

I. INTRODUCTION AND FACTUAL ALLEGATIONS

1. Petitioner Ivan Omar Garcia Alvarado (“Petitioner”), seeks immediate release from unlawful civil immigration detention. He is presently detained by the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), without a bond hearing, based solely on DHS’s assertion that his custody is governed by 8 U.S.C. § 1225(b)(2). That assertion is legally erroneous. *See Exh. A – ICE Detainee Locator.*
2. Petitioner entered the United States on or about November 22, 2015, without inspection, and has remained continuously present since that time. DHS initiated removal proceedings by issuing a Notice to Appear charging Petitioner as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). The Notice to Appear does **not** designate Petitioner as an “arriving alien.” *See Exh. B – Notice to Appear (I-862).*
3. On December 11, 2025, Petitioner was detained by the Texas Department of Public Safety in Austin, Texas, and transferred to T. Don Hutto Detention Center. He was not apprehended at the border, at a port of entry, or while seeking admission to the United States. *See Exh. E – Record of Deportable/ Inadmissible Alien.*
4. ICE has since detained Petitioner without bond, asserting that § 1225(b)(2) mandates detention and deprives the Immigration Court of jurisdiction to conduct a custody redetermination hearing. Based on DHS’s invocation of § 1225(b)(2), Immigration Judges routinely deny bond requests for lack of jurisdiction. Under *Matter of Yajure-Hurtado*, 24 I. & N. Dec. 689 (BIA 2008), Immigration Judges lack authority to conduct bond hearings for individuals DHS claims are detained pursuant to § 1225(b)(2). As a result, any request for bond before the Immigration Court would be futile as a matter of law.

5. Petitioner requested a custody redetermination pursuant to 8 C.F.R. § 1236. On January 20, 2026, the Immigration Judge denied the request for lack of jurisdiction in light of *Matter of Yajure-Hurtado*. *See Exh. D – Order of the Immigration Judge (Jan 20, 2026)*. Although a bond appeal to the BIA is theoretically available, such appeals routinely take months and do not provide timely relief from unlawful detention. Administrative remedies are therefore inadequate.

6. DHS’s detention position reflects internal “interim guidance” issued on July 8, 2025, which reinterprets detention authority to treat nearly all noncitizens present without admission as subject to § 1225(b), regardless of where or how they are arrested. This reinterpretation departs from decades of settled practice. For nearly thirty years, DHS and EOIR consistently treated noncitizens arrested in the interior of the United States and not seeking admission as detained under 8 U.S.C. § 1226(a), subject to individualized bond hearings unless a separate mandatory-detention provision applied. *See Exh. C - DHS Interim Guidance (July 8, 2025 Lyons Memo)*.

7. The dispositive legal question before this Court is whether DHS has statutory authority to detain Petitioner without a bond hearing. Section 1225(b)(2) applies only to noncitizens who are applicants for admission. Petitioner was arrested in the interior of the United States, long after entry, and was not seeking admission at the time of his arrest. Because § 1225(b)(2) does not apply, Petitioner’s detention necessarily falls under 8 U.S.C. § 1226(a), which authorizes discretionary release on bond or parole.

8. Petitioner is pursuing relief from removal in ongoing immigration proceedings; however, the availability or merits of such relief are not at issue in this habeas action, which challenges only the statutory authority for Petitioner’s continued detention.

9. This habeas petition challenges only the legality of Petitioner’s continued civil detention and does not seek review of any removal-related merits determinations.

10. Administrative remedies do not provide a meaningful avenue for relief. Once an Immigration Judge denies bond for lack of jurisdiction under § 1225(b)(2), Petitioner's only administrative option is a bond appeal to the Board of Immigration Appeals. Such appeals routinely take many months to resolve, during which detention continues even where it is legally unauthorized. Where detention turns on a pure question of statutory authority and jurisdiction, prolonged administrative delay renders administrative review inadequate.

11. Petitioner's continued detention has caused severe hardship to his family and has materially impaired his ability to assist counsel and prepare his defense in removal proceedings.

12. Petitioner remains detained solely because DHS has misclassified his custody under § 1225(b) rather than § 1226(a). That misclassification contravenes the statutory text, constitutional due process principles, and longstanding historical practice. Because no adequate administrative remedy exists to correct this unlawful detention, judicial intervention through habeas corpus is warranted.

