

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

Manuel Agosto RAMON ULLAURI ,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of Homeland
Security,

Todd M. Lyons, Acting Director of Immigration and
Customs Enforcement,

Marisa Flores, Director, El Paso Field Office
Immigration and Customs Enforcement, and

Curtis Taylor, Major General, U.S. Army at Camp Bliss

Respondents.

Case No. 3:26-CV-00063

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Manuel Agosto RAMON ULLAURI , (“RAMON ULLAURI ” or “Petitioner”), by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement (“ICE”) to release RAMON ULLAURI from ICE detention and/or provide him with a bond hearing pending the completion of his immigration proceedings.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).
3. Federal question jurisdiction exists because RAMON ULLAURI seeks to challenge his custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*
4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security (“DHS”). *Denmore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019).
5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because RAMON ULLAURI is detained within the Western District of Texas.
6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

PARTIES

7. Petitioner is a citizen of Ecuador and a resident of Saint Paul, Ramsey County, Minnesota, who is currently being held at the ERO El Paso Camp East Montana detention facility in El Paso, Texas. Petitioner is under the direct control of the respondents and has no scheduled release date.

8. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of RAMON ULLAURI .
9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the Western District of Texas, supervises ICE field offices, and is legally responsible for pursuing RAMON ULLAURI 's detention and removal. As such, Respondent Noem is a legal custodian of RAMON ULLAURI .
10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.
11. Respondent Marisa Flores is being sued in her official capacity as the Field Office Director for the El Paso Field Office for ICE within DHS. In that capacity, Field Office Director Marisa Flores has supervisory authority over the ICE agents responsible for detaining RAMON ULLAURI . The address for the El Paso Field Office is 1541 Montana Ave, Suite E, El Paso, Texas, 79936.
12. Respondent Major General Curtis Taylor is being sued in his official capacity as the Commanding General responsible for the ERO El Paso Camp East Montana Detention Center within the U.S. Army Fort Bliss. Because Petitioner is detained in the ERO El

Paso Camp East Montana Detention Center, Major General Taylor has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a resident of Saint Paul, Ramsey County, Minnesota and a citizen of Ecuador. He has lived in the United States continuously since 2021, when he entered without inspection.
14. Petitioner is a loving partner and a father of a 6-month-old son, who is a U.S. Citizen. He lives with his wife and child. His extended family lives in close proximity to him, within the Metro Area, who he cares deeply for and spends a lot of time with.
15. For years, he's been a dedicated, honest and active member of his community in Minnesota. When time allows, he loves to play soccer with his neighbors and friends.
16. On Wednesday, January 7, 2026, on or around 8:00 a.m., Petitioner left his home and got into his car. At this time, a strange vehicle pulled in front of Petitioner's car and blocked his access to the road. In a heightened state of fear of ICE in the community, Petitioner suspected this was an ICE vehicle and got out of his car. Upon getting out of his car, he slipped and fell, twice. At that point, he was taken by several ICE agents in uniform. Upon information and belief, ICE did not present a Judicial Warrant. From there, he was taken to 1 Federal Dr, Unit 1850, Fort Snelling, MN 55111, United States, where soon thereafter he was flown to his current location in Texas.
17. Petitioner was able to speak briefly to his family when he was held in El Paso. His family was able to locate him based on this call, but the family has been unable to ascertain the status of any deportation proceedings.

18. Petitioner has no criminal record, poses no risk to society, and has strong connections to his community in Ramsey County, including his family, friends, and sports community.
19. Detaining RAMON ULLAURI is an expensive and pointless endeavor, with no legal justification. Petitioner respectfully seeks the opportunity to return to his infant and wife in Saint Paul and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.
20. Pending the adjudication of his Petition, RAMON ULLAURI further seeks an order restraining the Respondents from transferring him to a location outside of the Western District of Texas, so that he may remain within the jurisdiction of this Court and accessible to his legal counsel.

STANDARD OF LAW

21. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The “Great Writ” has been referred to by US Courts as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). A petitioner may seek a writ of habeas corpus when their custody violates the US Constitution or a federal law. 28 U.S.C. § 22441(c)(3).
22. The Court must grant a petition for writ of habeas corpus or issue an order to show cause to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

23. Courts have jurisdiction to hear habeas petitions filed by noncitizens who have no final removal order, whose challenges to their arrest and detention are “independent of any future removal order.” *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *3 (W.D. Tex. Sept. 22, 2025). Nor is a petitioner required to first exhaust administrative remedies where, as here, petitioner is not appealing a final order of removal. *Id.* at 6.
24. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
25. Only under certain circumstances are noncitizens subject to ongoing detention without a bond hearing. *See, e.g.*, 8 U.S.C. § 1226(c) (individuals with certain criminal convictions may be detained without a bond hearing for the pendency of removal proceedings) and 8 U.S.C. § 1225(b) (authorizing mandatory detention of immigrants seeking admission from outside the United States).
26. Otherwise, the “default rule” is that 8 U.S.C. § 1226(a) and its implementing regulations apply to noncitizens “already present in the United States” and subject to pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018) (distinguishing between mandatory detention for noncitizens “seeking to enter the country” under 1225(b), and noncitizens who, per 1226, are “already in the country” and thus who are entitled to bond hearings pursuant to pending the outcome of their removal proceedings, subject to criminal record exceptions). Under this default rule, detention is not mandatory and immigrants are constitutionally entitled to a bond hearing.

