

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Guadalupe De La Cruz Lopez, §  
Petitioner, §

V. §

KRISTI NOEM, Secretary of the United States §  
Department of Homeland Security; §  
PAMELA BONDI, United States Attorney §  
General; §

MIGUEL VERGARA, San Antonio Field Office §  
Director for Enforcement and Removal, U.S. §  
Immigration and Customs Enforcement, §  
Department of Homeland Security; §  
CHARLOTTE COLLINS, Warden, T. Don Hutto §  
Detention Center, Taylor, Texas; §  
UNITED STATES DEPARTMENT OF §  
HOMELAND SECURITY; §  
UNITED STATES IMMIGRATION AND §  
CUSTOMS ENFORCEMENT; §  
EXECUTIVE OFFICE FOR IMMIGRATION §  
REVIEW; §

Civil Case No. 1:26-cv-193

Respondents.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**  
**PURSUANT TO 28 U.S.C. § 2241**

1. The U.S. Department of Homeland Security (“DHS”) and the U.S. Department of Justice (“DOJ”) have recently reversed decades of settled immigration practice by denying immigration bond to individuals like Petitioner, who was arrested inside the United States. This reversal is based on the Board of Immigration Appeals’ precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), issued on September 5, 2025.

2. Under longstanding practice, individuals arrested inside the United States are subject to detention under 8 U.S.C. § 1226, which generally allows for release on bond during removal proceedings. However, following *Matter of Yajure Hurtado*, DHS and DOJ are classifying such individuals as subject to 8 U.S.C. § 1225, which does not provide for bond, based solely on their initial entry without inspection—often years or decades ago. This misclassification is contrary to nearly 30 years of law and practice post-IIRIRA and is being applied uniformly, including in Texas.

3. As a result, DHS is unlawfully detaining Petitioner without the possibility of release or a bond hearing, despite legal requirements for such under §1226. Multiple federal courts nationwide, including in Texas, have ruled against this interpretation. See, e.g., *Lopez Arzate v. Noem*, No. 1:25-cv-02008-ADA-ML (W.D. Tex. Jan 12, 2026); *Portugues Sanchez v. Noem*, No. 1:25-cv-02010-ADA-ML (W.D. Tex. Jan 12, 2026); *Turcios Blanco v. Noem*, No. 1:25-CV-2111-RP (W.D. Tex. Jan 12, 2026); *Campuzano v. Noem*, No. 1:25-CV-1715-DAE (W.D. Tex. Jan 6, 2026); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025); *Rojas Vargas v. Bondi*, No. 1:25-cv-01699-DAE (W.D. Tex. Nov. 5, 2025); *Gonzalez Guerrero v. Noem*, No.

1:25-CV-1334-RP (W.D. Tex. Oct. 27, 2025); *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025).

4. DHS and DOJ continue to violate statutory, regulatory, and constitutional rights through this policy. Petitioner brings this action to prevent unlawful deprivation of liberty without due process.

5. Therefore, Petitioner, through counsel, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge his unlawful detention without bond by Immigration and Customs Enforcement (ICE) at the T. Don Hutto Residential Center in Taylor, Texas. Petitioner seeks immediate release. This petition raises constitutional claims and pure questions of law, over which this Court has jurisdiction.

## **I. INTRODUCTION**

6. Petitioner Guadalupe De La Cruz Lopez,  is a Mexican citizen who first entered the United States approximately 12 years ago and has lived in the United States continuously since then. He has no prior immigration processes and this is his first detention by ICE. He has no arrests or criminal history. Petitioner has resided in the U.S. for over 12 years with continuous presence. He has paid taxes consistently and files business taxes for his small construction company, which he started 3 years ago. He works as a subcontractor in construction and has strong family ties. He has been in a relationship with his spouse, Olga, for about 10 years. They have no biological children together, but Olga has an 18-year-old U.S. citizen daughter whom Petitioner has raised since she was 7 years old. He has a very good relationship with both his spouse and stepdaughter. The stepdaughter has anxiety. They live in Kyle, Texas, in a trailer owned in Olga's name, which she has had for 6 years and where Petitioner has always

lived. They have a mortgage that is nearly paid off, and both contribute to paying for the house and property taxes. Petitioner's removal would cause exceptional and extremely unusual hardship to his U.S. citizen stepdaughter due to her anxiety. Petitioner qualifies for cancellation of removal under INA § 240A(b) (commonly referred to as 42B).

