UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

A.D.L.R.H.	§	
Petitioner,	§	
vs.	§	Civ. Case No. 5:26-cv-00557
PAMELA BONDI, United States Attorney General;	§	DHS File Number: [redacted]
MARKWAYNE MULLIN, Secretary of the United States Department of Homeland Security;	§	**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**
TODD M. LYONS, Director of United States Immigration and Customs Enforcement;	§	
JUAN AGUDELO, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement;	§	
DAVID COLE, Warden, Rio Grande Processing Center	§	
Respondents.	§	

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I. INTRODUCTION AND BACKGROUND

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the ongoing civil immigration detention of A.D.L.R.H. ("Petitioner"), a native and citizen of Mexico currently detained at the Rio Grande Detention Center in Laredo, Texas.

2. Petitioner is a long-term resident of the United States with substantial equities. USCIS approved his self-petition under the Violence Against Women Act ("VAWA") and granted him deferred action on October 10, 2017, after he suffered extreme cruelty by his then-U.S. citizen spouse. *See* Exh. 1 (I-360 VAWA Approval Notice). Since that approval, Petitioner has continued to maintain employment authorization under category C31, and his current employment authorization document is valid through August 1, 2026. *See* Exh. 2 (Employment Authorization Document). Petitioner also has a pending T-visa application. *See* Exh. 3 (I-914 Receipts and Correspondence). He has substantial family ties in the United States, including four United States citizen children. *See* Exh. 4 (Children's Birth Certificates). He has no criminal history.

3. On March 17, 2026, while traveling for work in the pipeline industry, Petitioner and his adult son passed through the Sarita Checkpoint. After Petitioner presented his valid C31 employment authorization document, he was taken into immigration custody, served with a Notice to Appear, and placed in removal proceedings under 8 U.S.C. § 1229a. *See* Exh. 2 (Employment Authorization Document).

4. Respondents appear to treat Petitioner as detained under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2)(A), thereby foreclosing any bond hearing before an immigration judge. This petition presents a narrow constitutional question: whether the Government may continue

to civilly detain a long-term interior resident without providing any meaningful, individualized custody review before a neutral decisionmaker.

5. Although the Fifth Circuit held in *Buenrostro-Mendez v. Bondi* that certain noncitizens who entered without inspection may be treated as applicants for admission detained under 8 U.S.C. § 1225(b)(2)(A), that decision addressed a statutory detention-authority question, not Petitioner's as-applied procedural due process claim. 166 F.4th 494, 498 (5th Cir. 2026). Courts in this District have continued to recognize that procedural due process claims remain available even where § 1225(b)(2)(A) is assumed to apply. *See*, *e.g.*, *Lopez-Moncebais v. Bondi*, No. 5:26-cv-00268, slip op. at 1 (S.D. Tex. Mar. 27, 2026) (Kazen, J.) (holding that the deprivation of liberty without constitutionally adequate procedures violates due process and warrants release); *Craegh-Cazull v. Noem*, No. 4:26-cv-01792 (S.D. Tex. Mar. 17, 2026) (Ellison, J.); *Bonilla Chicas v. Warden*, 5:26-cv-00131, (S.D. Tex. Feb. 20, 2026) (Saldaña, J.), *Cobarrubias Lopez*, No. 5:26-cv-00209 (S.D. Tex. Mar. 2, 2026) (Saldaña, J.).

6. Petitioner therefore requests that this Court grant the writ and order prompt, constitutionally adequate custody process within an enforceable deadline or, if Respondents cannot provide such process, order his release under reasonable conditions of supervision.

II. JURISDICTION AND VENUE

7. Petitioner is detained in civil immigration custody at the Rio Grande Processing Center in Webb County, Laredo, Texas. He has been in the custody of the Department of Homeland Security ("DHS") since March 17, 2026.

8. This action arises under the Constitution and laws of the United States, including the INA, 8 U.S.C. § 1101 et seq.

9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question). This Court may grant relief under 28 U.S.C. §§ 2241 and 2243 and may issue all writs necessary or appropriate in aid of its jurisdiction. 28 U.S.C. § 1651.

10. Venue is proper in the Western District of Texas because Petitioner is detained in this District, at least one Respondent is in this District, and a substantial part of the events giving rise to the claims occurred in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodian resides in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the writ or issue an order to show cause unless it appears from the application that Petitioner is not entitled to relief. 28 U.S.C. § 2243.

