

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

STEVEN STANLEY GONZALEZ-JIMENEZ :

Petitioner, :

-against- :

KRISTI NOEM, IN HER OFFICIAL CAPACITY,
SECRETARY, U.S. DEPARTMENT OF HOMELAND
SECURITY; :

PAMELA BONDI, IN HER OFFICIAL CAPACITY,
U.S. ATTORNEY GENERAL; :

TODD LYONS, IN HIS OFFICIAL CAPACITY,
ACTING DIRECTOR, IMMIGRATION AND
CUSTOMS ENFORCEMENT; :

MARY DE ANDA-YBARRA, IN HER OFFICIAL
CAPACITY ICE FIELD OFFICE DIRECTOR
DETENTION AND REMOVAL; :

WARDEN, ERO EL PASO CAMP EAST MONTANA :

Respondents.

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**PETITION FOR
WRIT OF HABEAS CORPUS**

Case No. 3:26-cv-152

RESPONSE TO COURT ORDER DATED JANUARY 27, 2026

1. Petitioner, Mr. Steven Stanley Gonzalez-Jimenez ("Mr. Gonzalez-Jimenez"), is a 19-year-old citizen and national of El Salvador.
2. Mr. Gonzalez-Jimenez entered without inspection to the United States on September 27, 2021, after leaving El Salvador.

3. On November 22, 2021, the Department of Homeland Security, initiated removal proceedings by issuing a Notice to Appear pursuant to 8 U.S.C. § 1229a; INA § 240. *See* Exhibit 1- Notice to Appear.
4. The Notice to Appear charges Petitioner as a noncitizen who was not admitted or paroled, and alleges removability under 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I) . *See* Exhibit 1- Notice to Appear
5. Additionally, the Department of Homeland Security, carried out a detention assessment pursuant to 8 U.S.C. 8 U.S.C. § 1226(a). *See* Exhibit 1- Notice to Appear
6. Officers of DHS conducted a flight and risk assessment. *See* Exhibit 2- Form I-385
7. On September 29, 2021, Officers of DHS issued an Order of Release on Recognizance. *See* Exhibit 2- Form I-385
8. Based on that assessment, Officer released Petitioner on his own recognizance. *See* Exhibit 2- Form I-385
9. Petitioner was ordered to appear before the Immigration Court at 1100 Commerce Street, Room 1060 Dallas, TX 75242 on December 7, 2022. *See* Exhibit 1 - Notice to Appear
10. On September 9, 2025, after showing up at his ICE check-in in Dallas, TX. Mr. Gonzalez-Jimenez was informed that he would be detained without a reason given. Mr. Gonzalez-Jimenez always complied with the conditions of his release.
11. On November 6, 2025 a Bond Hearing was scheduled but not held as NO ACTION was taken by the judge. *See* Exhibit 3- Notice Hearing Bond 11/06/2025
12. On January 16, 2026 a Bond Hearing was scheduled but not held because the client was not taken to the Court room, as such no action was taken. *See* Exhibit 4- Notice Hearing Bond 01/16/2026

13. Petitioner will be applying for relief and lawful presence in the United States by filing an asylum/withholding of removal application under 8 U.S.C. § 1158 and 8 U.S.C. § 1231(b)(3).
14. The petitioner was transported to ERO EL PASO CAMP EAST MONTANA in El Paso, TX. *See* Exhibit 5- ICE Locator
15. Petitioner asks this Court to find that Respondents have deprived him of his due process rights by re-detaining him after release on recognizance, and have violated the Immigration and Nationality Act by subjecting him to detention without the possibility of a bond hearing under 8 U.S.C. § 1226(a).
16. Petitioner therefore seeks immediate release from custody, and requests that this Court issue an Order to Show Cause within three days directing Respondents to explain why Petitioner is being unlawfully detained.
17. Petitioner complied with all conditions imposed by ICE, including reporting as directed.
18. Petitioner is set for his Master Calendar Hearing (*i.e.* pre-trial hearing) for January 30, 2026 at 9:30 am. *See* Exhibit 6 - EOIR Automated Case Information

A. (1) Whether he or she was arrested “on a warrant issued by the Attorney General”; (2) if not, how he or she is eligible for bond under 8 U.S.C. § 1226; and (3) if not eligible for a bond for want of an Attorney General-issued warrant, how habeas relief is available at all.

- a. Petitioner at the time of crossing a minor and his mother were arrested and processed out under 8 U.S.C. § 1226 along with her mother. *See* Exhibit 1- Affidavit and Petitioner mother’s documents

- b. Petitioner's documents evidencing process under 8 U.S.C. § 1226 was in the possession of DHS at the time he went for his check-in and remanded into custody.
- c. Petitioner has requested a Freedom of Information Act which still remains pending at this time.
- d. Petitioner was processed under 8 U.S.C. § 1226 at the time he entered without inspection as such any subsequent detention should be limited to the same section. (Judicial review of agency action, however, is limited to "the grounds that the agency invoked when it took the action.") *Michigan v. EPA*, 576 U.S. 743, 758, 135 S.Ct. 2699, 192 L.Ed.2d 674; (It is a "foundational principle of administrative law" that judicial review of agency action is limited to "the grounds that the agency invoked when it took the action.") *Michigan*, 576 U.S. at 758, 135 S.Ct. 2699, *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1907, 207 L. Ed. 2d 353 (2020).

Respectfully submitted,

/s/ David H. Square
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Western District of Texas by using the CM/ECF system.

/s/ David H. Square
David H. Square