

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ROBERTO MAURICIO-RAMIREZ

Petitioner

v.

Case No. 26-CV-210-RP

CHARLOTTE COLLINS, Warden at T. Don Hutto

Detention Center:

MIGUEL VERGARA, San Antonio Field Office Director,
ICE Enforcement and Removal Operations;

TODD LYONS, Acting Director, U.S. Immigration and
Customs Enforcement:

KRISTI NOEM, Secretary, U.S.

Department of Homeland Security:

PAMELA JO BONDI, Attorney General, U.S. Department
of Justice.

Respondents

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

NOW COMES Petitioner, Roberto Mauricio-Rodriguez, by and through his undersigned counsel, and files this Reply in accordance with the Court's Order dated February 11, 2026.

Physical Liberty Is a Fundamental Right of All "Persons" Under the Fifth Amendment

1. The Government's argument rests on the premise that the constitutional value of physical liberty is diminished when the individual subjected to detention lacks lawful immigration

status. That premise is incompatible with the text of the Constitution and the Supreme Court's due process jurisprudence.

2. The Fifth Amendment protects "persons," not "citizens." U.S. Const. amend. V. The Supreme Court has consistently recognized that noncitizens, including those without lawful status and those seeking admission, are "persons" within the meaning of the Due Process Clause when the Government seeks to deprive them of liberty. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (confirming that noncitizens within the United States are entitled to due process protections); *Yamataya v. Fisher*, 189 U.S. 86, 100–01 (1903) (holding that even a noncitizen who had not been lawfully admitted could not be deprived of liberty without due process). Constitutional personhood does not fluctuate based on immigration classification.
3. The Supreme Court has repeatedly described freedom from bodily restraint as a core liberty interest protected against arbitrary governmental action. In *Poucha v. Louisiana*, 504 U.S. 71, 80 (1992), the Court stated that "freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." In *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982), the Court recognized that freedom from physical restraint is a historic liberty interest that survives even lawful confinement. In *Zadvydas*, the Court reiterated that "[f]reedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that the Due Process Clause protects." 533 U.S. at 690. None of these pronouncements conditioned the value of liberty on lawful status.
4. The nature of the deprivation, not the legal classification of the individual, defines the constitutional magnitude of the interest. Civil detention entails the same loss of movement, autonomy, family integrity, and personal security regardless of immigration status. The physical restraint imposed by the Government is identical in character. The Constitution's

protection against arbitrary detention does not depend on whether the detained person possesses lawful status: it depends on the fundamental nature of bodily freedom itself.

5. Even in contexts where detention is permitted, such as civil commitment or immigration custody, the Court has required that confinement be justified by adequate procedures and bear a reasonable relation to its purpose. See *Kansas v. Hendricks*, 521 U.S. 346, 356–60 (1997); *Zadvydas*, 533 U.S. at 690–92. The permissibility of detention turns on procedural reliability and substantive justification, not on a diminished valuation of the detainee’s liberty interest.
6. To suggest that physical liberty has reduced constitutional weight for undocumented individuals is to collapse the distinction between substantive immigration regulation and constitutional personhood. Immigration status may affect eligibility for admission or relief, but it does not alter the fundamental character of freedom from physical restraint as a protected liberty interest. Once the Government detains a human being within its custody, the Due Process Clause applies in full measure to that deprivation.
7. Accordingly, the liberty at issue here is not a lesser form of freedom. It is the same core constitutional interest the Supreme Court has repeatedly identified as central to ordered liberty. The Constitution does not assign varying degrees of value to physical freedom based on immigration status. The protection against arbitrary detention attaches because the individual is a person, and because the deprivation is confinement itself.
8. Under the Government’s reasoning, the implications would extend far beyond immigration detention. If constitutional protections are diluted based on immigration status, then the same logic would suggest that undocumented individuals, or even noncitizens present on temporary visas, possess lesser Fifth Amendment protection against self-incrimination or diminished Eighth Amendment protection in seeking bond in a criminal proceeding. That is not, and has

never been, the law. A noncitizen arrested within the United States, whether present on a student visa or without lawful status, retains the right to remain silent, the right to counsel, and the protection against excessive bail. These safeguards attach because the individual is a “person” subject to the sovereign power of the United States, not because of immigration classification. And if the Constitution’s protections were truly contingent on status, would we accept that American citizens abroad should receive diminished protections from foreign governments on the same theory. The constitutional tradition of this Nation rejects that premise. Fundamental guarantees do not fluctuate based on status; they constrain governmental power over all persons within its jurisdiction.