13. Petitioner respectfully requests that this Court grant the petition for a writ of habeas corpus under 28 U.S.C. § 2241 and order his immediate release. In the alternative only, Petitioner requests that the Court issue an Order to Show Cause requiring Respondents to justify his detention within three (3) days pursuant to 28 U.S.C. § 2243.

II. JURISDICTION AND VENUE

14. Petitioner is detained in civil immigration custody at T. Don Hutto Detention Center, located in Williamson County, Texas, within the Western District of Texas. The Warden of T. Don Hutto Detention Center is Petitioner's immediate physical custodian for purposes of habeas corpus jurisdiction. *See Exh. A – ICE Detainee Locator.*

15. Petitioner has been continuously detained since on or about December 11, 2025.

16. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.

17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within this District and challenges the legality of that custody. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act. To the extent applicable, jurisdiction is further supported by Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).¹

18. Venue is proper in the Western District of Texas because Petitioner is detained within this District and his immediate custodian is located here. See *Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004).

19. The Warden of the T. Don Hutto Detention Center, as Petitioner’s immediate physical custodian, is a proper respondent, and this Court has personal jurisdiction over that respondent.

20. Petitioner does not challenge the commencement of removal proceedings, the adjudication of removability, or any removal order. He challenges only the statutory authority for his continued civil detention. Courts in this District have repeatedly held that detention-only challenges raising pure questions of statutory authority fall outside the jurisdiction-stripping provisions of 8 U.S.C. §§ 1252(b)(9), 1252(g), and 1225(b)(4), and are properly reviewed through habeas corpus under 28 U.S.C. § 2241.

21. Where a petitioner alleges that DHS lacks statutory authority to detain him at all, habeas jurisdiction lies to determine the lawfulness of custody and to order immediate release if detention

¹ See also *Galdamez-Martinez v. Noem*, 2025 WL 3471575, at *2–5 (W.D. Tex. Nov. 26, 2025) (rejecting DHS arguments that 8 U.S.C. §§ 1252(b)(9), 1252(g), 1252(e)(3), or 1225(b)(4) bar habeas jurisdiction over detention-only challenges).

exceeds statutory limits. Prolonged detention pending administrative review does not defeat habeas jurisdiction where the issue presented is a legal question of statutory interpretation.

III. REQUIREMENTS OF 28 U.S.C. § 2243, WRIT OF HABEAS CORPUS

ISSUANCE, RETURN

22. Under 28 U.S.C. § 2243, the Court shall either grant the petition for a writ of habeas corpus or issue an order directing Respondents to show cause why the writ should not be granted. If the Court issues an order to show cause, Respondents must file a response “within three days,” unless the Court allows additional time for good cause, not to exceed twenty days. 28 U.S.C. § 2243. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F.2d 1282, 1283 (5th Cir. 1976); *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice. Petitioner respectfully requests that the Court order Respondents to file any return or response no later than three (3) days from the date of the Court’s Order, consistent with 28 U.S.C. § 2243.

IV. PARTIES

23. Ivan Omar Garcia Alvarado is a 31-year-old Mexican citizen.

24. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. She exercises legal authority over the Executive Office for Immigration Review (“EOIR”) and the interpretation and application of immigration statutes governing immigration judges’ jurisdiction, including custody determinations.

25. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security (“DHS”). DHS is the department charged with administering and enforcing federal immigration laws, including policies governing civil immigration detention carried out by ICE.

26. Respondent Todd M. Lyons is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He oversees ICE operations, including civil immigration detention and enforcement actions relevant to Petitioner’s custody.

27. Respondent Sylvester Ortega is named in his official capacity as Field Office Director for U.S. Immigration and Customs Enforcement with operational authority over detention decisions affecting Petitioner at the T. Don Hutto Detention Center.

28. Respondent Warden of the T. Don Hutto Detention Center in Williamson, Texas, is named in his official capacity as Petitioner’s immediate physical custodian for purposes of habeas corpus.

29. Each Respondent is sued in his or her official capacity to the extent responsible for the authority, policies, or execution of Petitioner’s continued civil immigration detention.

V. LEGAL FRAMEWORK: DUE PROCESS CLAUSE

30. The Fifth Amendment’s Due Process Clause applies to “all persons” within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Id.* at 690. In the immigration context, detention is constitutionally justified only to prevent flight or protect the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

31. Congress created two distinct detention regimes. Section 235(b) governs inspection and limited mandatory detention of arriving aliens or those apprehended shortly after entry; § 236(a)

governs arrests of noncitizens already present in the United States, authorizing detention pending a removal decision with discretionary release on bond. See *Jennings v. Rodriguez*, 583 U.S. 281, 297, 302–03 (2018) (describing § 235(b) as “primarily” for those seeking entry and § 236(a) as applying to aliens “already in the United States”).

