FILED
MAR 23 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROBERTO ROSELL ARIAS,
A# [redacted]
Petitioner,
v.
WARDEN, SOUTH TEXAS ICE PROCESSING CENTER;
FIELD OFFICE DIRECTOR, ICE ERO – SAN ANTONIO FIELD OFFICE;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Respondents.

Civil Action No. 5:26-cv-00050

PETITIONER'S MOTION FOR IMMEDIATE RULING BASED ON DUE PROCESS VIOLATIONS, LACK OF NOTICE, AND UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT

Petitioner, Roberto Rosell Arias, proceeding pro se, respectfully moves this Court for **IMMEDIATE RULING BASED ON DUE PROCESS VIOLATIONS, LACK OFNOTICE, AND UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT**, and states as follows:

INTRODUCTION

1. This Motion addresses fundamental defects in these proceedings: **Petitioner has not received the Government's response, has been denied any meaningful opportunity to reply, and is being subjected to conditions inconsistent with civil detention.**
2. Despite the filing of a response by Respondents, Petitioner remains detained while **being excluded from the adversarial process that determines his liberty.**
3. **A habeas proceeding in which one party is unaware of the opposing filings is not a functioning judicial process—it is a structural failure.**
4. Compounding this defect, Petitioner is being held under conditions that **blur the line between civil detention and punitive incarceration**, raising serious constitutional concerns.

PROCEDURAL POSTURE AND LACK OF NOTICE

5. Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on or about January 5, 2026.
6. On January 27, 2026, this Court issued an Order directing Respondents to file an answer or response within thirty (30) days.
7. Respondents filed a response on March 2, 2026.
8. Petitioner is currently detained at La Salle County Regional Detention Center following a transfer by ICE, which has contributed to delays and disruptions in this proceeding.
9. **Petitioner has not received the Government's response, exhibits, or any related filings.**
10. As a result, Petitioner has been **deprived of any meaningful opportunity to review, respond to, or challenge the Government's assertions.**

DUE PROCESS VIOLATIONS

11. The Fifth Amendment guarantees that no person shall be deprived of liberty without **due process of law**.

12. The Supreme Court has made clear that **the fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner."** *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
13. **An opportunity to be heard is meaningless where the individual is not provided notice of the opposing party's arguments or evidence.**
14. The Supreme Court has further held that **due process requires notice and a fair opportunity to respond before the government may deprive an individual of liberty.** *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).
15. In the context of detention, these protections are at their highest, as **freedom from physical restraint lies at the core of the liberty protected by the Constitution.** *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
16. **Proceeding on the basis of filings that Petitioner has never received violates the most basic requirements of due process.**

UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT

17. Immigration detention is civil in nature and **may not be punitive**.
18. The Supreme Court has made clear that civil detainees **cannot be subjected to conditions that amount to punishment.** *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).
19. Petitioner is currently housed at a facility that operates as a correctional jail environment rather than a civil immigration detention setting.
20. Upon transfer, Petitioner has been subjected to **more restrictive conditions**, including limitations on movement, reduced access to outdoor recreation, and diminished exposure to sunlight.
21. Petitioner is also **housed in proximity to or alongside individuals held on criminal charges**, further blurring the distinction between civil detention and criminal incarceration.
22. **These conditions are materially different from those of a civil detention facility and resemble punitive confinement.**
23. The Supreme Court has held that detention must bear a **reasonable relationship to a legitimate governmental purpose**, and when conditions become excessive or restrictive, they may be deemed punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

24. **Subjecting a civil immigration detainee to jail-like conditions without justification raises serious constitutional concerns under the Fifth Amendment.**

STRUCTURAL DEFECT IN THE PROCEEDING

25. Habeas corpus proceedings are adversarial in nature and depend on **both parties having access to the same record and filings.**
26. Where one party is unaware of the submissions before the Court, **the proceeding ceases to function as an adversarial process and instead becomes one-sided.**
27. The Supreme Court has emphasized that habeas review must be **"meaningful" and effective, not merely formal.** *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).
28. **A proceeding in which the Court considers arguments and evidence unseen by the detainee is not meaningful review—it is a constitutional defect.**
29. This defect is further exacerbated by Petitioner's transfer between detention facilities, which has disrupted mail delivery and access to court documents.
30. **The Court cannot adjudicate Petitioner's liberty based on a response he has never received.**

JUDICIAL OBLIGATION AND NECESSITY OF IMMEDIATE ACTION

31. Federal courts have an obligation to ensure that habeas proceedings are conducted in a manner consistent with constitutional guarantees.
32. Where due process violations and unconstitutional conditions are apparent, **the Court must act to remedy the defect before proceeding further.**
33. Continuing to adjudicate or delay resolution under these conditions would **perpetuate a process that is fundamentally unfair and constitutionally infirm.**
34. **The only constitutionally permissible course is for the Court to intervene immediately.**

PRAYER FOR RELIEF

35. WHEREFORE, Petitioner respectfully prays that this Court:

a. **ISSUE AN IMMEDIATE RULING** on the pending Petition for Writ of Habeas Corpus;

b. **DECLINE TO RELY ON OR CONSIDER** any Government response or evidence that has not been properly served on Petitioner;

c. **ORDER PETITIONER'S IMMEDIATE RELEASE** from custody;

d. **IN THE ALTERNATIVE, ORDER PETITIONER'S TEMPORARY RELEASE** pending adjudication of the Petition, should the Court deem additional time necessary to issue a ruling;

e. **PROHIBIT RESPONDENTS FROM RE-DETAINING PETITIONER UNDER THE SAME STATUTORY OR FACTUAL BASIS** absent a material change in circumstances or lawful justification consistent with the Constitution;

f. Grant such other and further relief as this Court deems just and proper.

VERIFICATION

I, Roberto Rosell Arias, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in this matter, that I have read the foregoing Motion, and that the facts stated therein are true and correct to the best of my knowledge and belief.

Executed on this 19th day of March, 2026.

X R. R. A.
Roberto Rosell Arias
A# [redacted]
La Salle County Regional Detention Center
832 E TX-44
Encinal, TX 78019