Physical Liberty Is a Fundamental Interest Requiring Robust Procedural Safeguards Under *Mathews*

9. The Government’s attempt to remove this case from the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), ignores the Supreme Court’s consistent recognition that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. This claim does not challenge Congress’s substantive authority to regulate immigration or to authorize detention in defined circumstances. Rather, it challenges the adequacy of the procedures used to determine whether detention is justified in this case. That is a classic procedural due process claim governed by *Mathews*, 424 U.S.
10. The weight of the private interest in the *Mathews* balance is decisive. The Supreme Court has repeatedly emphasized that “freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*, 504 U.S. (1992). In invalidating continued confinement where its justification had lapsed, the Court underscored that civil commitment “for any purpose” constitutes a significant deprivation of liberty

requiring due process protection.. Similarly, the Court has held that the right to personal security and freedom from bodily restraint is a historic liberty interest that survives even lawful confinement. *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982). Lawful custody does not extinguish constitutional protections; it demands constitutional justification.

11. Even where the Court has upheld civil detention statutes, it has done so only upon a showing of narrowly defined circumstances and sufficient procedural safeguards. In *Kansas v. Hendricks*, 521 U.S. 346, (1997), the Court acknowledged that freedom from physical restraint is a core liberty interest and sustained civil commitment only because it applied to a limited subclass of dangerous individuals and was supported by appropriate procedures and evidentiary standards. The constitutional permissibility of confinement thus turned on procedural reliability and the presence of adequate safeguards.
12. The same principle governs in the immigration context. In *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), the Court reiterated that “[f]reedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that [the Due Process] Clause protects.” The Court held that civil detention must bear a reasonable relation to its purpose and may not become indefinite or arbitrary. The constitutional concern was not theoretical; it centered on the risk of unjustified and prolonged physical restraint.
13. Likewise, the Court has recognized a substantial liberty interest in avoiding institutional confinement absent adequate procedures tailored to minimize erroneous deprivation. *Zimmerman v. Burch*, 494 U.S. 113, 127–31 (1990). Due process requires procedures calibrated to the nature of the deprivation and the risk of error. Even in *Reno v. Flores*, 507 U.S. (1993), where the Court rejected a substantive due process challenge, it reaffirmed that freedom from

institutional confinement is a constitutionally protected interest and that any deprivation must be justified by sufficiently compelling governmental interests.

14. Against this backdrop, the Government's attempt to limit *Mathews* to cases involving lesser statutory entitlements is untenable. In *Mathews* itself, the Court required procedural balancing before termination of disability benefits: an important property interest, but one categorically less fundamental than physical liberty. If procedural safeguards were constitutionally required before the deprivation of financial benefits, they apply with greater force where the Government seeks to deprive an individual of freedom from physical restraint.
15. Accordingly, the present claim falls squarely within the procedural due process framework. It does not assert that detention is categorically impermissible "no matter what process is provided," rather, it challenges whether the procedures employed are constitutionally sufficient before imposing one of the most serious deprivations the government can effect, civil detention. Under *Mathews* and the Supreme Court's repeated recognition that physical liberty is a fundamental constitutional interest, meaningful and individualized procedural safeguards are required.

Mandatory Detention Under § 1225(b)(2) Implicates Fundamental Liberty Interests and Is Not Controlled by Demore or Historical Bail Practices

16. Respondent's reliance on *Connecticut Department of Public Safety v. Doe*, 538 U.S. 1 (2003), is misplaced. In *Doe*, the plaintiff did not challenge the constitutionality of the statutory scheme itself. Rather, he sought an additional hearing to prove a fact, current dangerousness, that was irrelevant under the governing statute, which required registration solely on the basis of a prior conviction. The Supreme Court rejected that procedural due process claim because the requested factual determination had no bearing on the statutory consequence. The Court

made clear that where a litigant believes the statutory rule itself is constitutionally defective, the proper challenge is substantive in nature.