32. The Laken Riley Act confirms Congress preserved § 236(a)’s discretionary bond regime for most inadmissible entrants arrested in the interior by adding a narrow new mandatory-detention category under § 236(c)(1)(E) (pairing inadmissibility under 8 U.S.C. § 1182(a)(6)(A), (6)(C), or (7) with specified crimes). If § 235(b) already mandated detention for all inadmissible entrants, § 236(c)(1)(E) would be redundant—an outcome courts must avoid. See *Corley v. United States*, 556 U.S. 303, 314 (2009); *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress legislated against decades of agency practice applying § 236(a) to interior arrests, and courts presume amendments harmonize with that practice. *Monsalvo v. Bondi*, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025).

33. In *Matter of Yajure-Hurtado*, the BIA adopted DHS’s position that immigration judges lack bond jurisdiction for certain noncitizens present without admission on the theory that they are “applicants for admission” detained under § 235(b)(2)(A). 29 I. & N. Dec. at 220. But *Jennings* construed statutory text only and explicitly left open constitutional and habeas challenges. 583 U.S. at 303.

34. Moreover, the Supreme Court has since overruled *Chevron* deference; courts must independently interpret the INA rather than deferring to agency readings. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385–86 (2024).

35. Longstanding agency materials confirm that individuals encountered inside the country without admission were treated under § 236(a) and were “eligible for bond and bond

redetermination.” Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). DHS itself historically limited the “applicant for admission” designation to encounters within a short time and distance from the border. See *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 121, 130 n.2 (2020) (describing DHS’s 2004 14-day/100-mile policy for expedited removal).

36. Arrest authority reinforces this divide. Warrantless arrests are narrowly permitted under 8 U.S.C. § 1357(a); otherwise, interior arrests typically proceed under § 236(a). See *Matter of Mariscal-Hernandez*, 28 I. & N. Dec. 666, 668–71 (B.I.A. 2022).

37. Statutes must be read “with a view to their place in the overall statutory scheme,” giving effect to every clause and word. *Gundy v. United States*, 588 U.S. 128, 141 (2019) (quotation omitted); *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023). DHS’s view collapses §§ 235 and 236, nullifies § 236(c)(1)(E), and contradicts the INA’s structure.

38. Federal courts addressing DHS’s new theory have rejected it and ordered relief, concluding § 236(a) governs noncitizens “already in the country.”² Even under DHS’s classification, constitutional avoidance and due process require habeas review of whether DHS has statutory authority to detain Petitioner at all, and courts must preserve habeas relief for unlawful civil

² See, *Galdamez-Martinez v. Noem*, Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *2, *6 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2267803, at *4–7 (S.D.N.Y. Aug. 8, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *4–7 (D. Mass. July 7, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850, at *11–16 (W.D. Wash. Apr. 24, 2025); *Pinchi v. Noem*, No. 25-cv-05632-RMI, 2025 WL 1853763, at *3 (N.D. Cal. July 4, 2025); *Valdez v. Joyce*, No. 25-cv-4627, 2025 WL 1707737, at *5 (S.D.N.Y. June 18, 2025); *Ercelik v. Hyde*, No. 1:25-cv-11007-AK, 2025 WL 1361543, at *15–16 (D. Mass. May 8, 2025); *Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at *10–11 (D. Minn. May 21, 2025); *Cuevas-Guzman v. Andrews*, No. 1:25-cv-00759, 2025 WL 2617256, at *7 (E.D. Cal. Aug. 2025); *Alvarez-Martinez v. Noem*, No. 5:25-cv-00876, 2025 WL 2598379, at *4–5 (W.D. Tex. Aug. 2025); *Pizarro Reyes v. Raycraft*, No. 2:25-cv-11641, 2025 WL 2609425, at *3 (E.D. Mich. Aug. 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157-DLR, 2025 WL 2337099, at *5–7 (D. Ariz. Aug. 11, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988, at *6–8 (D. Mass. Aug. 14, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411, at *4–6 (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 1:25-cv-11631-BEM, 2025 WL 2403827, at *3–5 (D. Mass. Aug. 19, 2025); *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS, slip op. at 3–5 (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at *8–10 (W.D. La. Aug. 27, 2025).

confinement and where DHS lacks statutory authority to detain, immediate release—not remand or further administrative proceedings—is the appropriate habeas remedy.

