

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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Esteban Azael Rodriguez-Jaimes,	)	
	)	
Petitioner-Plaintiff,	)	
v.	)	Civ. No. 1:26-CV-00124
	)	
PAM BONDI,	)	
United States Attorney General, et al;	)	
	)	
	)	
Respondents-Defendants.	)	
_____	)	

**PETITIONER'S REPLY TO RESPONDENTS' ABBREVIATED ANSWER TO PETITION
FOR WRIT OF HABEAS CORPUS**

Petitioner submits this response to the Respondents' Abbreviated Answer to Petition for Writ of Habeas Corpus. Dkt. 7. Petitioner re-urges all arguments made in the Petition for Writ of Habeas Corpus. Dkt. 1. In short, the Respondents acknowledge that this Court has repeatedly granted habeas corpus for persons in Mr. Rodriguez-Jaimes position. There is no material difference between Mr. Rodriguez-Jaimes' case and those cases that the Court has previously ruled on. *See, e.g., Orellana v. U.S. Dep't of Homeland Sec.*, No. 5:25-CV-1028-JKP, 2025 WL 3471569 (W.D. Tex. Nov. 24, 2025); *Gonzalez v. Ortega*, No. 5:25-CV-1156-JKP, 2025 WL 3471571 (W.D. Tex. Nov. 24, 2025); *Trujillo v. Noem*, No. 5:25-CV-1266-JKP, 2025 WL 3471572 (W.D. Tex. Nov. 24, 2025); *Granados v. Noem*, No. SA-25-CA-01464-XR, 2025 WL 3296314 (W.D. Tex. Nov. 26, 2025). Respondents currently classify Petitioner as an alien who entered the United States without admission or parole. Dkt. 1, Exh. 2, Notice to Appear. As such, he falls within the body of cases where this Court has already held Respondents' detention of noncitizens like Petitioner under §1225(b)(2) rather than § 1226 is unlawful.

BRIEF FACTUAL BACKGROUND

1. On or about December 3, 2025, ICE detained Mr. Rodriguez-Jaimes in during a traffic stop in Bastrop, Texas. Mr. Rodriguez-Jaimes was taken into immigration custody. He remains in civil detention in the custody of ICE at South Texas Detention Facility at Pearsall, Texas.
2. Mr. Rodriguez-Jaimes has lived in the United States for over 20 years. He is married to Diana Laura Gaona-Borja ("Diana") and is the father of three children, 4-years-old, 3-years-old, and a 2-year-old. All of his children are [REDACTED]
[REDACTED] Diana suffers from depression and anxiety. His wife and all of their children are United States citizens. Mr. Rodriguez-Jaimes and his family live in Bastrop, Texas. He is primary breadwinner for his family. His detention is a substantial deprivation and has caused Petitioner and his family to lose their housing. They are now at risk of losing their vehicles and medical care without his parental, emotional, and financial support.

3. Petitioner has no criminal convictions. On July 20, 2025, Petitioner was arrested for misdemeanor assault charge that involved another male at an auto repair shop. The other male was the primary aggressor. Petitioner was out on a misdemeanor cash bond and attending his court dates with his criminal defense attorney. On December 3, 2025, almost five months after Petitioner was released on his misdemeanor bond, immigration officials detained him after a traffic stop in Bastrop County, Texas. Due to his civil detention, he cannot attend his misdemeanor court dates in Williamson County, Texas. He is unable to effectively defend himself against this pending misdemeanor charge because he is now unlawfully detained.
4. Petitioner's detention became unlawful when Petitioner was not entitled to bond due to the Board of Immigration Appeals published opinion in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) on September 5, 2025, which rendered pursuing a bond futile for non-citizens that entered the United States without inspection. Mr. Rodriguez-Jaimes entered the United States through the port of entry as a baby in stroller with an adult. In effect, he was "waved in" although he did not have a visa. However, immigration officials have classified him as entering without inspection in their Notice to Appear.