7. On January 20, 2026, ICE detained him after he was stopped by a traffic officer in Caldwell County, Texas, for improperly attached trailer plates. He provided his Mexican ID, was told he would receive a ticket for no license, was then arrested and placed in the officer's vehicle, and ICE arrived shortly after to take custody of him. He has been in ICE custody since then and is detained at the T. Don Hutto Residential Center in Taylor, Texas.

8. On September 5, 2025, the Board of Immigration Appeals (BIA) issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), a controversial decision in which they interpreted § 1225(b) to mandate detention for all "applicants for admission," including EWIs who are long-term residents apprehended in the interior years after entering the country. The BIA's interpretation violates the INA and the Fifth Amendment due process rights.

9. In light of this unlawful practice, the Petitioner cannot seek release before ICE or a bond redetermination hearing before an IJ or the BIA because they claim noncitizens, such as Petitioner, are subject to mandatory detention. The only alternative for the Petitioner is that this court order his release.

## **II. JURISDICTION AND VENUE**

10. Petitioner is in the physical custody of the Respondents at the T. Don Hutto Residential Center in Taylor, Texas.

11. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101–1537.

12. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).

13. This Court has jurisdiction under 28 U.S.C. § 2241 to review the lawfulness of Petitioner's detention, as this petition raises constitutional claims (Fifth Amendment due process violations) and pure questions of law (whether the BIA's interpretation of 8 U.S.C. § 1225(b) under *Matter of Yajure Hurtado*, and applied to the Petitioner, is erroneous when detention is governed by 8 U.S.C. § 1226(a) rather than § 1225(b)).

14. Venue is proper as Petitioner is detained in Taylor, Texas, within the Western District of Texas.

### **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15. There is no statutory exhaustion requirement for habeas corpus petitions under 28 U.S.C. § 2241.

16. There are no administrative remedies available to the Petitioner under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In this precedential decision issued on September 5, 2025, the Board of Immigration Appeals (BIA) held that, based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(2)(A), immigration judges lack authority to hear bond requests or grant bond to noncitizens who are present in the United States without admission or parole. These individuals are classified as "applicants for admission," subjecting them to mandatory detention during removal proceedings,

regardless of how long they have resided in the country. As a result, the IJ lacks jurisdiction to hear Petitioner's request for a bond redetermination hearing.

#### **IV. PARTIES**

17. Petitioner, Guadalupe De La Cruz Lopez, is a Mexican citizen currently in ICE Custody at the T. Don Hutto Residential Center in Taylor, Texas. His A# is 

18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

19. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

20. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division; however, on information and belief, the DHS is rotating its Field Office Director without publishing a schedule of rotation. As such, Miguel Vergara or his unknown, unannounced provisional replacement is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He or his acting counterpart is named in his or her official capacity.

21. Respondent, Charlotte Collins, is employed by the private, for-profit detention corporation contracted by the Government as an agent to confine immigrants at T. Don Hutto

Detention Center, where Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

23. Respondent Immigration and Customs Enforcement is the federal agency, branch of DHS, responsible for the enforcement of the INA, apprehension of non-citizens in the U.S., and detention and removal of noncitizens.

24. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

## **V. LEGAL FRAMEWORK**

25. The INA prescribes forms of detention for noncitizens in removal proceedings.

26. 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c), Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

27. The INA also provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals “seeking admission” referred to under § 1225(b)(2).

28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

30. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). See *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

31. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” or “seeking admission” were entitled to a custody hearing before an IJ or other hearing officer.

32. In *Jennings v. Rodriguez*, the Department of Homeland Security (DHS) explicitly acknowledged that individuals who have already entered the United States and are not apprehended within 100 miles of the border or within 14 days of entry are subject to discretionary detention under 8 U.S.C. § 1226(a), not mandatory detention under § 1225(b). During oral argument on November 30, 2016, then-Solicitor General Ian Gershengorn stated: “If they are not detained within 100 miles of the border or within 14 days... then they are under 1226(a) and not 1226(c)” and further clarified, in response to a question concerning “an alien

who has come into the United States illegally without being admitted [and] who takes up residence 50 miles from the border,” the Government responded, “The answer is they are held under 1226(a) and that they get a bond hearing...” Transcript of Oral Argument at 7–8, *Jennings v. Rodriguez*, 583 U.S. \_\_\_\_ (2018) (No. 15-1204). DHS reiterated that such individuals “would be held under 1226(a)” and cited the administrative record to support that position. *Id.* These statements reflect DHS’s prior litigation stance that § 1226(a) governs detention for noncitizens who have entered and are residing in the United States, a position directly contrary to the agency’s current interpretation applying § 1225(b)(2)(A) to such individuals. Having prevailed in *Jennings* after taking this position, they should be estopped from taking the contrary position now simply because their political or litigation interests have changed.

