FILED
FEB 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

LIUDMILA DIEGUEZ RAMOS,	§ A# [redacted]
Petitioner,	§ Civil Action No. 5:26-cv-00061
v.	§
KRISTI NOEM, Secretary, U.S.	§
Department of Homeland Security, et al.,	§
Respondents.	§

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

I, **Liudmila Dieguez Ramos**, respectfully submit this Reply addressing the arguments raised by Respondents and clarifying the limited constitutional nature of this action.

I do not seek review of my immigration case, which remains pending before the Board of Immigration Appeals ("BIA"). I seek only relief from ongoing physical detention that violates the Due Process Clause of the Fifth Amendment. The core purpose of this habeas action is to obtain relief from present physical confinement resulting from prolonged civil detention inside the United States, a form of custody historically reviewable through habeas corpus jurisdiction.

I. THIS COURT RETAINS HABEAS JURISDICTION BECAUSE THIS CASE CHALLENGES DETENTION — NOT REMOVAL

Respondents characterize the Petition as an indirect challenge to immigration proceedings. Respectfully, this proceeding concerns a different question entirely.

I do not ask this Court to review my removal order, reconsider asylum eligibility, or intervene in immigration adjudication. Those matters remain before the immigration system.

Instead, I challenge only the legality of continued executive detention.

The Supreme Court has consistently held that habeas corpus exists precisely to test the legality of physical custody imposed by the Executive Branch. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

The Supreme Court has consistently recognized that habeas corpus provides the traditional mechanism for challenging present physical confinement imposed by executive authority. See *Rumsfeld v. Padilla*,[1] 542 U.S. 426, 434 (2004) (explaining that federal courts possess jurisdiction to review challenges to current physical detention through habeas corpus).

Moreover, habeas review has historically extended to immigration detention notwithstanding the existence of administrative proceedings. In *INS v. St. Cyr*, 533 U.S. 289, 301 (2001)[2], the Supreme Court reaffirmed the longstanding presumption that judicial review through habeas corpus remains available absent a clear statement from Congress eliminating such jurisdiction. Nothing in the immigration detention statutes removes federal courts' authority to review the legality of ongoing custody.

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[1] Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004) — Federal courts possess jurisdiction to review challenges to present physical confinement through habeas corpus.

[2] INS v. St. Cyr, 533 U.S. 289, 301 (2001) — Habeas historically extends to review of executive detention even in immigration contexts.

In *Boumediene v. Bush*, 553 U.S. 723, 739 (2008)[3], the Court reaffirmed that the writ of habeas corpus functions as a structural constitutional safeguard ensuring that executive detention remains subject to judicial review. The Court emphasized that liberty cannot depend solely upon executive discretion without access to an independent judicial forum.

Because this Petition challenges custody itself rather than immigration determinations, jurisdiction under 28 U.S.C. §2241 remains proper.

II. THE FIFTH AMENDMENT IMPOSES CONTINUING LIMITS ON CIVIL DETENTION

The Constitution provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V.

Immigration detention is civil, not punitive. As a result, its legality depends upon maintaining a reasonable relationship to legitimate regulatory purposes rather than punishment or indefinite restraint.

In *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992)[4], the Supreme Court held that civil detention becomes unconstitutional when it no longer bears a reasonable relation to its original purpose. The Court made clear that lawful initial confinement does not authorize continued detention absent present justification.

This principle applies equally in immigration custody. Even where detention begins lawfully, due process requires ongoing constitutional justification as detention continues over time.

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[3] Boumediene v. Bush, 553 U.S. 723, 745 (2008) — Habeas corpus functions as a fundamental mechanism ensuring judicial review of executive detention and preventing arbitrary imprisonment.

[4] Foucha v. Louisiana, 504 U.S. 71, 80 (1992) — Civil detention violates due process when no longer justified by its regulatory objective.

III. STATUTORY AUTHORITY UNDER §1225 DOES NOT ELIMINATE HABEAS REVIEW

Respondents argue that detention under 8 U.S.C. §1225 forecloses habeas relief. However, statutory authority operates within constitutional boundaries.

In *Jennings v. Rodriguez*, 583 U.S. 281 (2018)[5], the Supreme Court addressed statutory interpretation but expressly declined to resolve constitutional due process challenges to prolonged detention. By leaving those questions open, Jennings preserved habeas corpus as the appropriate mechanism for constitutional review.

