subject to mandatory detention under 8 U.S.C. § 1226(c). That classification is legally incorrect.
54. Petitioner's DWI convictions are not aggravated felonies. In *Leocal v. Ashcroft*, 543 U.S. 1 (2004), the Supreme Court unanimously held that DWI offenses are not "crimes of violence" under 18 U.S.C. § 16 because they lack the requisite

mens rea element. Petitioner's Class A and Class B misdemeanor DWI convictions, with sentences of 60 and 45 days, cannot constitute aggravated felonies under INA § 101(a)(43)(F). The sentences fall far below the one-year threshold under that Section.

55. Petitioner's possession of a controlled substance charge was dismissed. There is no conviction. The controlled substance category does not apply.
56. DWI is generally not a crime involving moral turpitude. Even if arguable, both offenses arose from a single five-week period and could be considered part of a single scheme of criminal misconduct.
57. Because no § 1226(c) mandatory detention category applies, Petitioner should be detained, if at all, under § 1226(a) with access to an individualized bond hearing. The misapplication of mandatory detention has deprived Petitioner of any custody review for over six months. To the extent Respondents contend that Petitioner is not detained under § 1226(c) but rather under § 1225(b)(2), Respondents must identify the statutory basis for detention in their Return. Regardless of the statutory basis, the constitutional claims set forth in Counts II and III independently require relief.

## **COUNT II**

### **Violation of the Fifth Amendment — Unlawful Re-Detention Without Due Process**

58. Petitioner incorporates by reference all preceding paragraphs.
59. In February and March 2024, the government made two affirmative, individualized determinations to release Petitioner into the community. After

each DWI arrest, ICE placed a detainer hold, assessed Petitioner, and released him with instructions to appear in Immigration Court. These determinations reflected the government's own assessment—made with full knowledge of the DWI charges—that Petitioner could be safely released.

60. Based on the government's own release decisions, Petitioner continued to reside in the Dallas–Fort Worth community. He served his criminal sentences. He maintained sobriety. He complied with every ICE check-in. He pursued his SIJS-based adjustment of status. He built his life in reliance on the government's repeated determination that he posed no risk warranting detention.
61. Consistent with *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972), Petitioner acquired a protected liberty interest in his continued freedom. The revocation of that liberty requires, at minimum, notice and an opportunity to be heard before a neutral decisionmaker.
62. On September 10, 2025, Respondents re-detained Petitioner without providing any of the process required by the Due Process Clause:
  - (a) No written notice of the reasons for re-detention was provided;
  - (b) No hearing before a neutral decisionmaker was conducted;
  - (c) No individualized assessment of flight risk or danger was performed;
  - (d) No finding of changed circumstances justifying re-detention was made; and
  - (e) The “circumstances” ICE cited—the DWI arrests—were the identical facts known to ICE when it released Petitioner twice in 2024.

63. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test confirms the violation: (a) Private Interest: Petitioner has been deprived of “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). He was released by the government twice and resided in the community for over a year, maintaining sobriety, complying with all conditions, and pursuing lawful immigration relief. (b) Risk of Erroneous Deprivation: Without a hearing, the risk of erroneous deprivation is extremely high. No individualized assessment was conducted. A hearing would have revealed Petitioner’s two years of sustained sobriety, his approved SIJS petition, the government’s own 2021 agreement to reopen his case for adjustment, his eleven years of continuous U.S. residence, and his full compliance with every ICE check-in. (c) Government Interest: The government’s interest in re-detaining Petitioner without a hearing is minimal. ICE had full knowledge of every arrest and conviction when it released Petitioner—twice. Nothing changed.
64. This re-detention claim is independent of the § 1225(b)/§ 1226(a) statutory question, is not addressed by the Fifth Circuit’s decision in *Buenrostro-Mendez*, and does not depend on whether Petitioner previously requested a bond hearing. The constitutional violation occurred at the moment of re-detention, when the government revoked liberty it had twice granted without any process. Multiple courts have found due process violations under analogous circumstances. *See E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316 (W.D. Wash. 2025); *Valdez v.*

*Joyce*, 2025 WL 1707737 (S.D.N.Y. June 18, 2025); *Pacheco Mayen v. Raycraft*, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025).

