UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Juan Valor Lona,	§
Petitioner, V.	§ No 5:26-cv-508
Pamela J. Bondi, Attorney General of the United States	§
Warden of the LaSalle County Regional Detention Center;	§
Sylvester Ortega, Field Office Director, ICE;	§
Todd M. Lyons, Director, Ice;	§
Kristi Noem, Secretary, Department of Homeland Security.	§
Daren K. Margolin, Director of the	§
Executive Office for Immigration Review	§

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR PRELIMINARY INJUNCTIVE RELIEF

Petitioner, by and through undersigned counsel, alleges as follows:

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the unlawful, no-bond civil immigration detention of Petitioner, a long-term resident of the United States in full removal proceedings in the San Antonio Immigration Court, who is detained without any individualized finding that he is a danger or a flight risk and without access to the bond-process protections Congress afforded in 8 U.S.C. § 1226(a), based solely on DHS's misclassification of his custody under 8 U.S.C. § 1225(b)(2).

2. Texas federal courts have repeatedly rejected this novel use of § 1225(b)(2) to impose categorical no-bond detention on long-term interior residents in § 1229a proceedings, granting habeas relief and requiring that custody be governed by § 1226(a) with access to bond, including in *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610 (S.D. Tex. Sept. 26, 2025); *Campuzano v. Noem*, No. 1:25-CV-1715-DAE, 2026 WL 90062 (W.D. Tex. Jan. 6, 2026);

Fabian-Granados v. Bondi, No. 1:25-CV-2068-DAE, 2026 WL 90061 (W.D. Tex. Jan. 8, 2026); and *Silva v. Bondi*, No. 1:25-CV-2155-DAE, 2026 WL 90060 (W.D. Tex. Jan. 12, 2026).

3. Petitioner does not challenge the merits of his removal proceedings here; he challenges only the legal basis of his detention and the denial of bond-process procedures that the INA, the Constitution, and binding district-court precedent require.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over this habeas petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under color of federal authority, and that custody violates the Constitution and laws of the United States.

5. This Court also has jurisdiction under 28 U.S.C. § 1331 because this case arises under the Constitution, laws, and treaties of the United States, and under Article I, § 9, cl. 2 (the Suspension Clause) of the United States Constitution.

6. Venue is proper in this District under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is detained within the Western District of Texas and a substantial part of the events giving rise to these claims occurred here.

III. PARTIES

7. Petitioner, Juan Valor Luna, is a native and citizen of Mexico. He has resided in the United States for many years, lives with his wife and children in Texas, and is currently detained by ICE at the La Salle Detention Center in this District.

8. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration and enforcement of the immigration laws, including those governing detention.

9. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), the agency with ultimate authority over civil immigration enforcement and detention.

10. Respondent Todd M. Lyons is sued in his official capacity as Director of U.S. Immigration and Customs Enforcement..

11. Respondent Sylvester Ortega is sued in his official capacity as the Field Office Director for ICE's San Antonio Field Office and exercises authority over Petitioner's detention.

12. The Warden of LaSalle County Regional Detention Center, where Petitioner is currently detained, has immediate physical custody over him. Their name is not publicly available.

12.1 Respondent Daren K. Margolin is sued in his official capacity as Director of the Executive Office for Immigration Review ("EOIR"), the agency responsible for the administration of the immigration courts

IV. FACTUAL BACKGROUND

13. Petitioner has lived in the United States for approximately 24 years. He is married to a U.S. citizen and has six U.S. citizen children, all of whom reside in Texas. He has no criminal history.

14. In 2025, Petitioner filed an affirmative application for asylum with U.S. Citizenship and Immigration Services (USCIS) and appeared for his asylum interview as required.

15. Following the asylum interview, the Department of Homeland Security (DHS) issued a Notice to Appear (NTA) and placed Petitioner in removal proceedings before the San Antonio Immigration Court under 8 U.S.C. § 1229a.

16. Petitioner appeared in immigration court as required, retained counsel, and has sought to proceed in an orderly manner consistent with EOIR scheduling and practice.

17. Through counsel, Petitioner filed a motion requesting permission for both Petitioner and counsel to appear remotely via Webex video for master-calendar hearings, to ensure consistent participation while minimizing travel burdens.

18. The Immigration Judge denied that motion requiring the Petitioner to appear in person.

19. On January 22, 2026, Petitioner appeared in person, with counsel, for a master-calendar hearing in the San Antonio Immigration Court. At that hearing, the Immigration Judge continued the case and reset the matter to October 19, 2026, to allow additional time for preparation.

20. At the January 22 hearing, counsel again requested permission for Petitioner to appear by Webex at the rescheduled October 19, 2026 master calendar hearing. The Immigration Judge indicated that counsel could appear by video but maintained that Petitioner must appear in person.

21. After the hearing concluded, as Petitioner exited the courtroom area, ICE officers approached him in the hallway in front of his wife and daughter and took him into civil immigration custody.

22. ICE officers told Petitioner and his counsel that his case had been "rescheduled" and that detention would make his case "faster."