Thus, statutory classification does not remove judicial responsibility to evaluate whether continued detention remains constitutionally permissible.

IV. RESPONDENTS' RELIANCE ON *BUENROSTRO* DOES NOT RESOLVE THE CONSTITUTIONAL QUESTION PRESENTED

Respondents rely on *Buenrostro*[6] to argue that detention under 8 U.S.C. §1225 forecloses judicial intervention. Respectfully, *Buenrostro* addressed the scope of statutory detention authority at the outset of immigration custody and did not resolve the separate constitutional question presented here.

I do not dispute that Congress may authorize detention during immigration proceedings. The present Petition instead challenges whether continued detention, as applied over time and

[5] See Jennings v. Rodriguez, 138 S.Ct. 830, 851 (2018) — Constitutional challenges to detention remain available through habeas corpus.
[6] Buenrostro addresses bond-review limitations but does not eliminate constitutional habeas jurisdiction over unlawful detention duration.

without individualized judicial review, remains consistent with the Fifth Amendment's Due Process Clause.

Nothing in *Buenrostro* holds that constitutional review disappears once detention becomes prolonged. The decision analyzed the scope of statutory detention authority at the outset of immigration custody and did not address the independent constitutional limits governing the duration of civil confinement. Supreme Court precedent makes clear that even detention lawful at its inception may become unconstitutional when it extends beyond reasonable regulatory purposes or loses its non-punitive character. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Accordingly, *Buenrostro* does not foreclose habeas corpus jurisdiction or constitutional review of continued detention. Rather, this case presents the distinct constitutional question left unresolved by statutory decisions: whether prolonged executive confinement, maintained without individualized justification or meaningful judicial review, remains consistent with the Due Process Clause of the Fifth Amendment.

While *Buenrostro* addressed Congress's authority to authorize detention at the inception of proceedings under 8 U.S.C. §1225, the present Petition concerns the separate constitutional inquiry governing the continued duration of civil detention as applied over time. The Constitution imposes independent limitations on executive detention authority, requiring courts to examine whether confinement remains reasonably related to legitimate regulatory objectives as circumstances evolve.

Additionally, in this case, my immigration proceedings are currently pending on appeal before the Board of Immigration Appeals ("BIA"), a process that may require a substantial period of time to resolve and remains outside the detainee's control. Where the duration of detention

depends upon extended administrative or judicial review, continued confinement may cease to bear a reasonable relationship to its original regulatory purpose and instead risks becoming punitive in effect. The Supreme Court has recognized that civil detention cannot continue indefinitely without ongoing constitutional justification. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992).

V. PROLONGED DETENTION REQUIRES CONSTITUTIONAL SCRUTINY UNDER ZADVYDAS

The constitutionality of civil detention does not depend solely on its initial statutory authorization, but on its actual duration and its continuing regulatory purpose. Even where detention begins lawfully, due process requires courts to examine whether continued confinement remains reasonably related to a legitimate non-punitive objective as circumstances evolve over time.

Even if detention was initially authorized under §1225, due process requires renewed constitutional scrutiny when the duration of confinement alters the character of civil custody and raises concerns that continued detention no longer serves a purely regulatory purpose.

In *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)[7], the Supreme Court explained that freedom from physical restraint lies at the core of liberty protected by due process.

The Court recognized that immigration detention may become constitutionally problematic when its duration becomes excessive or uncertain. The constitutional inquiry therefore focuses not solely on initial authority but on continued confinement as applied.

[7] Zadvydas, 533 U.S. at 701 — Government must justify continued detention consistent with due process.

Here, detention has continued while proceedings and appellate review remain ongoing, creating confinement of indeterminate duration without individualized assessment.

Under *Zadvydas*, such circumstances warrant judicial examination.

Additionally, courts have recognized that continued detention cannot be justified solely because a noncitizen exercises available legal rights within the immigration process. In *Hechavarria v. Sessions*, 891 F.3d 49 (2d Cir. 2018), the Court of Appeals explained that prolonged detention resulting from the pursuit of lawful administrative or judicial review raises serious constitutional concerns, as the exercise of legal rights cannot itself become the basis for extended confinement. This principle reinforces that detention must remain tied to legitimate regulatory purposes rather than the duration of ongoing legal proceedings.