12. If the Court issues an order to show cause, the return must be made within three days unless additional time is allowed for good cause, not to exceed twenty days. *Id.*

13. Each day of unlawful detention inflicts ongoing, irreparable harm on Petitioner and his family, and undermines his ability to prepare his defense in removal proceedings.

IV. PARTIES

14. Petitioner A.D.L.R.H. is a citizen of Mexico currently detained at the Rio Grande Detention Center. He last entered the United States without inspection in or about 2012 and has lived in this country continuously for approximately fourteen years.

15. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. She is responsible for the administration of the Executive Office for

Immigration Review ("EOIR"), including policies that bear on immigration judges' jurisdiction over custody.

16. Respondent Markwayne Mullin is named in his official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). DHS is the department charged with administering and enforcing federal immigration laws. Secretary Noem is ultimately responsible for the actions of U.S. Immigration and Customs Enforcement ("ICE") and is a legal custodian of Petitioner.
17. Respondent Todd M. Lyons is named in his official capacity as Acting Director of ICE. He oversees ICE operations, including detention and removal, and is a legal custodian of Petitioner.
18. Respondent Juan Agudelo is named in his official capacity as Field Office Director of the Harlingen ICE Field Office. He is responsible for ICE enforcement in this District and is a legal custodian of Petitioner.
19. Respondent David Cole is named in his official capacity as Warden of the Rio Grande Processing Center, in Laredo Texas. He has immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens.
20. Each Respondent is sued in his or her official capacity as a custodian and/or policymaker responsible for Petitioner's continued detention.

V. FACTUAL BACKGROUND

21. Petitioner A.D.L.R.H., age 44, is a citizen of Mexico currently detained at the Rio Grande Detention Center in Laredo, Texas. He last entered the United States without inspection in or about 2012 and has lived and worked in the United States continuously for approximately fourteen years.

22. Petitioner lawfully works in the pipeline industry for Life of Texas Pipelines and supports his family through his labor.

23. On October 10, 2017, U.S. Citizenship and Immigration Services ("USCIS") approved Petitioner's self-petition under the Violence Against Women Act ("VAWA")[1] after he suffered extreme cruelty by his then-U.S. citizen spouse. *See* Exh. 1 (I-360 VAWA Approval Notice). Following that approval, Petitioner received deferred action for fifteen months. *Id*.

24. Since that approval, Petitioner has timely renewed his employment authorization under category C31 every two years. *See* Exh. 2 (Employment Authorization Document). His current employment authorization document is valid through August 1, 2026, and he has already submitted a renewal application. *Id*.

25. Petitioner also has a pending T-visa application[2] based on his having suffered a severe form of human trafficking. *See* Exh. 3 (I-914 Receipts and Correspondence).

26. Petitioner has four United States citizen children: Thalia, his stepdaughter, age 23; Aaron, age 22; [redacted] age 6; and [redacted] age 3. *See* Exh. 4 (Children's Birth Certificates). He has substantial family ties in the United States.

27. On March 17, 2026, Petitioner was traveling with his adult son, Aaron, for work in Raymondville, Texas when they passed through the Sarita Checkpoint.

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[1] The Violence Against Women Act permits certain abused spouses, children, and parents of United States citizens or lawful permanent residents to self-petition for immigration relief without relying on the abuser to file the petition on their behalf. See 8 U.S.C. § 1154(a)(1)(A), (B).

[2] T nonimmigrant status is a temporary immigration benefit available to certain victims of a severe form of trafficking in persons who satisfy the statutory and regulatory requirements for that relief. See 8 U.S.C. § 1101(a)(15)(T).

28. At the checkpoint, an officer requested identification, and Petitioner presented his valid C31 employment authorization document. *See* Exh. 2 (Employment Authorization Document). The officer then instructed Petitioner to park and report inside.

29. Petitioner was held for hours while officers attempted to verify his employment authorization document.

30. Petitioner was thereafter taken into immigration custody, served with a Notice to Appear ("NTA"), and placed in removal proceedings under 8 U.S.C. § 1229a. He is awaiting to be scheduled for a master removal hearing.

31. Prior to this arrest, Petitioner had never been arrested, had no criminal history, and had never before been placed in immigration proceedings.

32. Petitioner is eligible to apply for cancellation of removal for certain nonpermanent residents under INA § 240A(b)(1), 8 U.S.C. § 1229b(b)(1), and for cancellation of removal special rule for battered spouse under INA § 240A(b)(2), 8 U.S.C. § 1229b(b)(2).

33. DHS asserts that Petitioner is detained under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2)(A), and on that basis denies him any workable mechanism to obtain an individualized custody determination before a neutral adjudicator.