PETITION IS NOT PREMATURE

5. Respondent asserts that Petitioner should first request a bond hearing and have it denied by the immigration judge before seeking relief from this Court. Given that Petitioner did not enter the United States with a visa and does not have evidence of a lawful admission (i.e. I-94 or admission stamp in a passport) that can be presented to the immigration judge in a bond hearing, it is futile to seek a bond. Were Petitioner to seek a bond first, the Respondents would most definitely argue that Petitioner entered without inspection and that the court lacks jurisdiction under *Matter of Yajure Hurtado*. The Notice to Appear alleges that Petitioner is present in the United States without inspection. Dkt. 1, Exh. 2. The I-213 typically produced by the Respondents at bond hearings will echo the Notice to Appear that Petitioner entered without inspection. Furthermore, given that Mr. Rodriguez-Jaimes remains detained, it is impossible for him to develop the evidentiary record required to establish a *Quilantan* wave in entry. The Respondents cannot have it both ways. On the one hand, they argue that his case is

not ripe for a writ of habeas corpus due to his manner of entry. On the other hand, Respondents have classified him as an alien who entered without inspection which will be used to deprive the immigration judge of jurisdiction under *Matter of Yajure Hurtado*. It is urgent that Petitioner's petition for a writ of habeas corpus be immediately decided. He and his family are greatly suffering due to his unlawful detention.

LAKIN RILEY ACT DOES NOT APPLY IN THIS CASE

6. Respondents also argue that the Lakin Riley Act may apply in this case and thus Petitioner should seek a bond hearing before pursuing his petition for a writ of habeas corpus. Petitioner is currently charged with a class A misdemeanor assault in Williamson County, Texas. Dkt. 1, Exh. 6. The Texas penal code section relating to this offense is section 22.01(a)(1) and states in relevant part: (a) (1) A person commits an offense if he intentionally, knowingly, or recklessly causes bodily injury to another,...(b) an offense under Subsection (a)(1) is a Class A misdemeanor....
7. There is no element of "serious bodily injury" in this statute for misdemeanor assault. It is clear that the Lakin Riley does not apply here. There is no factual dispute that must be decided by the immigration judge. This pending charge does not change the fact that Respondents are unlawfully detaining Mr. Rodriguez-Jaimes without affording him a custody redetermination hearing pursuant to *Matter of Yajure Hurtado*.
8. The human consequences of Mr. Rodriguez-Jaimes detention are immediate and severe. His wife has had traumatic pregnancies that have led her to have a multitude of psychological issues. His wife suffered from a deep postpartum depression and anxiety after having three children from the age of 17 years old until her last child at the age of 20 that has since gotten worse, especially after Mr. Rodriguez-Jaimes' detention. Their 3-year-old daughter was recently diagnosed with Autism and Speech Impairment. She has a speech delay and receives special accommodation and counseling at school. Both their daughters are going to start counseling at school and are in the process of obtaining mental health treatment through their doctors. Their 2-year-old son has become aggressive and started vomiting his food in the

absence of his father. He has started to bite, hit, and leave bruises on Mr. Rodriguez-Jaimes' wife and other children as he is acting out due to his anxieties without his father. His wife is a stay-at-home mom and does not work. She has no work experience and has had little success in finding a job since Mr. Rodriguez-Jaimes' detention. Due to her inability to pay rent, electricity and water bills alone, she was evicted from their home and lives with Mr. Rodriguez-Jaimes' parents. She has outstanding balances for her electricity and water bills that she cannot afford. The Constitution, the INA, and basic principles of fairness do not permit this outcome. Petitioner respectfully requests immediate release.

CONCLUSION

9. In light of the extreme suffering that his continued detention is creating to himself and his United States citizen wife and children, this Court should grant this petition and order his immediate release, not prolong it by requiring a futile bond hearing before the immigration judge. Mr. Rodriguez-Jaimes respectfully petitions this Honorable Court for a Writ of Habeas Corpus to remedy Petitioner's unlawful detention.

Respectfully submitted on this 27 day of January 2026

/s/ Nicole L. True
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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2026, I caused a true and correct copy of the foregoing PETITIONER'S REPLY TO RESPONDENTS' ABBREVIATED ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS in the case of Esteban Azael Rodriguez-Jaimes v. Pamela Bondi, et al., Civil Action 26-CV-00124 was sent to Assistant United States Attorney Nathan Ripley via the CM/ECF Pacer system.

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Warden as Petitioner's immediate custodian.

Dated this 27 day of January 2026.

/s/ Nicole L. True
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