Taken together, these authorities establish a consistent constitutional principle: civil immigration detention remains lawful only so long as it retains a genuine regulatory purpose and remains subject to meaningful judicial review.

VI. DEMORE v. KIM CONFIRMS THAT DETENTION WAS UPHELD ONLY BECAUSE IT WAS BRIEF

Respondents rely upon *Demore v. Kim*, 538 U.S. 510 (2003)[8]. However, Demore repeatedly emphasized that mandatory detention was constitutionally permissible because it was expected to be brief and finite.

[8] Demore v. Kim, 538 U.S. 510, 529 (2003) — Upheld detention based on its expected brevity.

The Court relied upon statistics showing short detention periods during removal proceedings. When detention extends beyond those expectations, the assumptions underlying Demore no longer control.

Thus, Demore supports, not defeats, the need for renewed constitutional scrutiny where detention becomes prolonged.

The Supreme Court in Demore relied upon detention periods averaging approximately one to five months during removal proceedings. 538 U.S. at 529–30.

Here, detention has extended beyond the brief and finite period contemplated in Demore while appellate proceedings remain pending outside my control. As detention lengthens, the factual assumptions underlying Demore no longer apply, and continued confinement requires renewed constitutional scrutiny.

VII. RESPONDENTS' ARGUMENT THAT DETENTION IS "NOT INDEFINITE" DOES NOT END THE ANALYSIS

Respondents assert detention remains lawful because proceedings will eventually conclude. However, constitutional analysis considers practical realities rather than theoretical endpoints.

As recognized in *Zadvydas*, detention tied solely to ongoing litigation risks becoming excessive where duration depends upon processes outside the detainee's control.

Due process requires meaningful review when confinement length becomes uncertain.

VIII. ADMINISTRATIVE DECISIONS CANNOT ELIMINATE ARTICLE III REVIEW

Respondents cite administrative authority, including *Matter of Yajure-Hurtado*. Administrative interpretations cannot displace constitutional review by Article III courts.

Immigration tribunals lack authority to adjudicate constitutional habeas claims or order release based upon Fifth Amendment violations.

Federal courts remain the ultimate guardians of constitutional liberty.

IX. THE BIA CANNOT PROVIDE THE RELIEF REQUESTED

The Board of Immigration Appeals reviews immigration decisions but does not possess authority to order constitutional release from detention.

Courts do not require exhaustion where the agency lacks authority to grant the requested relief. *McCarthy v. Madigan*, 503 U.S. 140, 147–48 (1992).

Because the BIA cannot adjudicate constitutional detention claims, habeas review is appropriate.

IX-A. EXHAUSTION IS NOT REQUIRED FOR CONSTITUTIONAL HABEAS CLAIMS

Federal courts consistently recognize that exhaustion of administrative remedies is not required where the agency lacks authority to grant the relief requested, where constitutional claims are raised, or where exhaustion would be futile or cause irreparable injury.

Immigration courts and the Board of Immigration Appeals lack authority to adjudicate constitutional challenges to the legality or duration of detention or to order release based upon Fifth Amendment violations. Accordingly, requiring exhaustion would serve no practical purpose.

See McCarthy v. Madigan, 503 U.S. 140, 147–48 (1992) (recognizing exceptions to exhaustion where administrative remedies are inadequate or futile); see also Bowen v. City of New York, 476 U.S. 467, 483 (1986).

Because this Petition presents a constitutional challenge to ongoing executive detention, relief unavailable through the immigration system, exhaustion is not required prior to habeas review under 28 U.S.C. §2241.

X. HABEAS CORPUS REMAINS THE TRADITIONAL REMEDY AGAINST EXECUTIVE DETENTION

Habeas corpus historically functions to test the legality of confinement itself.

As recognized in *Boumediene*, judicial review ensures that executive detention remains consistent with the rule of law and constitutional structure.

I seek only individualized constitutional review, not immigration relief.

XI. AUTHORITY WITHIN THIS DISTRICT CONFIRMS THE CONTINUING ROLE OF HABEAS CORPUS

Federal courts within the Western District of Texas have recently reaffirmed that habeas corpus remains a vital constitutional safeguard against unlawful immigration detention.

In *Arias v. Noem*, Civil Action No. SA-26-CV-415-FB (W.D. Tex. Jan. 31, 2026), the court emphasized that habeas petitioners seek "nothing more than some modicum of due process and the rule of law." The court further held that constitutional protections govern executive detention authority and granted release under the Great Writ.