65. Petitioner's re-detention without any pre-deprivation or prompt post-deprivation process violates the Due Process Clause of the Fifth Amendment.

### **COUNT III**

#### **Detention Without Individualized Hearing in Violation of Due Process**

66. Petitioner incorporates by reference all preceding paragraphs.
67. Petitioner has been detained for approximately 199 days—over six months—without any individualized determination that continued detention is necessary.
68. Petitioner's detention will only grow longer. His BIA appeal has no briefing schedule, and a decision could take months. The total period of confinement is likely to approach or exceed one year—far beyond the approximately 47 days considered in *Demore v. Kim*, 538 U.S. 510, 529–30 (2003).
69. Petitioner has not delayed proceedings in bad faith. He has timely filed all applications, appeared for all hearings, and complied with all conditions of release and detention.
70. 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. *See Ceballos v. Garite*, No. EP-26-CV-00312-DB, 2026 LX 71436 (W.D. Tex. Feb. 10, 2026); *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026).

71. Regardless of which detention statute applies, prolonged civil detention without a hearing at which the government must justify continued custody violates the Due Process Clause. See *Hassen v. Noem*, No. EP-26-CV-00048-DB, 2026 LX 42398 (W.D. Tex. Feb. 9, 2026). These due process protections apply regardless of which immigration detention statute governs Petitioner's custody. See *Clark v. Martinez*, 543 U.S. 371, 380 (2005).

#### **COUNT IV**

##### **Violation of the INA — Statutory Preservation**

72. Petitioner incorporates by reference all preceding paragraphs.
73. Petitioner entered the United States without inspection and was apprehended in the interior—not at or near the border—after residing in the United States for over eleven years. Petitioner contends that he is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2), and is entitled to a bond hearing under that statute. See *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025) (Final Judgment declaring class members detained under § 1226(a)); 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (confirming bond eligibility for EWI individuals).
74. Petitioner acknowledges that the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th Cir. Feb. 6, 2026), is currently binding in this Circuit on the statutory question. Petitioner preserves this argument for en banc and Supreme Court review. As Judge Douglas noted in dissent, the majority's

interpretation renders § 1226 largely superfluous and conflicts with thirty years of unbroken agency practice.

### **COUNT V**

#### **Violation of the Administrative Procedure Act**

75. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
76. The Administrative Procedure Act (APA), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and it must provide an adequate explanation for its actions consistent with statutory authority. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).
77. The Department of Homeland Security and ICE acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification and failed to consider the totality of his immigration history. Petitioner has no felony convictions, no violent offenses, and has maintained sobriety for two years since his misdemeanor DWI convictions and consistently cooperated with immigration authorities, appearing for all scheduled ICE check-

ins. Nothing in his record establishes that he presents a danger to the community or a flight risk.

78. Despite these facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient.
79. By instituting an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
80. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Its failure to consider Petitioner's approved SIJS petition, his pending I-485 adjustment application, his two years of sustained sobriety, his eleven years of continuous U.S. residence, the government's own 2021 agreement to reopen proceedings for SIJS adjustment, or his eligibility for alternatives to detention constitutes arbitrary and capricious decision-making.
81. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and

protecting public safety. Petitioner's continued confinement does not advance either purpose.

82. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).

83. Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative direct DHS to provide a constitutionally adequate and reasonable custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Northern District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner immediately—or, in the alternative, provide Petitioner with a bond hearing

where DHS bears the burden of proof by clear and convincing evidence within five days.

- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under 28 U.S.C. § 2412 and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 1st day of April 2026.

/S/ Elissa R Stiles  
Elissa Stiles  
OK Bar No. 34030  
Rivas & Associates  
PO Box 470348, Tulsa OK 74147  
918-419-0166 T | 918-513-6724 F  
estiles@rivasassociates.com  
*Attorney for Petitioner*

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

I represent Petitioner, Alexander Nahum Parada-Cedillo, 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 1st day of April, 2026.

/S/ Elissa R Stiles  
Elissa Stiles