23. In reality, detention rarely speeds up adjudication of relief in cases like Petitioner's; instead, it impairs access to counsel and evidence and can delay case preparation, particularly where the next hearing is many months away and **any final decision and appeals to the BIA may take years.**

24. Petitioner's U.S. citizen daughter has filed a Form I-130 immigrant visa petition on his behalf based on their biological parent-child relationship. The I-130 is pending and is expected to be approved because it is supported by straightforward documentary evidence.

25. Petitioner is the sole provider for his family. His sudden detention has caused immediate financial and emotional hardship to his household and significantly interferes with his ability to gather evidence and prepare and present his claims in immigration court.

26. **Petitioner has no criminal history.** There is no allegation or finding that he poses a danger to the community or to national security.

27. Petitioner has strong incentives to appear for all immigration-court hearings and to comply with any supervision. He has multiple avenues to fix his immigration status. He seeks to pursue his asylum application, his family-based petition process, and cancellation of removal, and he must remain available in the United States to litigate these claims and remain close to his wife and six children. He voluntarily appeared to his asylum interview and to his scheduled hearing. **Therefore, he is not a flight risk.**

28. DHS initially identified Petitioner's custody as governed by "authority contained in section 236" of the INA, codified at 8 U.S.C. § 1226, which governs pre-final-order detention for individuals in full removal proceedings under § 1229a.

29. Petitioner does not have a chance to request a custody redetermination before an immigration judge pursuant to 8 U.S.C. § 1226(a). His eligibility for bond is foreclosed based on DHS's assertion that he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as if he were an "arriving alien" or "applicant for admission."

30. As a result, Petitioner has no access to a bond hearing and remains detained without any individualized assessment of flight risk or danger, solely because of the Government's misclassification of his custody authority.

V. LEGAL FRAMEWORK AND RECENT TEXAS PRECEDENT

31. The INA provides distinct detention authorities depending on posture and circumstances. Noncitizens in full removal proceedings under 8 U.S.C. § 1229a have historically been detained, if at all, under 8 U.S.C. § 1226(a), which permits bond and custody redetermination, unless they fall within narrow mandatory-detention provisions such as 8 U.S.C. § 1225(b)(1), 8 U.S.C. § 1226(c), or 8 U.S.C. § 1231.

32. DHS now asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), which the Government has argued applies even to long-term interior residents

charged as inadmissible and placed into § 1229a proceedings. This novel reading collapses the statutory scheme and erases the distinction between arriving "applicants for admission" and those who have already entered the United States and lived here for years.

33. Federal courts in Texas have repeatedly rejected this interpretation and granted habeas relief where the Government has attempted to use § 1225(b)(2) to impose categorical no-bond detention on long-term interior residents in full removal proceedings, including *Buenrostro-Mendez v. Bondi*, *Villanueva v. Tate*, *Campuzano v. Noem*, *Fabian-Granados v. Bondi*, and *Silva v. Bondi*. *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610 (S.D. Tex. Sept. 26, 2025); *Campuzano v. Noem*, No. 1:25-CV-1715-DAE, 2026 WL 90062 (W.D. Tex. Jan. 6, 2026); *Fabian-Granados v. Bondi*, No. 1:25-CV-2068-DAE, 2026 WL 90061 (W.D. Tex. Jan. 8, 2026); *Silva v. Bondi*, No. 1:25-CV-2155-DAE, 2026 WL 90060 (W.D. Tex. Jan. 12, 2026).

34. In these cases, the courts held, among other things, that: (a) 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not strip habeas jurisdiction over detention-classification challenges; (b) § 1225(b)(2) does not apply to noncitizens like Petitioner who were apprehended in the interior and are in full § 1229a proceedings; and (c) such individuals are detained, if at all, under § 1226(a) and are entitled to bond-process protections. Buenrostro-Mendez, 2025 WL 2886346; Villanueva, 2025 WL 2774610; Campuzano, 2026 WL 90062; Fabian-Granados, 2026 WL 90061; Silva, 2026 WL 90060. *See also Exhibit 1*. **Almost identical fact pattern as this case.**

35. Petitioner's detention presents the same unlawful use of § 1225(b)(2) and the same categorical denial of bond-process protections that led the courts in Buenrostro-Mendez, Villanueva, Campuzano, Fabian-Granados, and Silva to grant habeas relief. Buenrostro-Mendez, 2025 WL 2886346; Villanueva, 2025 WL 2774610; Campuzano, 2026 WL 90062; Fabian-Granados, 2026 WL 90061; Silva, 2026 WL 90060.

VI. EXHAUSTION AND IRREPARABLE HARM

36. Petitioner has requested custody review in immigration court but has been informed that he is ineligible for bond based on the Government's § 1225(b)(2) classification. There is no further meaningful administrative avenue to challenge the legal basis of that classification.

37. Petitioner's ongoing detention causes irreparable harm, including loss of liberty, separation from his family, financial destabilization of his household, and substantial interference with his ability to prepare his claims and collect evidence. Monetary damages cannot adequately compensate for these harms.

VII. CLAIMS FOR RELIEF

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of the Due Process Clause of the Fifth Amendment

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

39. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of life, liberty, or property without due process of law.

