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**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSE TRINIDAD ROJAS PLIEGO,

Petitioner,

v.

MARKWAYNE MULLIN, Markwayne Mullin Secretary of the U.S. Department of Homeland Security; **U.S. DEPARTMENT OF HOMELAND SECURITY; DAVID VENTURELLA**, Acting Director of the U.S. Immigration and Customs Enforcement; **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; TODD BLANCHE**, Acting Attorney General of the United States; **GABRIEL MARTINEZ**, Acting Assistant Field Office Director of the Houston Field Office of U.S. Immigration and Customs Enforcement; and **JOHN DOE**, Warden, Montgomery ICE Processing Center, in their official capacities.

Respondents

Case No. 4:26-cv-5719

PETITION FOR WRIT OF
HABEAS CORPUS

Date: July 20, 2026

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

INTRODUCTION

1. Petitioner, Jose Trinidad Rojas Pliego, is in the physical custody of Respondents at the Montgomery ICE Processing Center. He now faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) have concluded Petitioner is subject to mandatory detention.
2. Petitioner entered the United States in about 1998 and has been detained since approximately July 7, 2026, after Immigration and Customs Enforcement (“ICE”) officers shot at a work vehicle where he was a passenger.
3. On information and belief, Petitioner has no criminal history throughout the 28 years of his presence in the United States.
4. Petitioner’s continued detention is in violation of his Fifth Amendment rights to substantive and procedural due process.
5. Accordingly, Petitioner seeks habeas relief ordering his immediate release from custody or, in the alternative, an order directing Respondents to provide him with a prompt, constitutionally adequate, and individualized custody determination before a neutral decisionmaker with authority to order release.

JURISDICTION

6. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Montgomery ICE Processing Center in Conroe, Texas. *See* Exhibit 1—ICE Locator.
7. This Court has jurisdiction under 28 U.S.C. §2241(c)(5) (habeas corpus), 28 U.S.C. §1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
8. This Court may grant relief pursuant to 28 U.S.C. §2241, the Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, and the All Writs Act, 28 U.S.C. §1651.

VENUE

9. Venue is proper in the Southern District of Texas since Petitioner is detained at the Montgomery ICE Processing Center, located in this District. *See* 28 U.S.C. § 2242.
10. Venue is also proper before 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 district.

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 of 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, 1220 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner Jose Trinidad Rojas Pliego is a citizen of Mexico who has resided in the United States since about 1998. *See* Exhibit 2—Petitioner’s Notice to Appear. Petitioner has been in immigration detention since approximately July 7, 2026, after ICE officers shot at a work vehicle in which he was a passenger.

14. Respondent, Markwayne Mullin, is the Secretary of the DHS. He has responsibility over the administration of U.S. immigration laws, has authority over ICE and its offices, and has the authority to release the Petitioner. He has legal custody of the Petitioner. He is sued in his official capacity.
15. Respondent, the DHS, is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act (“INA”), including the detention and removal of noncitizens.
16. Respondent, David Venturella, is the Acting Director of ICE. He is responsible for the policies, practices, and procedures of ICE, including those related to detaining individuals. He has legal custody of the Petitioner. He is sued in his official capacity.
17. Respondent, Todd Blanche, is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity, he has the authority to adjudicate removal cases and oversees the EOIR, which administers the immigration courts and the Board of Immigration Appeals (“BIA”).
18. Respondent, EOIR, is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including authority of hearing custody redeterminations in bond hearings for noncitizens who are detained by the DHS.

19. Respondent, John Doe, is the Warden of the Montgomery ICE Processing Center, where Petitioner is detained. Therefore, he has immediate physical custody of the Petitioner. He is sued in his official capacity.

FACTS

20. Petitioner has resided in the United States since about 1998 and lives in Houston, Texas.

21. Petitioner was taken into ICE custody on about July 7, 2026, and is currently detained at the Montgomery ICE Processing Center. *See Exhibit 1, supra.*

22. The DHS placed Petitioner in removal proceedings before the Conroe Immigration Court pursuant to 8 U.S.C. § 1229(a). ICE has charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I) as one who entered the country without inspection and one not in possession of valid entry documents, respectively. *See Exhibit 2, supra.*

23. Petitioner is common-law married to a U.S.-citizen, with whom he shares 3 U.S. citizen children and 4 U.S. citizen stepchildren. He has been steadily employed and, on information and belief, has no criminal convictions. Petitioner is neither a flight risk nor a danger to the community.