33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

34. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

35. Since Respondents adopted their new policies, several federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

36. A growing number of federal courts nationwide have rejected DHS, ICE, and EOIR's recent interpretation of the INA's detention provisions. Federal Judges in Texas have also turned down the government's creative argument. See *Lopez Arzate v. Noem*, No. 1:25-cv-02008-ADA-ML (W.D. Tex. Jan 12, 2026); *Portugues Sanchez v. Noem*, No. 1:25-cv-02010-ADA-ML (W.D. Tex. Jan 12, 2026); *Turcios Blanco v. Noem*, No. 1:25-CV-21111-RP (W.D. Tex. Jan 12, 2026); *Campuzano v. Noem*, No. 1:25-CV-1715-DAE (W.D. Tex. Jan 6, 2026); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025); *Rojas Vargas v. Bondi*, No. 1:25-cv-01699-DAE (W.D. Tex. Nov. 5, 2025); *Gonzalez Guerrero v. Noem*, No. 1:25-CV-1334-RP (W.D. Tex. Oct. 27, 2025); *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025).

37. These decisions reflect a clear judicial consensus, including in Texas, that the government's reliance on § 1225(b)(2) is misplaced in cases involving long-resident EWIs whose immigration status lawfully falls under § 1226(a).

38. Courts have uniformly rejected DHS, ICE, and EOIR's new interpretation because it defies the INA. As the Federal Courts explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

39. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

40. The text of § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at 7.

41. Section 1226, therefore, leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States and were not free to mingle with the general population after being free from official restraint. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

43. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who entered the U.S. without inspection and have resided here for years.

## VI. FACTS

44. Petitioner entered the U.S. approximately 12 years ago and has resided continuously since then. He has no arrests or criminal history. Petitioner has strong positive equities: over 12 years in the U.S., consistent tax filings and business taxes for his small construction company started 3 years ago, stable employment as a subcontractor in construction, a spouse (relationship since about 2016), an 18-year-old U.S. citizen stepdaughter (raised since age 7, with anxiety), shared home ownership responsibilities in Kyle, Texas (trailer in spouse's name, mortgage nearly paid off, joint payments including property taxes), and qualifies for cancellation of removal under INA § 240A(b), as removal would cause exceptional and extremely unusual hardship to his U.S. citizen stepdaughter.

45. On January 20, 2026, ICE detained him after he was stopped by a traffic officer in Caldwell County, Texas, for improperly attached trailer plates. He provided his Mexican ID, was told he would receive a ticket for no license, was then arrested and placed in the officer's vehicle, and ICE arrived shortly after to take custody of him. He has been in ICE custody since then and is detained at the T. Don Hutto Residential Center in Taylor, Texas.

46. On September 5, 2025, the BIA issued a novel decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that EWIs (like Petitioner) are "applicants for admission" subject to mandatory detention under INA § 235(b)(2)(A), despite their long-term residence and interior apprehension. This decision ignores legislative history, longstanding

agency practice, and federal court precedent limiting § 1225(b) to recent border arrivals. See *Lopez Arzate v. Noem*, No. 1:25-cv-02008-ADA-ML (W.D. Tex. Jan 12, 2026); *Portugues Sanchez v. Noem*, No. 1:25-cv-02010-ADA-ML (W.D. Tex. Jan 12, 2026); *Turcios Blanco v. Noem*, No. 1:25-CV-2111-RP (W.D. Tex. Jan 12, 2026); *Campuzano v. Noem*, No. 1:25-CV-1715-DAE (W.D. Tex. Jan 6, 2026); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025); *Rojas Vargas v. Bondi*, No. 1:25-cv-01699-DAE (W.D. Tex. Nov. 5, 2025); *Gonzalez Guerrero v. Noem*, No. 1:25-CV-1334-RP (W.D. Tex. Oct. 27, 2025); *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025).

47. Therefore, the Petitioner is ineligible to request a bond redetermination hearing before the IJ or the BIA because they claim they do not have jurisdiction. There are no administrative remedies available.