39. The equities here underscore the *Mathews v. Eldridge* balance: (1) Petitioner’s profound liberty and family interests; (2) the high risk of erroneous deprivation from DHS’s categorical no-bond stance (and the value of individualized hearings); and (3) minimal governmental burden to provide the longstanding process Congress preserved. See 424 U.S. 319, 333, 335 (1976).

40. Mr. Garcia Alvarado was not detained under 8 U.S.C. § 1225(b)(2) because he was arrested in the interior of the United States and is therefore subject to the detention framework outlined in 8 U.S.C. § 1226(a).

41. Courts in this District, including the Abilene Division, have rejected DHS’s interpretation that 8 U.S.C. § 1225(b)(2) applies to noncitizens arrested in the interior who are not “seeking admission.” In *Galdamez-Martinez v. Noem*, the court addressed detention at the T. Don Hutto Detention Center under the same July 8, 2025 DHS “Interim Guidance Regarding Detention Authority for Applicants for Admission” and held that § 1225(b)(2) does not apply to individuals already present in the United States. Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, at *6–7 (W.D. Tex. Nov. 26, 2025). Because DHS asserted no alternative statutory basis for detention, the court concluded that the petitioner’s confinement was ultra vires and ordered habeas relief in the form of immediate release.

42. He is entitled to release. Where DHS lacks statutory authority to detain a noncitizen under § 1225(b)(2) and identifies no other lawful basis for confinement, courts have ordered immediate release rather than remanding for further proceedings. See *Galdamez-Martinez v. Noem*, Case No. SA-25-CV-01373-JKP, 2025 WL 3471575, at *7 (W.D. Tex. Nov. 26, 2025). Courts in this District have therefore ordered release by date certain, subject to conditions no more restrictive

than those in place prior to detention. See also *Traore v. Bondi*, No. SA-25-CV-01730-FB (W.D. Tex. Dec. 30, 2025) (ordering immediate release where § 1225 did not apply).

VI. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

43. Petitioner repeats and incorporates by reference all allegations above as though set forth fully herein.

44. The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty.

45. Mr. Garcia Alvarado's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

46. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall...be deprived of life, liberty, or property without due process of law." As a noncitizen physically present in the United States, Mr. Garcia Alvarado is entitled to the full protection of the Fifth Amendment's Due Process Clause. See *Zadvydas*, 533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a "sufficiently strong special justification" to outweigh the significant deprivation of liberty. *Id.* at 690.

47. Respondents have deprived Mr. Garcia Alvarado of his liberty interest protected by the Fifth Amendment by detaining him since January 10, 2026.

48. Mr. Garcia Alvarado's detention is unlawful because Respondents lack statutory authority to detain him under 8 U.S.C. § 1225(b)(2), and no other provision of the Immigration and Nationality Act authorizes his continued civil confinement. Detention in the absence of statutory authority violates due process.

49. Respondents' actions in detaining Mr. Garcia Alvarado without any legal justification violate the Fifth Amendment.

50. The government's detention of Petitioner is unjustified and unauthorized. Respondents have not identified any valid statutory basis permitting his continued detention, nor any constitutionally sufficient justification for ongoing confinement.

51. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

SECOND CAUSE OF ACTION
Violation of Immigration and Nationality Act

52. Petitioner re-alleges and incorporates by reference the paragraphs above.

53. Petitioner is detained pursuant to authority claimed by DHS under 8 U.S.C. § 1225(b)(2). As set forth above, that classification is legally erroneous because Petitioner's detention is governed by 8 U.S.C. § 1226(a), under which Immigration Judges retain bond jurisdiction. DHS nevertheless asserts that the Immigration Judge lacks jurisdiction under *Matter of Yajure-Hurtado*.

54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens who have already entered the United States and are arrested in the interior. Such individuals are detained under § 1226(a) and are eligible for release on bond unless subject to § 1225(b)(1), § 1226(c), or § 1231.

55. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner, are subject to mandatory detention under § 1225(b)(2).