24. Following Petitioner's arrest and transfer to the Montgomery ICE Processing Center, ICE issued a custody determination to continue Petitioner's detention.

25. Any appeal to the BIA is futile. The DHS' new policy was issued "in coordination with DOJ," which oversees the immigration courts. Further, the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), on this issue held that persons like Petitioner are subject to mandatory detention as applicants for admission. Finally, in the *Rodriguez Vasquez* litigation, where the EOIR and the Attorney General are respondents, the DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under 8 U.S.C. § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27-31. *See also* *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK (D. Mass. Sept. 9, 2025) (finding that waiver of exhaustion requirement is warranted because Petitioner is likely to experience irreparable harm if unable to seek habeas relief until the BIA decides the appeal).

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Due Process Clause

26. Petitioner incorporates by reference the allegations of fact set forth in paragraphs 1-25, as if fully set forth herein.

27. The Fifth Amendment provides that "[n]o person" shall be "be deprived of life, liberty, or property, without due process of law."

28. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
29. Moreover, “[t]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.
30. Petitioner has a fundamental interest in liberty and being free from official restraint.
31. Petitioner has been detained continuously since he was taken into custody on approximately July 7, 2026, and has been categorically barred from receiving any individualized hearing before a neutral adjudicator to determine whether his detention is justified.
32. Detention implicates a fundamental liberty interest. While Congress may authorize civil detention in the immigration context, such detention must remain reasonably related to its non-punitive purposes – ensuring the individual’s appearance at court proceedings and protecting safety – and must comport with basic procedural due process. *Zadvydas, supra*, at 690; *Demore v. Kim*, 538 U.S. 510, 527-28 (2003).
33. The categorical denial of any individualized custody determination violates the very bedrock of Petitioner’s Constitutional Due Process rights. Fundamental

fairness requires, at a minimum, a meaningful opportunity to be heard before a neutral adjudicator when the government restrains physical liberty for a prolonged period. *Zadvydas, supra*, at 690; *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Petitioner will receive no such opportunity under the current landscape.

34. Notably, the U.S. Court of Appeals for the Fifth Circuit recently reaffirmed Petitioner's position in *Sosnava-Rodriguez v. Ortega, et al.*, Nos. 26-50183, 26-50219, 26-50221 (5th Cir. Jul. 2, 2026). In this decision on the merits, the panel clarified that the United States Constitution contains "no exceptions in providing basic rights to those within" the boundaries of the United States, "including a right to be heard when personal liberty is taken." *Sosnava-Rodriguez, supra*, at *3.

35. The panel further determined that mandatory detention without an individualized assessment of a noncitizen's circumstances constitutes a procedural due process violation. *Id.* at *19.

36. As a result, the Fifth Circuit held that to protect noncitizens' procedural due process rights, all noncitizens subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) must receive a bond hearing within 90 days of the date of their detention. *Id.* at *36-38. Additionally, the Government bears the burden of

“articulat[ing] an individualized justification for further detention without bond” at such hearing. *Id.* at *37.¹

37. In determining whether petitioners’ detention violated their procedural due process rights, the Fifth Circuit in *Sosnava-Rodriguez, supra*, weighed three factors: (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government’s interest in maintaining the current procedures. *Sosnava-Rodriguez, supra*, at *19, *31; *Mathews*, 424 U.S. at 335.

38. Other federal courts, including in this jurisdiction, have done the same. *See, e.g., Gil v. U.S. Immigration & Customs Enf’t*, No. 5:26-cv-00760 at *1, *3 (S.D. Tex. Jun. 12, 2026); *Lopez-Arevelo*, 801 F. Supp. 3d at 685; *Martinez v. Noem*, No. 25-cv-1007, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025); *Trejo v. Warden of ERO El Paso E. Montana*, __ F. Supp. 3d __, No. 25-cv-401, 2025 WL 2992187, at *8 (W.D. Tex. Oct. 24, 2025); *see also Hernandez v. Cremer*, 913 F.2d 230, 237-38 (5th Cir. 1990) (“To determine what process was due Hernandez we must consider the three-part balancing test adopted ... in *Mathews*.”).

¹ Petitioner acknowledges that the Fifth Circuit’s mandate in *Sosnava-Rodriguez, supra*, is currently stayed. Nevertheless, he cites the case due to the precedential value of the Court’s reasoning.