27. Despite this clear, longstanding distinction between noncitizens seeking entry from outside the country, to whom 1225(b)(2) applies, and noncitizens who have been living in the United States for more than two years subject to the default 1226(a), Respondents have decided to openly create a new interpretation of these rules contrary to how Courts and ICE themselves have interpreted immigration law since 1996. *Lopez Arevelo*, 2025 WL 2691828 at 7. Now, Respondents are saying that 1226(a) does not apply to anyone.
28. This departure involves a drastic expansion of the interpretation of mandatory detention so as to apply to individuals who have been living in the country for years, not just those seeking admission at the border.
29. The BIA's position change, as described in *In re: Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), flies in the face of existing Supreme Court precedent, where it is clear and understood that the Government's authority to detain certain noncitizens who are already in the country, and subsequent requirement to afford them a bond hearing, comes from 8 USC 1226, not 1225. *Jennings*, 583 U.S. at 281-82.
30. Not only that, but a majority of courts across the country since BIA has attempted to take over for Congress through a new interpretation of several decades of precedent have rejected this expansion, resoundingly and repeatedly:

In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect. *See Lopez-Campos v. Raycraft*, — F. Supp. 3d —, — n.5, 2025 WL 2496379, at *8 n.5 (E.D. Mich. Aug. 29, 2025) (collecting twelve such decisions); *see, e.g., Jimenez v. FCI Berlin, Warden*, — F. Supp. 3d —, — & n.9, 2025 WL 2639390, at *10 & n.9 (D.N.H. Sept. 8, 2025). That includes courts in the Fifth Circuit. *Lopez Santos*, 2025 WL 2642278, at *5; *Kostak v. Trump*, No. 25-cv-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025).

Lopez Arevelo, 2025 WL 2691828 at 8.

31. Here, Petitioner fits the ‘default rule’ as someone without a criminal record who has been in the United States for more than two years, and is thus entitled to a bond hearing.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Petitioner is being deprived of an adequate and meaningful process to challenge his ongoing confinement.

32. Petitioner realleges and incorporates by reference the allegations contained above.
33. RAMON ULLAURI has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
34. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.
35. Here, all three factors favor the Petitioner.
36. First, he has a significant private interest at stake. A person's interest in freedom from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 (“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.”). RAMON ULLAURI currently experiences the gambit

of deprivations that come with physical detention, including separation from his family and his community, and future inhibitions to participate fully in his now pending immigration proceedings.

37. Second, RAMON ULLAURI will continue to be deprived of this interest if the current procedure (detaining RAMON ULLAURI without a hearing) is followed. With his lack of criminal record, RAMON ULLAURI has a strong likelihood of meeting the criteria for being released on bond. 8 CFR §§236.1(c)(8), 1236.1(c)(8) (2020); *In re Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999). Even if he is not subsequently released, he still has a legal and constitutional interest in the hearing itself, in being heard.
38. Lastly, the Government has no legitimate interest in refusing to follow its own rules. RAMON ULLAURI poses no safety threats to the community. Releasing RAMON ULLAURI, or holding a hearing to release him on bond, would in fact *save* the government the resources and expense of continuing to imprison him.
39. The placement of RAMON ULLAURI in detention pending the resolution of his asylum proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner's Ongoing Detention, without the Opportunity for a Bond Hearing, Violates his Statutory Right to a Hearing as Guaranteed by 8 U.S.C. § 1226

40. Petitioner realleges and incorporates by reference each and every allegation contained above.
41. Respondents violate the Immigration and Nationality Act by attempting to apply the mandatory detention statute 8 U.S.C. § 1225(b)(2), to Petitioner, who has been a resident of the United States for well over two years, and is thus not “seeking admission” so as to

come under the purview of the provision that Respondents are using to justify detaining him without a bond hearing.

42. RAMON ULLAURI is detained, notwithstanding his pending asylum application, without being afforded an opportunity to advocate for his release back into his community as the law requires.

REQUEST FOR ORDER TO SHOW CAUSE

43. Within three days, unless good cause for a delay is shown, “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
44. Petitioner respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

WHEREFORE, RAMON ULLAURI prays that this Court grant the following relief;

1. Assume jurisdiction over this matter;
2. Issue an Order that Petitioner not be deported outside of the United States while this matter is pending;
3. Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately, or in the alternative afforded a bond hearing;
4. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and

5. Grant any other and further relief that this Court may deem just and proper.

Date: January 14, 2026

s/Maria Nereida Jaimes

Maria Nereida Jaimes
Texas State Bar No. 01552000
wbaine@bainefirm.com
16018 Via Shavano, Suite 102
San Antonio, Texas 78249
Telephone: (210) 224-8797

And

s/ Brendan K. McBride

Brendan K. McBride
The McBride Law Firm
Texas State Bar No. 24008900
Email: mcbride.bkl@gmail.com
316 E. Main St., Ste. 30
Anoka, MN 55303
Telephone: (210) 386-7357