17. That is precisely the posture of this case. Petitioner does not seek a different factual finding as to his classification as an “applicant for admission,” nor does he request an additional hearing to contest a fact rendered immaterial by statute. Instead, Petitioner challenges the constitutionality of mandatory civil detention under 8 U.S.C. § 1225(b)(2)(A) itself. The claim is that automatic, potentially prolonged incarceration without an individualized bond hearing violates substantive due process, even assuming the statutory classification applies. Unlike in *Doe*, Petitioner squarely contests the validity of the rule authorizing detention, not the adequacy of procedures implementing it.
18. Respondent’s position effectively assumes that once Congress has labeled an individual an “applicant for admission,” detention automatically comports with the Fifth Amendment. That premise is incorrect. Statutory classification does not insulate a detention scheme from constitutional scrutiny. The Constitution independently requires that civil confinement bear a reasonable relationship to its asserted purposes and not be excessive in relation to those purposes. Where detention is imposed categorically, without any individualized determination of flight risk or danger, and without meaningful temporal limits, the Court must assess whether the deprivation of physical liberty is arbitrary or disproportionate. The question presented here is not whether the statute authorizes detention, but whether the Constitution permits detention in this manner.
19. Moreover, the liberty deprivation at issue is qualitatively different from the regulatory obligation in *Doe*. The statute in *Doe* required public registration; it did not impose physical incarceration. Section 1225(b)(2)(A), by contrast, authorizes civil detention, complete restraint

on bodily freedom. Freedom from physical confinement lies at the core of substantive due process protection. Petitioner's claim therefore challenges the validity of the detention framework itself, asserting that automatic civil incarceration without individualized justification exceeds constitutional limits. That is a substantive constitutional challenge, not a request for additional procedure, and *Doe* does not resolve it.

Demore v. Kim Does Not Control Because It Involved a Different Statutory Scheme and a Narrow Category of Mandatory Detention

20. The Government's reliance on *Demore v. Kim*, 538 U.S. 510 (2003), is misplaced. *Demore* addressed mandatory detention under 8 U.S.C. § 1226(c), a statute that applies to a narrowly defined class of noncitizens with specified criminal convictions. The Supreme Court's reasoning in *Demore* was explicitly tied to Congress's determination that certain criminal aliens posed heightened risks of flight and danger to the community. *Id.* at 518–21.
21. That statutory framework is fundamentally distinct from § 1225(b)(2). Section 1226(c) is triggered by criminal conduct. It reflects a legislative judgment tied to individualized culpability categories—convictions for enumerated offenses that Congress deemed sufficiently serious to justify mandatory detention during removal proceedings.
22. By contrast, § 1225(b)(2), as applied here, imposes mandatory detention solely based on the legal classification of “applicant for admission.” It does not turn on criminal conduct, individualized dangerousness, or demonstrated flight risk. It operates categorically, without presumption tied to wrongdoing and without any procedural mechanism for individualized review.
23. *Demore* therefore cannot be extended mechanically to this case. The Supreme Court upheld detention in *Demore* within the specific context of criminal-based mandatory detention and

emphasized the limited duration of such confinement. 538 U.S. at 529–30. The reasoning cannot be transposed wholesale to a statutory scheme that detains individuals without any criminal predicate and without any individualized determination.

The Government’s “Rational Basis” Framing Oversimplifies the Liberty Interest at Stake

24. Even assuming *arguendo* that rational-basis review applies, detention under § 1225(b)(2) as implemented here does not automatically “clear the bar.” Civil detention must still be rationally related to legitimate governmental interests in ensuring appearance and protecting the community. See *Zadvydas*, 533 U.S. at 690.
25. Where detention is imposed categorically, without individualized assessment, and without regard to actual risk factors, the relationship between confinement and the asserted governmental interests becomes attenuated. The Government cannot rely solely on statutory labeling to satisfy constitutional scrutiny. A regime that detains individuals indefinitely or for prolonged periods without any opportunity to demonstrate lack of flight risk or danger raises serious constitutional concerns, even under deferential review.
26. The Government’s argument effectively converts “rational basis” into “no review at all.” That is not the law. Even in the immigration context, courts retain the authority to ensure that civil detention is not arbitrary.