VI. APPLICABLE LAW

A. Due Process

34. The Fifth Amendment applies to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

35. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Id*. at 690. When the Government seeks to continue a serious restraint on liberty,

due process requires, at minimum, a meaningful opportunity to be heard before a neutral decisionmaker. *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).

36. The controlling procedural due process framework is *Mathews v. Eldridge*, which balances: (1) the private interest affected; (2) the risk of erroneous deprivation under the procedures used and the probable value of additional safeguards; and (3) the Government's interests, including the burdens of additional procedures. 424 U.S. 319, 335 (1976).

B. Statutory Scheme and *Buenrostro-Mendez*

37. The Immigration and Nationality Act ("INA") establishes different detention frameworks. Section 1226 governs detention during ordinary removal proceedings under 8 U.S.C. § 1229a and generally provides access to bond procedures in non-mandatory-detention cases. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 1003.19(a), 1236.1(d). Section 1225 governs certain applicants for admission and other inspection-based detention contexts. *See* 8 U.S.C. § 1225(b)(1), (2). Section 1231 governs detention after a final order of removal. *See* 8 U.S.C. § 1231(a).

38. In *Buenrostro-Mendez v. Bondi*, the Fifth Circuit held that certain noncitizens who entered without inspection may be treated as applicants for admission and detained under 8 U.S.C. § 1225(b)(2)(A) during pending § 1229a proceedings. 166 F.4th 494, 498 (5th Cir. 2026). But *Buenrostro-Mendez* addressed a statutory detention-authority question. It did not decide whether the Constitution permits the Government to continue civilly detaining a long-term interior resident with no meaningful, individualized custody process. *Id.*

39. Petitioner preserves any statutory argument that § 1226, rather than § 1225, properly governs his detention. Petitioner also notes that a petition for rehearing en banc is pending in *Buenrostro-Mendez*. *See* Pet. for Reh'g En Banc, *Buenrostro-Mendez v. Bondi*, No. 25-

20496 (5th Cir. Mar. 23, 2026). But this Court need not resolve the statutory question to grant relief here because Petitioner's claim independently arises under the Fifth Amendment.

C. The Limited Effect of *Maldonado Bautista* Outside the Central District of California

40. On December 18, 2025, the Central District of California entered final judgment in *Maldonado Bautista v. Santacruz*, declaring that the nationwide "Bond Eligible Class" is detained under INA § 236(a), 8 U.S.C. § 1226(a), and "not subject to mandatory detention" under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2). The court also vacated DHS's July 8, 2025 "Interim Guidance Regarding Detention Authority for Applicants for Admission." Final Judgment at 1–2, *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025). On March 6, 2026, however, the Ninth Circuit temporarily stayed that judgment and the February 18, 2026 enforcement order insofar as the rulings extend beyond the Central District of California, pending further review.

41. Petitioner falls within the *Maldonado Bautista* Bond Eligible Class because he entered without inspection, was not apprehended upon arrival, and at the time DHS made its initial custody determination was not detained under INA §§ 236(c), 235(b)(1), or 241, 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Nonetheless, Respondents continue to assert that § 1225 governs Petitioner's detention and rely on that theory to deny him the § 1226(a) bond process that *Maldonado Bautista* held applies to class members. Because Petitioner is detained in Texas, outside the Central District of California, the Ninth Circuit's March 6, 2026 stay currently limits any immediate reliance on *Maldonado Bautista's* classwide relief here.

42. On February 18, 2026, Judge Sunshine Suzanne Sykes granted Plaintiffs' motion to enforce the judgment and issued an order vacating *Matter of Yajure-Hurtado*. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026). But on March 6, 2026, the Ninth Circuit temporarily stayed that relief outside the Central District of California pending further review.

43. This case, however, arises in the Fifth Circuit, where *Buenrostro-Mendez* remains binding precedent on the Government's statutory theory. And in light of the Ninth Circuit's stay, *Maldonado Bautista* does not presently provide operative classwide relief in Texas. Petitioner therefore cites *Maldonado Bautista* as persuasive support for his preserved statutory argument, but his request for immediate relief here rests independently on procedural due process and Respondents' failure to provide any meaningful, workable custody review mechanism.

VII. ARGUMENT

A. This Court Has Habeas Jurisdiction to Remedy Unlawful Detention

44. Petitioner challenges only the legality of his present civil detention and the absence of constitutionally adequate custody procedures. He does not seek review of a final order of removal, does not challenge the merits of removability, and does not ask this Court to adjudicate any right to admission or to terminate his removal proceedings.

