

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JUAN MEZA RANGEL

Petitioner,

-v-

Todd M. Lyons, Acting Director of US ICE;
ROBERT CERNA, Dallas Field Office
Director, US Immigration and Customs
Enforcement; Daren K. Margolin, Director of
the Executive Office for Immigration Review;
Warden, Bluebonnet Detention Facility

Respondents.

Case No:

**Petition for Writ of Habeas Corpus
Under 28 U.S.C. § 2241**

INTRODUCTION

Petitioner JUAN MEZA RANGEL was unlawfully detained by Respondents on March 16, 2026. Respondents detained Petitioner without due process or warrant, violating both the Immigration and Nationality Act as well as Petitioner's constitutional rights. Without intervention by this Court, Petitioner will be subject to indefinite detention. There is no other avenue for Petitioner to be released from this unlawful detention. For these reasons, Petitioner prays that this Court will grant a writ of habeas corpus.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. This Court has jurisdiction over the claims asserted in this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, and 28 U.S.C. § 1651 because Petitioner asks this Court to compel Respondents, officers of the United States, to perform their duties owed under 8 U.S.C. § 1226(a).
4. The jurisdiction of this Court is also invoked pursuant to 28 U.S.C. §§ 2201-02 which authorizes the issuance of declaratory judgments.
5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

Venue is proper in this District because Petitioner is detained at the Bluebonnet Detention Facility located at 400 2nd Street, Anson, Texas 79501, which is within the jurisdiction of this District.

6. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

PARTIES

7. Petitioner is currently detained at the Bluebonnet Detention Facility and has been assigned alien number  Petitioner is under the direct control and in the custody of Respondents and their agents.
8. Respondent Todd M. Lyons is the Acting Director of US ICE. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Todd M. Lyons is sued in his official capacity.
9. Respondent Robert Cerna is the Dallas Field Office Director of US Immigration and Customs Enforcement. Respondent is the legal custodian of Petitioner and has the direct authority to release Petitioner. Bret Bradford is sued in his official capacity.
10. Respondent Daren K. Margolin is the Acting Director of the Executive Office for Immigration Review (EOIR). He has the legal authority to order an immigration judge to undertake any actions which this Court may order.
11. The Warden of the Bluebonnet Detention Facility is sued as the direct custodian of Petitioner. The Warden's name is not publicly listed on any materials that were available at the time of filing. The Warden is sued in his or her official capacity.

STATEMENT OF FACTS

12. Petitioner entered the United States over 20 years ago without inspection or admission.
13. Upon entering into the United States, Petitioner was never encountered by Immigration Officials and began residing in the United States.
14. Petitioner continued residing in the United States and has had three United States citizen children.
15. Sometime in November of 2022, Petitioner was arrested for DUI and was subsequently detained by ICE.
16. Petitioner was ultimately released from detention, pursuant to Section 236 of the Immigration and Nationality Act, 8 U.S.C. § 1226.
17. Upon being released from custody, Petitioner was issued a Notice to Appear in person on November 14, 2022, thereby placing Petitioner into full removal proceedings under Section 240 of the Immigration and Nationality Act (8 U.S.C. § 1255) rather than being detained for expedited removal proceedings. In these proceedings, Petitioner is entitled to pursue any applications for relief that might entitle Petitioner to lawfully remain in the United States.
18. After being released on Petitioner's own recognizance, Petitioner fully complied with the directions and conditions given to Petitioner by ICE when initially released and went to about 4 or 5 ICE check-in appointments that were scheduled, until Petitioner was unlawfully detained by ICE at such a check-in appointment on March 16, 2026.
19. When Petitioner was unlawfully detained by ICE, Petitioner had already filed a Form EOIR 42b application with the Immigration Court on December 10, 2024, had pending

relief, and was already scheduled for Petitioner's individual hearing with the Immigration Court on January 6, 2028.