39. Following this reasoning, Petitioner analyzes the *Mathews* factors as applied to his case below.

Private Interest

40. Petitioner's private interest is the right to be free from government detention.

"The interest in being free from physical detention' is 'the most elemental of liberty interests.'" *Martinez v. Sec. of Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). This interest is of the highest constitutional import. He faces months in continued detention pending the resolution of his case. The private interest here is fundamental: freedom from detention. It weighs heavily in the weighing of the *Mathews* factors. The government's interest in ensuring appearance is minimal compared to the total deprivation of liberty, especially when Petitioner has demonstrated years of law-abiding presence.

41. Petitioner has been in the United States, at liberty, since approximately 1998 and, as such, possesses a cognizable interest in his freedom from detention. A multitude of courts have found that "because the petitioners established a life here – albeit without authorization – they possessed a strong liberty interest in their freedom from detention." See, e.g., *Lopez Miranda v. Flores*, No. EP-25-CV-584-KC, 2025 WL 3901908, at *3 (W.D. Tex. Dec. 10, 2025); *Chinchilla v. De Anda-Ybarra*, No. EP-25-CV-00548-DB, 2025 WL 3645178 (W.D. Tex.

Dec. 16, 2025) (finding noncitizen has protectable liberty interest because he was “living in the United States for over four years and attends his local church”); *Hernandez-Fernandez*, 2025 WL 2976923 at *9 (“Because he spent nearly three years at liberty in the United States, [petitioner] possesses a cognizable interest in his freedom from detention.”); *Martinez v. Noem*, 5:25-CV-1007-JKP, 2025 WL 2598379, at *4 (W.D. Tex. Sept. 8, 2025). See *Sanchez Alvarez v. Noem*, No. 1:25-cv-1090, 2025 WL 2688541, at *1, 10 (D. Me. Sept. 22, 2025).

42. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty [the Due Process] Clause protects.” *Zadvydas*, *supra*, at 690. A noncitizen’s interest in his freedom pending the conclusion of his removal proceedings deserves great “weight and gravity.” *Vieira v. Anda Ybarra*, EP-25-CV-00432-DB (W.D. Tex. Oct. 16, 2025), citing *Addington v. Texas*, 441 U.S. 418, 427 (1979); *Landon v. Plasencia*, 459 U.S. 21, 34 (1982).

43. Furthermore, the circumstances surrounding Petitioner’s detention are exceptional: those who now administer his custody shot at him at close range. This situation puts Petitioner at heightened risk of mental, emotional, and even physical anguish as well as a particularly painful family separation. This only bolsters Petitioner’s private interest in his freedom.

Risk of Erroneous Deprivation

44. Similarly, the risk of erroneous deprivation of Petitioner's liberty is substantial.

Under this factor, the Court considers "whether the challenged procedure creates a risk of erroneous deprivation of individuals' private rights and the degree to which alternative procedures could ameliorate these risks." *Martinez* at *3, quoting *Gunaydin v Trump*, 784 F. Supp.3d 1175, 1187 (D. Minn. 2025).

Government Interest

45. The government's interest here is to ensure that noncitizens appear for their removal hearings and do not pose a danger to the community. Petitioner was not placed in expedited removal proceedings, detained at entry, and did not abscond from any proceedings. If the government has any concerns as to his appearance or risk, those can be addressed during a bond hearing.

46. Notably, regardless of the government's purported interest in enforcing its interpretation of the immigration detention statutes, a habeas petitioner's "constitutional interest in his liberty exists above and apart from the INA." *Rojas*, 2025 WL 3038262 at *4 (citing *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) ("[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.")). Further, while the government "has an interest in ensuring that noncitizens appear for their removal hearings and do not pose a danger to the community," such interest "would be squarely

addressed through a bond hearing.” *Id.* (citing *Martinez v. Noem*, 2025 WL 2598379 at *4 (W.D. Tex. Sep. 8, 2025)).

Conclusion

47. In sum, all three *Mathews* factors support Petitioner’s position – detaining him without any individualized assessment of his flight risk and dangerousness deprives him of his constitutional right to due process under the Fifth Amendment of the United States Constitution.

48. Petitioner’s ongoing and potentially indefinite detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment as applied to him.