45. This Court has jurisdiction under 28 U.S.C. §§ 2241(c)(3) and 2243 to determine whether Petitioner is in custody in violation of the Constitution or laws of the United States and to order release or other appropriate relief. *See Zadvydas*, 533 U.S. at 687–88, 699–700; *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018).

46. The INA's jurisdiction-channeling provisions do not bar review because Petitioner does not seek review of a final order and does not challenge the commencement or adjudication of removal proceedings. He challenges only his ongoing detention and the absence of constitutionally adequate custody process. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999); *Cardoso v. Reno*, 216 F.3d 512, 516–17 (5th Cir. 2000); *Duron v. Johnson*, 898 F.3d 644, 647 (5th Cir. 2018).

B. *Buenrostro-Mendez* Does Not Foreclose Petitioner's As-Applied Procedural Due Process Claim

47. *Buenrostro-Mendez* does not resolve the claim presented here. Petitioner does not ask this Court to decide removability, invalidate § 1225(b)(2), or hold that he has a right to admission. He asks only for the minimum process the Fifth Amendment requires before the Government may continue physically restraining him in civil immigration detention.

48. That distinction matters. *Buenrostro-Mendez* addressed only whether DHS may invoke § 1225(b)(2)(A) as a statutory source of detention authority in pending § 1229a proceedings. 166 F.4th at 498. It did not decide whether the Constitution permits the Government to continue detaining a long-term interior resident while denying any meaningful, individualized custody review before a neutral decisionmaker.

49. Post-*Buenrostro*, judges in this District have continued to grant habeas relief on procedural due process grounds where DHS treated petitioners as detained under § 1225(b)(2) and denied any workable custody forum. *See*, *e.g.*, *Lopez Moncebais v. Bondi*, No. 5:26-cv-00268, slip op. at 1 (S.D. Tex. Mar. 27, 2026) (Kazen, J.) (holding that deprivation of liberty without constitutionally adequate procedures violates due process and warrants release); *Bonilla Chicas v. Warden*, No. 5:26-cv-00131 (S.D. Tex. Feb. 20, 2026); *Cobarrubias Lopez v. Bondi*, No. 5:26-cv-00209 (S.D. Tex. Mar. 2, 2026).

50. A related Southern District line of cases is also instructive. In *Craegh-Cazull*, *Betancourth*, and *Alvarez Rico*, the court held that continued civil detention without constitutionally adequate process violated procedural due process in the re-detention context. *See Craegh-Cazull v. Noem*, No. 4:26-cv-01792, slip op. at 2–3 (S.D. Tex. Mar. 17, 2026); *Betancourth v. Tate*, No. 4:26-cv-01169, 2026 WL 638482, at *3–4 (S.D. Tex. Mar. 6, 2026); *Alvarez Rico v. Noem*, No. 4:26-cv-00729, 2026 WL 522322, at *4–6 (S.D. Tex. Feb. 25, 2026). Those cases arise in a somewhat different posture, but they reinforce the same core principle relevant here: the Government may not continue civil immigration detention without meaningful, individualized process before a neutral decisionmaker.

51. Courts in the Western District of Texas have likewise continued to grant relief on procedural due process grounds even while assuming § 1225(b)(2)(A) applies. *See*, *e.g.*, *Guevara Carabantes v. Bondi*, No. 1:26-CV-446-RP (W.D. Tex. Mar. 5, 2026); *Dieng v. Noem*, No. 5:26-cv-00223-XR (W.D. Tex. Feb. 25, 2026); *Valencia Reyes v. Noem*, No. SA-25-CV-01921-XR (W.D. Tex. Feb. 25, 2026); *Clemente Ceballos v. Garite*, No. 3:26-cv-00312-DB (W.D. Tex. Feb. 10, 2026); *Duran-Aguila v. Bondi*, No. EP-26-cv-241-KC (W.D. Tex. Feb. 9, 2026); *Noyola v. Bondi*, No. 1:26-CV-405-RP, 2026 WL 607266, at *5 (W.D. Tex. Mar. 4, 2026).

52. In short, Respondents cannot collapse the constitutional inquiry into a statutory label. Even if § 1225(b)(2)(A) is assumed to apply, the Fifth Amendment still requires constitutionally adequate procedures before the Government may continue physically restraining Petitioner in civil custody. *See Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 335.

C. Petitioner States a Meritorious As-Applied Procedural Due Process Claim

(1) Petitioner Has a Weighty Liberty Interest in Freedom from Continued Civil Detention

53. "Freedom 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) (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Noncitizens are entitled to due process under the Fifth Amendment. *See Demore v. Kim*, 538 U.S. 510, 523 (2003).