20. Petitioner was unlawfully arrested without a warrant in violation of 8 U.S.C. § 1226(a).

Respondents did not undertake *any* legal process before this detention.

21. Petitioner has not been provided with the opportunity to be released, whether through bond, parole, or any other means. Respondents have not considered any alternatives to Petitioner's detention.

22. Petitioner continues to be unlawfully detained by Respondents.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

23. The above paragraphs are realleged and incorporated herein.

24. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

25. "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 that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

26. Petitioner's warrantless detention, in violation of 8 U.S.C. § 1226(a), is a deprivation of due process. Respondents have violated both the Immigration and Nationality act as well as longstanding regulations at 8 CFR 236.1(b)(1).

27. Respondents' detention of Petitioner is unjustified because they have not demonstrated that Petitioner needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Petitioner's detention is justified by either of these goals.
28. As Petitioner was previously apprehended and released on recognizance under 8 C.F.R. § 1236.1(c)(8), which requires a finding that Petitioner was not a flight risk or a danger, Petitioner should have been afforded pre-deprivation process *before* being re-detained where Respondents have to show material changed circumstances justifying their re-detention). *See Morrissey v. Brewer*, 408 U.S. 471 (1972).
29. District courts in the Fifth Circuit have granted habeas petitions on this basis. . *See, e.g., Cruz-Reyes v. Bondi*, - — F.Supp.3d —, 2026 WL 332315, at *5-7 (S.D. Tex. Feb. 3, 2026) (ordering immediate release, as "a post-deprivation bond hearing cannot cure the core violation of Mr. Cruz Reyes's due process rights"); *see also Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 688 (W.D. Tex. 2025) (ordering a post-deprivation bond hearing for individuals who had been re-detained after release on recognizance); *Parada-Hernandez v. Johnson*, No. 25-cv-2729, 2025 WL 3465958, at *7 (N.D. Tex. Oct. 29, 2025) (same), *R. & R. adopted*, 2025 WL 3463682 (N.D. Tex. Dec. 2, 2025).
30. Petitioner's indefinite detention without the possibility of bond violates due process. *See Zadvydas*, 533 U.S. at 690 (finding that a "statute permitting indefinite detention of an alien would raise a serious constitutional problem."). Congress did not intend to establish an unlimited detention authority for noncitizens who have been released from detention into the United States. If Respondents argue that unlimited detention without the

possibility of release is authorized by statute, Petitioner argues that that interpretation is unconstitutional as applied to Petitioner.

31. Having been unlawfully detained, Petitioner requests the only appropriate relief from this Court: “*release from unlawful detention*”. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).
32. The warrantless arrest and continued detention are both violations of Petitioner’s rights under the Fifth Amendment of the US Constitution.
33. Other Texas District Courts within the Fifth Circuit have granted habeas petitions for similarly-situated petitioners solely on procedural due process grounds, analyzed under *Mathews v. Eldridge*, 424 U.S. 319 (1976). See, e.g., *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668 (W.D. Tex. 2025) (Cardone, J.); *Vieira v. De Anda-Ybarra*, 806 F. Supp. 3d 690 (W.D. Tex. 2025) (Briones, J.); *Hernandez-Fernandez v. Lyons*, No. 25-cv-00773, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025) (Pullman, J.); *Parada-Hernandez v. Johnson*, No. 25-cv-2729, 2025 WL 3465958 (N.D. Tex. Oct. 29, 2025), *R. & R. adopted*, 2025 WL 3463682 (N.D. Tex. Dec. 2, 2025) (Kinkeade, J.).
34. Petitioner was legally residing in the United States with a pending case with the Immigration Court, had an established home and employment, and has three United States citizen children. .
35. Thus, due to Petitioner’s length of residence and ties to the community, Petitioner has a heightened liberty interest, and is entitled to meaningful process in the form of a bond hearing at minimum. . . See, e.g., *Clemente Ceballos v. Garite*, No. 26-cv-00312, 2026 WL 446509, at *2 n.2 (W.D. Tex. Feb. 10, 2026) (Briones, J.) (holding *Buenrostro* does not change the procedural due process analysis and collecting cases); *Cumbe Lema v. De Anda-Ybarra*, No. 26-cv-249, ECF No. 7 (W.D. Tex. Feb. 9, 2026) (Cardone, J.) (similar).