The reasoning applies directly here. Like the petitioners in *Arias*, I do not seek immigration relief from this Court; I seek constitutional protection against continued detention without meaningful judicial process.

The decision confirms that even in immigration custody, detention remains subject to constitutional limits enforceable through habeas corpus review.

The Court's reasoning in Arias reflects the same constitutional principles presented here and provides persuasive guidance for resolving the present petition.

XII. RESPONDENTS' THEORY WOULD EFFECTIVELY REMOVE JUDICIAL OVERSIGHT

If statutory classification alone eliminated review, executive detention could continue for extended periods without meaningful judicial inquiry.

Such a result would conflict with the Suspension Clause and the historic function of habeas corpus as a safeguard against unlawful restraint.

The Constitution does not permit detention insulated from judicial scrutiny.

XII-A. AS-APPLIED CONSTITUTIONAL VIOLATION

This case presents an as-applied constitutional challenge to my continued detention under the specific circumstances presently before this Court.

I remain detained inside the United States while my immigration proceedings are actively pending on appeal before the Board of Immigration Appeals ("BIA"), a process whose duration is uncertain and entirely outside my control. My detention therefore continues without any individualized judicial determination evaluating necessity, flight risk, or danger.

As time passes, my detention ceases to function as a regulatory measure intended to ensure my appearance and instead risks becoming excessive in relation to its civil purpose. Due process requires meaningful judicial oversight when confinement becomes prolonged and indeterminate in practice.

The Constitution requires courts to examine detention as it operates in reality, not merely as authorized by statute. Under these circumstances, my continued detention without individualized review raises serious concerns under the Fifth Amendment and warrants habeas relief.

XIII. CONCLUSION

At its core, this case presents a single constitutional question: whether prolonged civil detention inside the United States may continue without meaningful judicial review consistent with the Fifth Amendment.

For the foregoing reasons, I respectfully request that this Court:

1. Deny Respondents' request for dismissal;
2. Grant habeas relief; or
3. Alternatively, order an individualized custody determination consistent with the Fifth Amendment Due Process Clause.

Final Constitutional Statement

The United States Constitution expressly protects the privilege of the writ of habeas corpus, ensuring that no person may be subjected to executive detention without meaningful judicial review. U.S. Const. art. I, § 9, cl. 2. Even where Congress has authorized immigration detention, the Constitution imposes independent limitations on executive confinement. Habeas corpus

exists to ensure that liberty does not depend solely upon administrative discretion but remains subject to the rule of law enforced through judicial oversight.

Respectfully submitted,

Liudmila Dieguez Ramos

A# [redacted]

Date: 02/25/2026

Signature: [signature]

PETITIONER'S MOTION REQUESTING COURT ASSISTANCE WITH SERVICE

I, Liudmila Dieguez Ramos, Petitioner, respectfully request that this Court assist with service of filings upon Respondents due to my current immigration detention and limited ability to effect service personally. I am presently detained in immigration custody and do not have practical access to mailing services, copying resources, or the means necessary to complete formal service upon all Respondents. My detention substantially restricts my ability to comply with ordinary service requirements despite my good-faith efforts to prosecute this action. This habeas corpus proceeding challenges ongoing physical detention, and timely service is necessary to ensure that the Court's review proceeds without unnecessary delay. Because I am proceeding while detained, I respectfully request the Court's assistance to ensure that Respondents receive copies of my filings through electronic notification or any other method the Court deems appropriate. Federal courts possess inherent authority to facilitate service where a detained petitioner lacks the practical ability to complete service independently, particularly in habeas proceedings involving challenges to present custody. Accordingly, I respectfully request that the Court direct the Clerk of Court to transmit copies of my filings to Respondents through the Court's electronic filing system or by any alternative method deemed appropriate by the Court.

WHEREFORE, I respectfully request that this Court:

Direct the Clerk of Court to provide copies of Petitioner's filings to Respondents; and

Respectfully submitted,

Liudmila Dieguez Ramos

A# [redacted]

Date: 02/25/2026

Signature: _____

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, I served a true and correct copy of the foregoing by placing it in the institutional mail system for delivery to the following:

United States District Court

Attn: Clerk of Court

Western District of Texas

262 W. Nueva Street, Suite 400

San Antonio, Texas 78207

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02/25/2026

Signature: _____