

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Juan Lima Salazar

Petitioner,

v.

THE GEO GROUP, Owner/Operator of
South Texas ICE Detention Facility
TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;
KRISTI NOEM Secretary of the
U.S. Department of Homeland Security; and
PAM BONDI,
Attorney General of the United States,
in their official capacities,

Respondents.

Case No. 5:26-cv-00272-OLG

MOTION TO AMEND RULING UNDER FRCP 59(e)

1. Comes now Petitioner, through undersigned counsel, and respectfully moves this Court pursuant to Federal Rule of Civil Procedure 59(e) to alter or amend its judgment in this matter.
2. Although the Court correctly held that Petitioner's detention is governed by 8 U.S.C. § 1226(a) and ordered a bond hearing, intervening controlling authority rendered the relief ordered inadequate to cure the constitutional violation identified in this case. Amendment of the judgment is necessary to prevent manifest injustice and to account for an intervening change in law.

3. Between the issuance of this Court's order and the scheduled bond hearing, the Fifth Circuit issued its decision in *Buenrostro-Mendez*.¹ Relying on that decision, the Immigration Judge denied bond. (Doc. 10-1.) As a result, Petitioner remains detained despite this Court's determination that he is entitled to custody review under § 1226(a). The relief contemplated by this Court—a meaningful opportunity for release—has not materialized. The intervening change in law has altered the practical and legal landscape such that the ordered bond hearing did not provide constitutionally sufficient process.
4. Moreover, Petitioner's continued detention no longer serves a legitimate regulatory purpose. Petitioner has been granted Special Immigrant Juvenile Status (SIJS) and deferred action by the Department of Homeland Security. (Doc. 1-5) He has awaited his priority date and is now eligible to adjust status to lawful permanent resident.² The government has affirmatively exercised prosecutorial discretion in his favor and has determined that he warrants protection and the opportunity to remain in the United States. (Doc. 1-7) Under these circumstances, removal is neither imminent nor reasonably foreseeable.
5. As this Court has noted, "the *Buenrostro-Mendez* court did not reach the due process question, confining its analysis and holding to statutory interpretation." *Duran Aguila*

¹ *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th Cir. 2026).

² See <https://www.uscis.gov/working-in-US/eb4/SIJ#:~:text=TN%20USMCA%20Professionals,Permanent%20Workers,Employment%20in%20the%20United%20States>, indicating that Special Immigrant Juveniles' priority dates are tracked in the EB-4 immigrant visa category by the U.S. Department of State. That agency's Visa Bulletin demonstrates that the EB-4 category priority date is currently 15 of July 2021, meaning SIJS applicants with I-360 Petitions filed on or before that date may now apply for adjustment of status. Petitioner's I-360 was filed and issued a priority date on January 29, 2021. The current visa bulletin can be accessed at <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-march-2026.html>.

v. Warden, No. 3:26-cv-00241-KC at 3 (W.D. Tex. Feb. 9, 2026). For purposes of determining a due process violation, “the Court need not consider whether the agency’s new mandatory detention policies reflect a proper reading of the INA.” *Lopez-Arevalo v. Ripa*, No. 3:25-cv-337-KC, at 15 (W.D. Tex. Sept. 22, 2025). This Court’s decisions in *Lopez-Arevalo* and *Duran Aguila* are consistent with many other district court decisions addressing similar situations. *See, e.g., Cuya-Priale v. Castro*, No. 2:25-cv-01166-KG-DLM at 4 (D.N.M. Jan 09, 2026); *Danierov v. Noem*, No. 25-CV-01215-KG-KRS at 4 (D.N.M. Jan 07, 2026). *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD) (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025) (ordering immediate release where an individual was re-detained after previous release and no pre-deprivation hearing occurred); *Rosado v. Figueroa*, No. 25-CV-2157 at 8-11 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. 25-CV-2157 (D. Ariz. Aug. 13, 2025) (ordering immediate release where individual was re-detained after previous release); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB (E.D. Cal. Aug. 21, 2025) (ordering immediate release where an individual was re-detained after previous release and no pre-deprivation hearing occurred); *Y.M.M. v. Wamsley*, No. 2:25-CV-2075 (W.D. Wash. Nov. 6, 2025) (ordering immediate release where an individual was re-detained after previous release and no pre-deprivation hearing occurred).