COUNT II

Violation of the Immigration and Nationality Act

36. The allegations in the above paragraphs are realleged and incorporated herein.
37. The Administrative Procedure Act provides that courts “shall... hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).
38. Regulations at 8 CFR § 236.1(c)(9) and (g) require specific procedures to release or revoke the release of an individual. This regulation also limits the authority to make these decisions to specific enumerated officers.
39. At the time Petitioner was detained, Petitioner’s release order had not been lawfully revoked.
40. Respondents violated the provisions at 8 CFR § 236.1(c)(9) because they did not make individualized findings specific to Petitioner’s circumstances prior to detention.
41. Respondents violated the provisions at 8 CFR § 236.1(c)(9) because Petitioner’s custody determination was not rendered by one of the specified officers.
42. Petitioner’s detention is unlawful because the Department of Homeland Security violated the regulations and procedures at 8 CFR § 236.1(c)(9).
43. This unlawful detention and violation of existing regulations also violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).
44. Petitioner requests release from detention due to having a valid order of release which has not been revoked.

COUNT III

Violation of Petitioner’s Fourth Amendment Rights

45. The allegations in the above paragraphs are realleged and incorporated herein.
46. The Fourth Amendment protects “[t]he right of the people to be secure in their persons...against unreasonable searches and seizures.” U.S. Const. amend. IV.
47. The Supreme Court has consistently recognized that immigration arrests and detentions are “seizures” within the meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the “seizure” of the person).
48. The Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). That neutral, judicial determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* Arrest and detention of a person, including of a noncitizen, absent a neutral judicial determination of probable cause violates the Fourth Amendment of the Constitution, *Id.*; *see also Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).
49. This determination must occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstances. *Id.*
50. Congress enacted a strong preference that immigration arrests be based on warrants. *See Arizona v. United States*, 567 U.S. 387, 407-08 (2012). The Immigration and Nationality Act thus provides immigration officers with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). An arresting officer must have “reason to believe” the person is violating the immigration laws and that the person “is likely to escape before a warrant can be obtained.” *Id.* Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

51. At the time of the unlawful detention, Petitioner had established ties in the United States and pending relief which would enable Petitioner to reside in the United States permanently if approved. Petitioner has never absconded from law enforcement, missed an appointment with ICE, or failed to attend any proceedings in immigration court. Respondents did not undertake and cannot reasonably determine that Petitioner was likely to escape before a warrant could be obtained. *See* 8 U.S.C. § 1357(a)(2).
52. Petitioner's continued detention without a probable cause determination, well past the 48 hour period, is unlawful. This unreasonable and unlawful seizure is a violation of Petitioner's Fourth Amendment rights.

PRAYER FOR RELIEF

Petitioner respectfully asks that the Court:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- C. Order that that Respondents not transfer Petitioner from this District during the pendency of this matter;
- D. Order that Respondents not remove Petitioner from the United States until this matter has concluded;
- E. Order that Respondents release Petitioner from detention under the same conditions of release that existed prior to the unlawful detention;
- F. Order that Respondents return all personal property that was confiscated from Petitioner at the time of the unlawful detention; and
- G. Grant any further relief this Court deems just and proper.

VERIFICATION

On Petitioner's behalf, I, Edwin E. Villa, 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.

Respectfully submitted,

/s/ Edwin E. Villa

Edwin E. Villa
Counsel for Petitioner
S.D. Tex. #3339324
TX Bar #24110485
The Villa Law Firm
1400 Broadfield Blvd., Suite 200
Houston, Texas 77084
Email: edwin@villafirm.law
Phone: (832) 387-9265
Fax: (713) 510-1617