The Distinction Between Criminal-Based Mandatory Detention and Admission-Based Detention Is Constitutionally Significant

27. The constitutional analysis must account for the basis upon which detention is imposed. In *Demore*, detention was linked to prior criminal convictions, which Congress determined correlated with risk. Here, detention flows solely from the formal classification of “applicant

for admission,” without any finding, presumed or actual, that the individual poses a danger or flight risk.

28. That distinction is not semantic. It goes to the heart of substantive due process. Civil detention that is untethered from individualized risk assessment, and untethered from criminal conduct, requires heightened judicial vigilance. The categorical denial of any bond hearing transforms civil immigration detention into automatic incarceration based purely on status.
29. The Constitution does not permit the Government to avoid judicial scrutiny by recharacterizing a deprivation of liberty as merely a feature of “the admission process.” Physical confinement is a severe restraint on liberty, regardless of statutory label.

The Government’s Reliance on Wong Wing and Historical Detention Language Is Overextended

30. The quotation from *Wong Wing v. United States*, 163 U.S. 228 (1896), does not authorize indefinite or unreviewable detention. Wong Wing recognized the Government’s authority to detain noncitizens pending removal proceedings. It did not hold that such detention may occur without procedural safeguards, without individualized consideration, or for prolonged periods without review.
31. Subsequent precedent, including *Zadvydas*, confirms that immigration detention is subject to constitutional limitations. The Government’s invocation of historical language cannot eliminate the requirement that civil confinement bear a reasonable and non-arbitrary relationship to its purpose.

Procedural Rights Under the Administrative Procedure Act (APA) and Request for Fee Waiver

32. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein, and states that he has remained in immigration detention at the T. Don Hutto Detention Facility since November, 2025. As a direct consequence of this continued confinement, Petitioner has no independent access to income, employment, or financial resources, leaving his family in a state of significant financial hardship and unable to pay the required filing fees for the claims asserted under the Administrative Procedure Act (“APA”).
33. In support of this request, Petitioner submits the Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO 240), attached hereto as Exhibit 1, which demonstrates his inability to pay. While the filing fee for the habeas corpus petition has already been addressed, this Motion specifically seeks a fee waiver for the APA claims, as the APA and habeas corpus are not mutually exclusive remedies. Under 28 U.S.C. § 2241 and controlling Fifth Circuit authority in *Estrada v. Ahrens*, 296 F.2d 690, and *Sabino v. Reno*, 8 F. Supp. 2d 622, habeas serves as the appropriate procedural vehicle through which unlawful agency action affecting custody, such as a final bond denial, may be tested under APA standards.
34. The APA requires courts to “hold unlawful and set aside” agency action that is arbitrary, capricious, or otherwise not in accordance with law. *Judulang v. Holder*, 565 U.S. 42, 53–55 (2011). Here, Petitioner challenges DHS’s independent agency action in implementing a blanket detention policy that treats *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) as a total elimination of individualized custody discretion. By treating Yajure Hurtado as an absolute bar to consideration, DHS has unlawfully transformed a discretionary framework into a categorical rule of inaction, ignoring Petitioner’s twenty years of community ties and lack of

dangerousness. This unexplained departure from decades of settled administrative practice is arbitrary and capricious under 5 U.S.C. § 706(2)(A).

35. In the alternative, and only if the Court determines that these APA claims must proceed outside the habeas framework, Petitioner respectfully requests that such causes of action be severed rather than dismissed and moves for consolidation pursuant to Rule 42 of the Federal Rules of Civil Procedure. As these claims arise from the same operative facts and challenge the same detention, consolidation serves the interests of judicial economy. Petitioner respectfully requests that the Court:

- Grant leave to proceed in forma pauperis and waive the filing fees associated with the APA claims; Accept the attached Form AO 240 (Exhibit 8) as evidence of Petitioner's inability to pay; In the alternative, sever and consolidate the claims pursuant to Fed. R. Civ. P. 42; and Grant any further relief the Court deems just and proper.

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

Dated: February 27, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this **27th day of February, 2026**, a true and correct copy of the foregoing **PETITIONER'S REPLY TO RESPONDENTS' RESPONSE** was served electronically through the Court's CM/ECF system, which will provide notice and a copy to all counsel of record, including the United States Attorney's Office for the Western District of Texas.

Dated: February 27, 2026

Respectfully submitted,

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