49. A plethora of federal courts have granted relief and release on due process grounds. *See, e.g., Hassen v. Noem*, 3:26-cv-00048-DB (W.D. Tex. Feb. 9, 2026); *Clemente Ceballos v. Garite*, 3:26-cv-00312-DB (W.D. Tex. Feb 10, 2026); *Santiago v. Noem*, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Hernandez-Fernandez v. Lyons*, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025); *Parada-Hernandez v. Johnson*, 2025 WL 3465958 (N.D. Tex. Oct. 29, 2025), *report and recommendation adopted*, 2025 WL 3463682 (N.D. Tex. Dec. 2, 2025); *Rojas v. Noem*, 2025 WL 3038262 (W.D. Tex. Oct. 30, 2025); *De Leon Hernandez v. Bondi*, 2025 WL 3217037 (W.D. La. Nov. 18, 2025); *Chinchilla v. De Anda-Ybarra*, 2025 WL 3645178 (W.D. Tex. Dec. 16, 2025); *Vieira v.*

De Anda-Ybarra, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025); *Cruz-Reyes v. Bondi*, (S.D. Tex. Feb. 3, 2026); *Singh v. Taylor*, 2026 WL 360913 (W.D. Tex. Feb. 9, 2026); *Aguila v. Warden, ERO El Paso Camp East Montana*, (W.D. Tex. Feb. 9, 2026).

50. Civil immigration detention is only permissible to the extent that it serves the statutory purposes of ensuring appearance at proceedings and protecting the community from danger. When detention becomes prolonged or indefinite and is no longer tied to those purposes, it becomes punitive and unconstitutional. *Zadvydas, supra*, at 690, *Demore*, 538 U.S. at 527-28.

51. Statutory authority to detain is not a license for arbitrary or indefinite confinement. Because Petitioner is a long-term resident, the denial of a bond hearing constitutes an unconstitutional suspension of the writ and a violation of Petitioner's Fifth Amendment Due Process rights.

COUNT TWO

Violation of the District Court's Order in *Immigration Center for Women and Children v. Noem*

52. Petitioner incorporates by reference the allegations of fact set forth paragraphs 1-51, as if fully set forth herein.

53. On May 20, 2026, the Central District of California issued a preliminary injunction in *Immigration Center for Women and Children v. Noem*, Case No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026) ("ICWC

v. Noem” or “ICWC”). *See* Exhibit 3—ICWC PI Order. This injunction reinstates prior ICE guidance memos protecting immigrant victims of domestic violence, trafficking, and serious crimes. *ICWC v. Noem* at *47.

54. Petitioner is a survivor of aggravated assault with a deadly weapon, wherein ICE officers shot at a work vehicle in which he was a passenger. *See* Exhibit 4—Petitioner’s U-visa Application. He is also the material witness to a shooting. *See id.* On July 16, 2026, Petitioner applied for a U-visa, which Congress made available to noncitizens who have suffered substantial harm because of having been a victim of certain crimes and who have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of the crime. 8 U.S.C. § 1101(a)(15)(U)(i)(I-IV). *Id.*

55. Consistent with Congress’s intent to encourage noncitizen victims to report crime, for nearly two decades, DHS policies have generally required ICE to refrain from pursuing removal efforts against those with pending U-visa petitions, like Petitioner, absent serious public safety concerns. These include written policies issued in 2011 and 2021. *See* John Morton, ICE Policy Statement 10076.1, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (Jun. 17, 2011) (“2011 Policy”), available at <https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf>, and ICE Directive 11005.3, Using a Victim-Centered

Approach with Noncitizen Crime Victims (Dec. 2, 2021) (“2021 Directive”), available at

https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf.

56. As with prior DHS policy, the 2011 Policy reiterated that “[a]bsent special circumstances or aggravating factors,” it is generally “against ICE policy to initiate removal proceedings against” known victims of crime. 2011 Policy at 1. Notably, the 2011 Policy explains “that a flag now exists in” DHS systems “to identify those victims of domestic violence, trafficking, or other crimes who already have filed for . . . victim-based immigration relief.” 2011 Policy at 3.
57. The 2021 Directive, in turn, continued ICE’s longstanding policy to “refrain from taking civil enforcement action against” individuals “known to have a pending application” for “victim-based immigration benefits,” “absent exceptional circumstances” such as national security or public safety concerns. 2021 Directive at 1-2, 9.
58. If such an application was pending, ICE was to “defer” enforcement until USCIS adjudicates the petition or issues a negative interim adjudication. *Id.* at 2. Agents were to request expedited *prima facie* adjudications from USCIS for people in ICE custody, and eligibility “for victim-based immigration benefits . . . must be considered” a “positive discretionary factor.” *Id.* at 2, 9.