54. The private interest at stake here is profound. Petitioner has lived and worked in the United States for approximately fourteen years. He works in the pipeline industry for Life of Texas Pipelines and supports his family through his labor. He has four United States citizen children, substantial family ties in this country, no criminal history, and no prior immigration proceedings. His confinement in civil detention therefore deprives him of a weighty liberty interest while separating him from his family, work, and community.

55. That liberty interest is further heightened by Petitioner's substantial humanitarian equities. USCIS approved Petitioner's self-petition under the Violence Against Women Act ("VAWA") in 2017 after determining that he qualified for that form of humanitarian relief. Since then, Petitioner has maintained employment authorization under category C31 for nearly a decade, and his current employment authorization document remains valid through August 1, 2026. Petitioner also has a pending T-visa application based on his having suffered a severe form of human trafficking. These facts underscore that Petitioner is not only a long-term resident with strong family and community ties, but also a person whom Congress has made eligible to seek humanitarian protection as a survivor of abuse and trafficking. Those equities make the deprivation of liberty here especially severe and

further confirm that due process requires meaningful, individualized custody review before the Government may continue detaining Petitioner.

(1) *The Risk of Erroneous Deprivation Is Severe Absent Any Meaningful, Individualized Custody Process*

56. The risk of erroneous deprivation is exceptionally high under the procedures Respondents use here because there are effectively no meaningful procedures at all. Petitioner was detained after presenting a facially valid C31 employment authorization document at the Sarita Checkpoint. Yet Respondents now seek to continue detaining him without any neutral custody hearing, without any burden of proof, without any individualized findings on danger or flight risk, and without any meaningful opportunity to present evidence regarding his longstanding residence, employment, family ties, approved VAWA self-petition, renewed work authorization, pending T-visa application, and lack of criminal history.

57. Under Respondents' position, DHS's unilateral detention label becomes dispositive of Petitioner's physical liberty. That creates an intolerable risk of error because no neutral adjudicator ever evaluates whether continued detention is actually necessary.

(1) *The Government's Interests Do Not Justify Continued Detention Without Neutral, Individualized Review*

58. The Government's interests in ensuring appearance and protecting the community are legitimate, but they are fully compatible with individualized process. Those interests do not justify categorical detention with no neutral review, particularly on these facts. Petitioner has lived in the United States for years, has substantial family and community ties, has no criminal history, and was carrying valid employment authorization at the time of his arrest.

59. Indeed, the facts of this case underscore why individualized process matters. Petitioner is not someone with a criminal history, a record of absconding, or a demonstrated failure to comply with supervision. He is a long-term resident with significant family and humanitarian equities. Due process requires that those facts be evaluated by a neutral decisionmaker before continued detention is imposed.

60. Even within the Government's asserted statutory framework, Congress and DHS contemplate individualized, case-by-case custody determinations rather than automatic detention alone. DHS parole authority must be exercised "only on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). The implementing regulation likewise turns on individualized considerations, including whether the noncitizen presents a security risk or a risk of absconding. 8 C.F.R. § 212.5(b).

61. That framework confirms that individualized custody review here would not be a bootless exercise. To the contrary, it would track considerations the Government itself already treats as relevant in determining whether continued physical restraint is necessary.

62. Petitioner's approved VAWA self-petition, nearly decade-long history of employment authorization, and pending T-visa application strongly reinforce the need for individualized custody review before continued detention. Those facts reflect that Petitioner is pursuing congressionally created humanitarian protections and further distinguish him from the sort of case in which the Government could plausibly claim that categorical detention without process is justified.

63. On Petitioner's facts, due process requires meaningful, individualized custody review before the Government may continue physically restraining him in civil detention.

iv. *The Mathews Balance Compels Prompt Custody Process or Release*

64. On these facts, the *Mathews* balance strongly favors relief. Petitioner's liberty interest is weighty; the risk of erroneous deprivation under Respondents' current no-hearing approach is extreme; and the burden of providing a prompt, meaningful custody hearing is slight.

65. The Court should therefore order Respondents to provide Petitioner with constitutionally adequate custody process before a neutral decisionmaker within a prompt and enforceable deadline. If Respondents cannot provide such a hearing, the Court should order Petitioner released under reasonable conditions of supervision.