48. Petitioner's detention causes ongoing irreparable harm. Petitioner has significant positive equities: a spouse, a U.S. citizen stepdaughter, over 12 years of U.S. residence, consistent tax filings, stable employment, no criminal history, shared home responsibilities, and a viable path to lawful status (cancellation of removal). There are no negative equities beyond his initial entry without inspection.

## **VII. REQUEST FOR RELEASE**

49. In *Campuzano v. Noem*, No. 1:25-CV-1715-DAE (W.D. Tex. January 6, 2026), the Federal Judge stated:

“Respondents contend that although the only relief available to Petitioner through habeas is release from custody, he “has no claim to any lawful status in the United States that would permit him to reside lawfully in the United States upon release.” (Dkt. # 15 at 2, 4, citing 28 U.S.C. § 2241; *DHS v. Thuraissigiam*, 591 U.S. 103, 118–19 (2020).) To the extent that Respondents

intend to argue that release is not proper solely because Petitioner lacks lawful status, that argument is without merit. See *Zadvydas v. Davis*, 533 U.S. 678, 701, 692–93 (2001) (providing for the release via a habeas corpus proceeding for deportable noncitizens who establish the unreasonableness of their continued detention and noting the protections that exist for noncitizens already in the country even when their presence is unlawful); *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021) (citing *Zadvydas*); see also *Osorio-Martinez v. Att’y Gen. United States of Am.*, 893 F.3d 153, 175 (3d Cir. 2018) (“Nothing in our precedent suggests that the lack of lawful permanent resident status, potential inadmissibility, or the happenstance that visas are not currently available is dispositive in assessing an [noncitizen’s] entitlement to habeas review.”). Under the circumstances of this case, Petitioner’s detention is unlawful and habeas relief is proper. *Estupinan Reyes*, 2025 WL 3654265, at \*4; *Davila Mercado*, 2025 WL 3654268, at \*7; see *Vargas Bondi*, 2025 WL 3300446, at \*5 (discussing why the appropriate habeas relief is release rather than a bond redetermination hearing).”

50. This case is similar to *Campuzano*, where the Petitioner was being held under a mandatory detention provision. The only relief available through habeas, in this matter, is release rather than a bond redetermination hearing.

## **VIII. CLAIMS FOR RELIEF**

### **A. Violation of the INA**

51. Petitioner incorporates by reference the law and allegations of fact set forth in the preceding paragraphs.

52. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizen EWIs who are long-time residents of the U.S. and who are subject to that ground of inadmissibility. As relevant here, it does not apply to those who entered without inspection years ago. Such noncitizens, as Petitioner, are detained under § 1226(a), and shall be released on bond.

53. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

## **B. Violation of Bond Regulations**

54. Petitioner incorporates by reference the law and allegations of fact set forth in preceding paragraphs.

55. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

56. Nonetheless, pursuant to *Matter of Yajure Hurtado*, DHS, ICE, and EOIR have a policy and practice of unlawfully applying § 1225(b)(2) to individuals like Petitioner, who are instead detained under § 1226(a).

57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

## **C. Violation of Due Process**

58. Petitioner repeats, re-alleges, and incorporates by reference the law and each and every allegation in the preceding paragraphs as if fully set forth herein.

59. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,

detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

60. Petitioner has a fundamental interest in liberty and being free from official restraint.

61. The government’s detention of Petitioner without an opportunity to bond violates his right to due process.

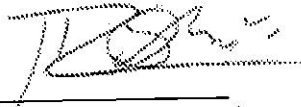
#### **IX. RELIEF REQUESTED**

62. Petitioner prays that this Court grant the following relief:

- (a) Assume jurisdiction over this matter;
- (b) Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;
- (c) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days under 28 U.S. Code § 2243;
- (d) A writ of habeas corpus ordering the immediate release of the Petitioner;
- (e) A declaration that Petitioner's detention is unlawful;
- (f) Grant any other and further relief that this Court deems just and proper.

63. I declare under penalty of perjury that I am the petitioner's attorney, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Respectfully submitted, January 26, 2026.



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TX SBN 24087568

**CERTIFICATE OF SERVICE**

I, Patricio Garza Izaguirre, certify that on this date, a true and correct copy of this **EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**, was served to the following by the CM/ECF system:

1. KRISTI NOEM, Secretary of the United States Department of Homeland Security;
2. PAMELA BONDI, United States Attorney General;
3. MIGUEL VERGARA, San Antonio Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security;
4. CHARLOTTE COLLINS, Warden, T. Don Hutto Detention Center, Taylor, Texas;
5. UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
6. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
7. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

On January 26, 2026



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