59. However, on January 30, 2025, ICE issued a policy directive that, for the first time in the agency's history, authorized the routine detention and removal of noncitizen victims of crime who had petitioned for victim-based immigration benefits like the U-visa. *See* ICE Policy Number 11005.4, Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits (Jan. 30, 2025) ("2025 Guidance"), available at <https://www.ice.gov/doclib/foia/policy/11005.4.pdf>.
60. The 2025 Guidance explicitly "rescinded and superseded" the 2021 Directive and 2011 Policy, thereby reneging the government's promise to protect noncitizen crime victims and greenlighting a deportation campaign that ignores their potential eligibility for relief.
61. Nevertheless, as mentioned, on May 20, 2026, the U.S. District Court for the Central District of California granted plaintiffs' Motion for Class Certification and granted in part plaintiffs' Motion for Administrative Procedure Act ("APA") § 705 Relief and Individual and Class wide Preliminary Injunction. *See* Exhibit 3, *supra*.
62. As part of its ruling, the court provisionally certified three classes, including the Pending Petition Class. As such, the court's order reinstating the 2011 and 2021 policies applies to Pending Petition Class members. *See* ICWC PI Order at *47

(“the Court hereby STAYS the 2025 Guidance, including its rescission of prior policies.”).

63. Petitioner is a Pending Petition Class member because he is “an individual[] with [a] pending principal or derivative U visa petition . . . who ICE detains or seeks to detain for civil immigration enforcement.” *ICWC* at *46.

64. To the extent Respondents allege Petitioner is subject to mandatory detention, then ICE must immediately request expedited review of Petitioner’s U-visa petition. 2021 Directive at 8 ¶ 5.4(a) (“When encountering a noncitizen with a pending application or petition for a victim-based immigration benefit and the noncitizen is detained in ICE custody and their release is prohibited by law or exceptional circumstances exist, ICE will request that USCIS expedite the adjudicative action and will notify USCIS if the noncitizen is subsequently released.”).

65. However, as mentioned, Petitioner is a long-term resident of the United States with no criminal history. He does not pose a national security or public safety threat. As such, there are no “exceptional circumstances” in Petitioner’s case justifying his continued detention. *See* 2011 Policy at 1; *see also* 2021 Directive at 1-2, 9.

66. Furthermore, Petitioner was the victim of a violent crime at ICE’s hands that put his very life in danger. *See* Exhibit 4, *supra*. Absent release, he will

continue to experience mental and emotional anguish, painful family separation, financial harm, and possibly physical anguish stemming from his detention, which, as explained, constitutes an erroneous deprivation of his liberty and violation of his constitutional rights.

67. For these reasons, Petitioner respectfully asserts that his immediate release is warranted.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Pursuant to 28 U.S.C. §2243, issue an order to show cause directing Respondents to file a return within three (3) days, absent good cause for a short extension not exceeding ten days, and set the matter for a prompt hearing;
- c. Enjoin the Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action, absent further order of the Court;
- d. Order Petitioner's release within one day;

- a. Petitioner submits that ordering a bond hearing is no longer an adequate remedy as the immigration judges are routinely denying bond hearings that were ordered by federal district court judges;
- e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

Dated this the 17th day of July 2026

Respectfully submitted,

GONZALEZ OLIVERI, LLC

s/ Raed Gonzalez

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**UNITED STATES DISTRICT COURT FOR THE
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JOSE TRINIDAD ROJAS PLIEGO,

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MARKWAYNE MULLIN, Markwayne Mullin Secretary of the U.S. Department of Homeland Security; **U.S. DEPARTMENT OF HOMELAND SECURITY; DAVID VENTURELLA**, Acting Director of the U.S. Immigration and Customs Enforcement; **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; TODD BLANCHE**, Acting Attorney General of the United States; **GABRIEL MARTINEZ**, Acting Assistant Field Office Director of the Houston Field Office of U.S. Immigration and Customs Enforcement; and **JOHN DOE**, Warden, Montgomery ICE Processing Center, in their official capacities.

Date: July 20, 2026

Respondents

INDEX OF EXHIBITS

Exhibit 1	ICE Locator
Exhibit 2	Petitioner's Notice to Appear

Exhibit 3 ICWC PI Order

Exhibit 4 Petitioner's U-visa Receipt Notice