D. Petitioner Preserves the Statutory Detention-Authority Argument Under §§ 1225 and 1226

66. Petitioner preserves his argument that § 1226, not § 1225, properly governs his detention because he was apprehended in the interior, placed in full removal proceedings under § 1229a, and denied the bond procedures ordinarily associated with § 1226(a). In light of *Buenrostro-Mendez* and the pending petition for rehearing en banc, Petitioner preserves that argument for further review and to avoid waiver.

67. But the Court need not resolve the statutory question to grant relief here. Petitioner's as-applied procedural due process claim independently warrants habeas relief.

E. Release Under Conditions No More Restrictive Than Those Governing Petitioner's Liberty Before Arrest Is the Appropriate Remedy; Alternatively, the Court Should Order Prompt, Enforceable Custody Process

68. Immediate release is the traditional remedy in habeas. The habeas statute directs courts to "dispose of the matter as law and justice require." 28 U.S.C. § 2243. And "[t]he traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). The Supreme Court has likewise recognized that the "typical

remedy" for unlawful executive detention is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

69. That remedy fits this case. Before his arrest, Petitioner had lived and worked in the community for years, supported his family, maintained valid employment authorization, and presented no criminal or public-safety concern. Respondents seized him after he presented a valid C31 employment authorization document and now continue to detain him without constitutionally adequate custody process. On these facts, the most appropriate remedy is release under conditions no more restrictive than those governing Petitioner's liberty before his arrest.

70. Texas authority supports release as the proper remedy where immigration detention violates governing law or due process. *See Craegh-Cazull v. Noem*, No. 4:26-cv-01792, slip op. at 2–3 (S.D. Tex. Mar. 17, 2026); *Betancourth v. Tate*, No. 4:26-cv-01169, 2026 WL 638482, at *5 (S.D. Tex. Mar. 6, 2026); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025); *Noyola v. Bondi*, No. 1:26-CV-405-RP, 2026 WL 607266, at *5 (W.D. Tex. Mar. 4, 2026).

71. Release is especially appropriate because the constitutional injury here stems from the Government's decision to arrest and detain Petitioner without meaningful, individualized custody process. A later bond hearing does not fully cure that deprivation. *See Craegh-Cazull, No*. 4:26-cv-01792, slip op. at 2–3; *Betancourth*, 2026 WL 638482, at *5; *Noyola*, 2026 WL 607266, at *5.

72. Nor is an immigration-court bond hearing the most appropriate or efficient use of this Court's equitable authority unless it is tightly controlled. Texas cases show why. Courts have had to confront the practical risk that an immigration judge may conclude he lacks

authority to conduct the ordered hearing, *see Vargas v. Bondi*, No. 25-cv-1023, 2025 WL 3300446, at *5 (W.D. Tex. Nov. 12, 2025), report and recommendation adopted, 2025 WL 3300141 (W.D. Tex. Nov. 26, 2025), or that ICE will impose additional restraints not ordered by any neutral decisionmaker, *see Montes Aguillon v. Bondi*, No. EP-26-cv-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026). Texas courts have therefore emphasized the need for explicit deadlines, clear burdens of proof, and continued judicial supervision. *See Hernandez-Fernandez v. Lyons*, No. 5:25-cv-00773-JKP, 2025 WL 2976923, at *10 (W.D. Tex. Oct. 21, 2025); *Dominguez v. Noem*, No. 25-cv-0074, 2026 WL 67200, at *4 (W.D. Tex. Jan. 8, 2026).

73. Those concerns matter here because a remedy that depends on later administrative compliance risks rendering relief illusory while Petitioner's unlawful detention continues. This Court should not order a form of relief that predictably invites further delay where the present record already shows that Petitioner is a long-term resident with substantial family and community ties, valid work authorization, approved VAWA relief, a pending T-visa application, and no criminal history.

74. Accordingly, the Court should order Petitioner released immediately under conditions no more restrictive than those governing his liberty before arrest. Respondents should further be barred from re-detaining Petitioner absent constitutionally adequate pre-deprivation process before a neutral decisionmaker and a showing, based on current individualized facts, that detention or materially more restrictive conditions are necessary because Petitioner poses a danger to the community, presents a serious flight risk, or has materially violated a lawful condition of release.

75. In the alternative, if the Court declines to order immediate release as the primary remedy, it should order constitutionally adequate custody process within 48 hours before a neutral decisionmaker. At that hearing, Respondents should bear the burden of proving by clear and convincing evidence that continued detention or materially more restrictive conditions are necessary. The neutral decisionmaker should also be required to consider Petitioner's ability to pay any monetary bond and whether less restrictive alternatives would fully serve the Government's interests. *See Hernandez-Fernandez*, 2025 WL 2976923, at *10.