56. The unlawful application of § 1225(b)(2) to Petitioner violates the INA.

**THIRD CAUSE OF ACTION
Fifth Amendment – Due Process**

Denial of Opportunity to Contest Mis-Inclusion in Mandatory Category of Detention

57. Petitioner re-alleges and incorporates by reference the paragraphs above.

58. Mr. Garcia Alvarado has a substantial liberty interest in continuing to pursue his pending protection claims in immigration court and before the Board of Immigration Appeals and in doing so without unnecessary civil confinement. He has a substantial liberty interest in pursuing his pending protection claims without unlawful civil confinement, where DHS lacks statutory authority to detain him.

59. By misclassifying Petitioner as subject to mandatory detention under § 1225(b)(2) and thereby denying him any meaningful opportunity to contest that classification, Respondents have violated his procedural due process rights under the Fifth Amendment.

**FOURTH CAUSE OF ACTION
ADMINISTRATIVE PROCEDURE ACT**

60. Petitioner re-alleges and incorporates by reference the paragraphs above. Petitioner asserts this claim in the alternative, and the Court need not reach it to grant habeas relief.

61. Respondents' continued detention of Petitioner without statutory authority violates the INA, the Administrative Procedure Act, and the Constitution.

62. As set forth in Counts Two and Three, federal regulations and case law purport to limit Immigration Judge custody review where DHS classifies a noncitizen as an arriving alien detained under § 1225(b)(2).

63. Respondents' refusal to provide any mechanism for custody review prevents Mr. Garcia Alvarado from meaningfully pursuing his ongoing immigration proceedings, including access to

counsel, evidence, and witnesses, in a non-detained setting. This “no-review” system—where neither DHS nor the immigration court provides a process or timeline to examine the legality of his detention—violates procedural and substantive due process and lacks statutory support. At the same time, Petitioner’s removal case continues to move forward, further underscoring the inadequacy of any administrative remedy while he remains unlawfully detained.

64. The actions by Respondents would improperly alter the substantive rules concerning mandatory custody status without the required notice-and-comment period and would be in violation of the INA and its regulations. These actions by Respondents violate the APA. Under the APA, this Court may hold unlawful and set aside an agency action which is “contrary to constitutional right, power, privilege or immunity.” 5 U.S.C. § 706(2)(B). The regulations at 8 C.F.R. §§ 1003.19(h)(1)(B) and 1003.19(h)(2)(B) providing no review of DHS custody decision for arriving aliens in removal proceedings are in violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United States Constitution. It is ultra vires because it exceeds the authority granted ICE by Congress at 8 U.S.C. § 1226(a). For these reasons, this Honorable Court should hold that Petitioner is detained under § 236(a), not § 235(b), and order his immediate release. Any contrary reliance on *Matter of Yajure-Hurtado* would unlawfully misapply the statute and deprive Petitioner of his rights under the INA, the APA, and the Due Process Clause. Because Respondents lack statutory authority to detain Petitioner, immediate release is required regardless of any APA violation.

VII. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this action pursuant to 28 U.S.C. §2241 and Article III of the United States Constitution;

- (2) Declare that ICE's January 10, 2026, apprehension and continued detention of Mr. Garcia Alvarado is unlawful, as Respondents lack statutory authority to detain him and his continued confinement violates the Immigration and Nationality Act and the Due Process Clause;
- (3) Issue an Order to Show Cause directing Respondents to justify the legality of Mr. Garcia Alvarado's detention;
- (4) Enjoin Respondents from transferring Mr. Garcia Alvarado outside the Western District of Texas while this habeas action is pending, in order to preserve this Court's jurisdiction and Petitioner's access to counsel;
- (5) Grant the writ of habeas corpus and order Mr. Garcia Alvarado's immediate release under conditions no more restrictive than those in place prior to his detention, as Respondents lack statutory authority to detain him under 8 U.S.C. § 1225(b)(2).;
- (6) In the alternative only, if the Court declines to order immediate release, order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days, at which the Department of Homeland Security bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or, by a preponderance of the evidence, that he presents a risk of flight, and that no conditions of release could reasonably mitigate such risk;
- (7) Grant such other and further relief as the Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner, depriving them of their father's care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.

Respectfully submitted,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ivan Omar Garcia Alvarado, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 21st January 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

United States Attorney's Office – Western District of Texas
Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600,
San Antonio, Texas 78216

Warden, T. Don Hutto Detention Center
1001 Welch Street
Taylor, TX 76574
United States

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 21st January 2026.

Respectfully submitted,

Grace G. Garcia
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