

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CHUANPING SUN,

Petitioner,

V.

JOEL GARCIA, *et al.*

Respondents.

Case No.: 3:26-cv-00050-LS

**PETITIONER’S BRIEF IN SUPPORT
OF PETITION OF WRIT OF HABEAS
CORPUS AND IN RESPONSE TO
JUDGE’S NOTICE**

Petitioner respectfully submits this brief in support of the Petition for a Writ of Habeas Corpus and in response to Honorable Leon Schydlower's Notice of Oral Argument in the Fifth Circuit Court of Appeals and Order for Supplemental Briefing entered on January 30, 2026.

PRELIMINARY STATEMENT

Pursuant to this Court's January 30, 2026 Order, Petitioner submits this supplemental brief addressing (1) whether he was arrested on a warrant issued by the Attorney General; (2) whether he is eligible for bond under 8 U.S.C. § 1226; and (3) if not, how habeas relief is available.

Petitioner entered the United States without inspection and has never been admitted or paroled. He was a dependent on his wife's affirmatively filed Form I-589 asylum application, which USCIS denied and referred to Immigration Court through issuance of a Notice to Appear. *See* Exhibit B of Petition. On October 27, 2025, Petitioner was stopped by local traffic police in Clermont and transferred into ICE custody. He is presently detained at ERO El Paso Camp East Montana, 6920 Digital Road, El Paso, Texas 79936.

Because Petitioner entered without inspection and has never been admitted, he is treated under the Immigration and Nationality Act as an "applicant for admission." Accordingly, his detention authority arises from 8 U.S.C. § 1225(b)(2). The Fifth Circuit recently decided that individuals such as Petitioner are mandatorily detained under § 1225(b)(2) in *Buenrostro-Mendez v. Bondi*, No. 25-20496.

ARGUMENT

I. Petitioner Was Not Arrested on a § 1226 Warrant Issued by the Attorney General

Petitioner was not detained at the border and was not arrested pursuant to a § 1226(a)

warrant at entry. He was not encountered upon entry into the United States. Instead, he was arrested and transferred into ICE custody following an interior traffic stop on October 27, 2025.

II. Petitioner Falls Squarely Within the Category of Detainees at Issue in *Buenrostro-Mendez*

Petitioner entered the United States without inspection and has never been admitted or paroled. Under 8 U.S.C. § 1225(a)(1), such an individual is treated as an “applicant for admission.” Although Petitioner was not detained at the border, his lack of admission or parole status renders him subject to the statutory framework governing applicants for admission. He is currently detained pending removal proceedings and has not been charged under the criminal mandatory detention provisions of § 1226(c). While Petitioner respectfully disagrees with the outcome of the decision, his statutory posture appears to be indistinguishable from the category of detainees *Buenrostro-Mendez v. Bondi*.

III. Habeas Jurisdiction Remains Available to Review the Legality and Constitutionality of Petitioner’s Detention

Should the Court determine that § 1225(b) governs, habeas jurisdiction nevertheless exists under 28 U.S.C. § 2241 to review the legality of detention and ensure compliance with statutory limits. Habeas relief is not limited to physical release but extends to unlawful restraints on liberty and detention beyond statutory authorization.

The question in *Buenrostro-Mendez* concerns whether § 1226(a) bond procedures apply to individuals detained under § 1225(b)(2). That appellate review does not divest this Court of jurisdiction to assess whether Petitioner’s detention complies with statutory limits or with the

Due Process Clause. Even where detention is described as “mandatory,” courts retain authority to ensure that such detention is grounded in valid statutory interpretation and does not transgress constitutional boundaries. While the Fifth Circuit ultimately concluded that § 1225(b)(2) detainees are not eligible for bond under § 1226(a), it could not foreclose habeas review of whether prolonged detention without individualized consideration of flight risk or danger comports with due process. The Supreme Court has repeatedly recognized that immigration detention, though civil in nature, remains subject to constitutional constraints. See *Zadvydas v. Davis*, 533 U.S. 679 (2001) (“The Due Process Clause applies to all ‘persons’ within the United States...”); See also *Demore v. Kim*, 538 U.S. (2003); *Clark v. Martinez*, 543 U.S. (2005) (applying *Zadvydas*’s constitutional limitations to inadmissible aliens); see also *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.” citing *Youngberg v. Romeo*, 457 U.S. 307, 316 (1982)).

Petitioner is presently detained pending removal proceedings and faces continued custody of indeterminate duration. Habeas jurisdiction therefore lies to ensure that executive detention does not exceed statutory authority and does not result in constitutionally impermissible confinement.

CONCLUSION

Petitioner is presently detained pending removal proceedings and remains subject to executive custody without individualized bond consideration. While the Fifth Circuit’s decision in *Buenrostro-Mendez* clarified the statutory relationship between 8 U.S.C. §§ 1225 and 1226 for this district, it did not displace this Court’s obligation to ensure that detention comports with

statutory limits and constitutional safeguards. Civil immigration detention, even where described as mandatory, is not immune from judicial scrutiny. The Due Process Clause prohibits arbitrary or indefinite deprivation of liberty. Habeas corpus exists precisely to test the legality of executive detention and to ensure that statutory interpretation does not override constitutional protections.

Accordingly, Petitioner respectfully requests that this Court consider the merits of his habeas petition, determine whether his continued detention is lawful and constitutionally permissible, and grant such relief as justice requires.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Court:

1. Determine that habeas jurisdiction exists to review the legality of such detention;
2. Grant such further relief as law and justice require.

Dated: February 13, 2026,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 13, 2026, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing.

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