76. Any alternative hearing remedy must include explicit protections to ensure that the relief is real rather than illusory. Respondents should be barred from arguing that the immigration judge lacks jurisdiction to conduct the hearing, from invoking any automatic stay if the neutral decisionmaker grants release or bond, and from unilaterally imposing electronic monitoring, ankle monitoring, home confinement, or other release conditions not expressly ordered by the neutral decisionmaker. *See Vargas*, 2025 WL 3300446, at *5; *Montes Aguillon*, 2026 WL 531899, at *2.

VIII. GROUNDS FOR RELIEF

FIRST CAUSE OF ACTION
Violation of the Due Process Clause (Fifth Amendment)

77. Petitioner incorporates by reference all allegations above as if fully set forth herein.

78. Civil immigration detention is permissible only to serve legitimate regulatory purposes and must remain tethered to flight risk or danger through meaningful process. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690–93 (2001). The process due is assessed under *Mathews v. Eldridge*, 424 U.S. 319, 333–35 (1976).

79. As applied here, Respondents are detaining a long-term interior resident without any meaningful, individualized custody hearing before a neutral decisionmaker and without findings regarding danger, flight risk, or less restrictive alternatives. By foreclosing any workable custody forum while continuing civil incarceration, Respondents impose an acute and ongoing deprivation of liberty that violates procedural due process. *See Zadvydas*, 533 U.S. at 690–93; *Mathews*, 424 U.S. at 333–35; *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004).

80. Even if Respondents invoke INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), that statutory label does not eliminate Petitioner's protected liberty interest or the Constitution's procedural requirements. Courts in the Southern District of Texas have granted relief on materially similar as-applied procedural due process claims, including where the Government invoked § 1225(b)(2) or denied any workable custody forum. *See*, *e.g.*, *Lopez Moncebais v. Bondi*, No. 5:26-cv-00268, slip op. at 1 (S.D. Tex. Mar. 27, 2026) (Kazen, J.); *Craegh-Cazull v. Noem*, No. 4:26-cv-01792, slip op. at 2–3 (S.D. Tex. Mar. 17, 2026); *Betancourth v. Tate*, No. 4:26-cv-01169, 2026 WL 638482, at *3–5 (S.D. Tex. Mar. 6, 2026); *Alvarez Rico v. Noem*, No. 4:26-cv-00729, 2026 WL 522322, at *4–6 (S.D. Tex. Feb. 25, 2026); *Bonilla Chicas v. Warden*, No. 5:26-cv-00131 (S.D. Tex. Feb. 20, 2026); *Cobarrubias Lopez v. Bondi*, No. 5:26-cv-00209 (S.D. Tex. Mar. 2, 2026); *Cruz-Reyes v. Bondi*, No. 5:26-cv-00060 (S.D. Tex. Feb. 3, 2026).

81. Due process also requires the Government to bear the burden to justify continued civil detention. Given the severe loss of liberty and the heightened risk of error absent adequate safeguards, the Government should be required to prove by clear and convincing evidence that continued detention or materially more restrictive conditions are necessary because

Petitioner poses a danger to the community or presents a serious flight risk. *See Addington v. Texas*, 441 U.S. 418, 425–27 (1979).

82. Petitioner has been detained since March 17, 2026, without a meaningful, individualized custody determination. Continued detention without the required process violates the Fifth Amendment. Petitioner is entitled to relief ordering his immediate release under conditions no more restrictive than those governing his liberty before arrest or, in the alternative, prompt custody process under constitutionally adequate procedures within a fixed deadline, with release if Respondents cannot provide a workable hearing mechanism.

SECOND CAUSE OF ACTION
Failure to Follow Governing Custody Procedures and Denial of a Workable Custody Review Mechanism (8 C.F.R. §§ 236.1, 1003.19, 1236.1; Accardi)

83. Petitioner incorporates by reference all allegations above as if fully set forth herein.

84. Petitioner is detained in ICE civil custody while in removal proceedings under 8 U.S.C. § 1229a. The immigration custody system is implemented through binding regulations that govern custody determinations, detention, release, and custody redetermination procedures. *See* 8 C.F.R. § 236.1; 8 C.F.R. §§ 1003.19(a), 1236.1(d).

85. As applied here, Respondents have used a unilateral statutory label to foreclose any workable custody review mechanism. Petitioner has been denied a merits-based custody determination before a neutral decisionmaker and has received no individualized findings addressing danger, flight risk, ability to pay, or less restrictive alternatives.