6. There exists no constitutionally valid purpose for Petitioner’s continued detention. Civil immigration detention is constitutionally permissible only insofar as it bears a reasonable relation to its regulatory purposes—ensuring appearance at proceedings

and effectuating removal. Where the government has granted deferred action and recognizes an individual's eligibility to adjust status, detention ceases to meaningfully advance the purpose of removal. Continued confinement in this posture is excessive in relation to the government's stated interests and therefore violates due process.

Application of the *Mathews* Factors

7. Failure to provide a pre-detention hearing must be justified under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The test laid out by the Supreme Court in *Mathews* looks to (1) the petitioner's interest, (2) the value of additional procedural protections, and (3) any burden on the government in providing additional protections. *Mathews*, 424 U.S. at 335.
8. "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *see also Zadvydas*, 533 U.S. at 696 (a non-citizen has a liberty interest "strong enough" to challenge "indefinite and potentially permanent" immigration detention). When Petitioner was released from initial detention, he acquired liberty interests entitled to the protections of the Due Process Clause, "including to live at home, work, and 'be with family and friends and to form the other enduring attachments of normal life.'" *Cuya-Priale*, No. 2:25-CV-01166-KG-DLM at 4 (quoting *Morrissey*, 408 U.S. at 482). In reasonable reliance on these interests, Petitioner began attending school, forming bonds, and constructing a life in Central Texas. Accordingly, the first *Mathews* factor weighs strongly in Petitioner's favor.
9. Second, re-detaining Petitioner at this point without first reconsidering the danger and flight risk factors poses a significant risk of an erroneous deprivation of Petitioner's

liberty interests in continued release. *Lopez-Arevelo*, No. 3:25-cv-337-KC at 24 (“Because such a proceeding would give Lopez-Arevelo the opportunity to be heard and receive a meaningful assessment of whether he is dangerous or likely to abscond, it would greatly reduce the risk of an erroneous deprivation of his liberty.”). Accordingly, the second *Mathews* factor weighs strongly in Petitioners’ favor.

10. Third, while providing Petitioner a hearing before re-detaining his would require expending resources (money and time), those costs are outweighed by the risk of erroneous deprivation of the liberty interest at stake. *See, e.g., Lopez-Arevelo*, No. 3:25-cv-337-KC at 25. Accordingly, the third *Mathews* factor weighs in Petitioners’ favor.
11. Petitioner presents no criminal history and no evidence has been presented that he poses a danger to the community. He has strong equities, including approved SIJS, deferred action, and adjustment eligibility. The government’s own determinations undermine any assertion that detention is necessary to effectuate removal. Under these circumstances, continued detention is arbitrary and lacks a rational connection to a legitimate governmental objective. Petitioner should be ordered released immediately.

Application of the *Accardi* Doctrine

12. Additionally, the *Accardi* doctrine requires federal agencies to adhere to their own binding policies and discretionary determinations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954) (holding that agencies must follow their own regulations and cannot disregard established procedures). By granting Petitioner Special Immigrant Juvenile Status and deferred action, and recognizing his eligibility to pursue adjustment of status and previously joining a motion to dismiss Petitioner’s

removal proceedings, Respondents have already exercised prosecutorial discretion not to pursue his removal. Detaining Petitioner for the asserted purpose of effectuating removal while simultaneously deferring such removal and permitting his application for adjustment of status is internally inconsistent and arbitrary. Such action violates the principle that agencies must follow and give effect to their own decisions. Petitioner's current detention has been unlawful and arbitrary since it occurred, and he warrants immediate release.

Conclusion

13. Because the decision in *Buenrostro-Mendez* altered the effect of this Court's remedy, and because Petitioner's continued detention in light of SIJS approval, deferred action, and adjustment eligibility violates due process, amendment of the judgment is warranted under Rule 59(e).

Petitioner respectfully requests that this Court alter or amend its judgment to order his immediate release.

Respectfully submitted this 2nd day of March, 2026.

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