86. Longstanding administrative law principles require agencies to follow their own binding regulations and procedures. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954). Respondents cannot lawfully administer a detention regime that, in

practice, eliminates the custody procedures and review mechanisms their own regulations establish while continuing to impose severe civil detention without neutral merits review.

87. Respondents' position results in effectively unreviewable confinement for a long-term resident with substantial ties to the community, longstanding employment authorization, significant humanitarian equities, and no criminal history, based on a categorical classification rather than an individualized custody determination grounded in evidence. That is inconsistent with the governing custody framework and violates *Accardi's* requirement that agencies comply with their own rules and procedures.

88. Respondents' failure to provide a workable custody review mechanism and to follow governing custody procedures independently supports habeas relief.

89. Petitioner is entitled to relief requiring immediate release under conditions no more restrictive than those governing his liberty before arrest or, in the alternative, a prompt, individualized custody hearing under constitutionally adequate procedures within a fixed deadline, together with production of the operative custody records sufficient to allow meaningful review.

THIRD CAUSE OF ACTION
Unlawful Detention Not Authorized by the INA as Applied (Preserved Statutory Claim)

90. Petitioner incorporates by reference all allegations above as if fully set forth herein.

91. The INA establishes a custody framework governing noncitizens in removal proceedings. In ordinary removal proceedings under 8 U.S.C. § 1229a, the default custody statute for noncitizens already present in the United States is 8 U.S.C. § 1226(a), which authorizes discretionary detention with the possibility of release on bond or conditional parole, subject to narrow mandatory-detention carveouts in 8 U.S.C. § 1226(c). *See Jennings v. Rodriguez*, 583 U.S. 281, 287, 303 (2018).

92. Respondents have employed a categorical approach that forecloses immigration-judge custody jurisdiction and eliminates any meaningful custody forum for Petitioner. As applied, that position denies Petitioner the custody framework Congress provided and results in continued detention without the process and review mechanisms that ordinarily accompany § 1226(a) detention.

93. Petitioner recognizes that *Buenrostro-Mendez* currently constrains statutory detention-authority arguments in this Circuit to the extent Respondents invoke § 1225(b)(2). Petitioner nevertheless expressly preserves his statutory claim that § 1225(b) does not authorize categorical no-forum detention for an interior detainee in full § 1229a proceedings and that § 1226(a) governs his custody, in order to avoid waiver and for further review.

94. Regardless of the statutory label, detention that forecloses any meaningful custody adjudication is unlawful as applied and warrants habeas relief.

IX. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

(1) assume jurisdiction over this matter;

(2) declare that Petitioner's ongoing civil immigration detention without meaningful, individualized custody process violates the Fifth Amendment and is otherwise unlawful;

(3) issue an order directing Respondents to show cause why the writ should not be granted within three days;

(4) order Respondents to file with the Court the operative custody records and other administrative materials sufficient to permit meaningful review of Petitioner's detention, custody classification, and any claimed basis for continued confinement;

(5) retain jurisdiction over this Petition notwithstanding any change in Petitioner's place of detention or immediate custodian and, pending final resolution of this case, direct Respondents to refrain from removing Petitioner from the United States or transferring him outside the Southern District of Texas without prior leave of Court, and to ensure that the Court can effectuate any relief ultimately granted, including by returning Petitioner to this District if necessary;

(6) grant the writ and order Petitioner's immediate release under conditions no more restrictive than those governing his liberty before arrest;

(7) in the alternative, if the Court declines to order immediate release as the primary remedy, order constitutionally adequate custody process within 48 hours before a neutral decisionmaker, with the Government bearing the burden of proving by clear and convincing evidence that continued detention or materially more restrictive conditions are necessary, with consideration of Petitioner's ability to pay any monetary bond and whether less restrictive alternatives would suffice;

(8) if any alternative hearing is ordered, prohibit Respondents from arguing that the immigration judge lacks jurisdiction, from invoking any automatic stay if release or bond is granted, and from unilaterally imposing electronic monitoring, ankle monitoring, home confinement, or other release conditions not expressly ordered by the neutral decisionmaker;

(9) retain jurisdiction to enforce its order, require a prompt status report confirming compliance, and order Petitioner released immediately if Respondents fail to provide a workable hearing mechanism within the deadline set by the Court; and

(10) grant such other and further relief as the Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his family, depriving them of his care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and to prevent further unlawful detention.

Respectfully submitted on April 1, 2026,

/s/ Maria Nereida Jaimes
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mr. A.D.L.R.H., 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/ Maria Nereida Jaimes
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