40. As a noncitizen with substantial physical presence in the United States over many years, Petitioner is entitled to Due Process Clause protections against the deprivation of his liberty and property. The Supreme Court has held that the Due Process Clause applies to all "persons" within the United States, including noncitizens, whether their presence is lawful, unlawful, temporary, or permanent.

41. Any deprivation of this fundamental liberty interest must be accompanied by adequate procedural protections and justified by a sufficiently strong special justification that outweighs the significant deprivation of liberty.

42. Respondents have deprived Petitioner of his liberty interest by detaining him without access to a bond hearing and without any individualized assessment of flight risk or danger.

43. Petitioner's detention is improper because he has been categorically denied the right to a bond hearing. Immigration judges have treated his purported ineligibility for bond as a foregone conclusion based solely on DHS's misclassification under § 1225(b)(2), without considering the governing law or Petitioner's arguments.

44. Habeas corpus has long been the proper vehicle to challenge unlawful detention and to ensure that a detainee receives a meaningful opportunity to be heard.

45. Respondents' actions in detaining Petitioner without legal justification, without an individualized determination, and without any bond process violate his substantive and procedural due process rights under the Fifth Amendment.

46. The Government's detention of Petitioner is unjustified. Respondents have not demonstrated that Petitioner must be detained to ensure appearance at proceedings or to protect the community. There is no credible argument that Petitioner cannot be safely released to his family and community under appropriate conditions of supervision. In addition, there is no foreseeability of removal in the near future. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

47. For these reasons, Petitioner's continued detention without bond or bond process violates the Due Process Clause of the Fifth Amendment.

SECOND CAUSE OF ACTION

Violation of the Immigration and Nationality Act

48. Petitioner repeats and incorporates by reference all allegations in paragraphs 1–47 as though set forth fully herein.

49. Petitioner was initially detained pursuant to authority "contained in section 236" of the INA, codified at 8 U.S.C. § 1226, which governs pre-final-order detention in standard § 1229a removal proceedings.

50. Despite this, DHS and the Immigration Court now assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), as if he were a recent applicant for admission at a port of entry.

51. The mandatory-detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are later charged as inadmissible. Text, structure, and longstanding practice establish that § 1225(b)(2) applies to noncitizens who are in the process of "seeking admission" at or near a port of entry, **not to long-term residents apprehended in the interior and placed in full proceedings.**

52. Long-term residents who have already entered the country and are later apprehended and placed in removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), and are eligible for release on bond unless they fall within § 1225(b)(1), § 1226(c), or § 1231.

53. Respondents have wrongfully adopted a policy and practice of treating interior residents such as Petitioner as "arriving aliens" or "applicants for admission" for custodial purposes, in order to impose categorical, no-bond detention under § 1225(b)(2), regardless of actual entry history and the statutory context.

54. This unlawful application of § 1225(b)(2) to Petitioner violates the INA, which carefully distinguishes between detention for arriving applicants for admission and detention for noncitizens who have entered the United States and are in full removal proceedings.

55. By misclassifying Petitioner's custody authority and denying him access to § 1226(a) bond procedures, Respondents are acting *ultra vires* and contrary to the statutory scheme. The Petitioner lives in the United States for 24 years and was placed in removal proceedings last year.

THIRD CAUSE OF ACTION

Fifth Amendment – Due Process

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

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

57. Petitioner has a significant liberty interest in avoiding removal from the United States and in being free from unlawful detention while he pursues relief from removal for which he is eligible, including asylum, cancellation of removal, and relief based on his family-based petition.

58. He also has a compelling interest in remaining with his U.S. citizen family members, including his wife and six children, and in preparing and presenting his claims to relief from outside of detention.

59. Under 8 U.S.C. § 1226(a), noncitizens in full removal proceedings are entitled to seek redetermination of their custody status with an immigration judge and to show that they are neither a danger to the community nor a flight risk.

60. Respondents' decision to classify Petitioner as subject to mandatory detention under § 1225(b)(2) forecloses any meaningful opportunity for him to be heard on his custody classification, to contest his mis-designation as an "arriving alien," or to seek release on bond.

61. For all of these reasons, Respondents' actions in detaining Petitioner without any meaningful procedure to contest his inclusion in the mandatory-detention category violate his procedural due process rights under the Fifth Amendment.

FOURTH CAUSE OF ACTION

Administrative Procedure Act

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

63. Respondents' continued efforts to deny Petitioner bond, and their application of a no-bond § 1225(b)(2) regime to an interior resident in full removal proceedings, violate the INA, the APA, and the Constitution.

64. Applicable statutes, regulations, and case law provide the procedures by which a respondent in removal proceedings may seek bond redetermination by an immigration judge under § 1226(a).

65. By denying Petitioner any opportunity to return to his family or to pursue relief in a non-detained setting, where he can gather evidence and fully present his case, Respondents have effectively imposed a "no-review" regime without statutory authorization.

66. There is no legitimate time frame or process under which Petitioner can request meaningful DHS review of his custody decision, and his removal proceedings continue to move forward while he remains unlawfully detained.

67. Respondents' actions improperly alter substantive rules concerning custody and mandatory detention without required notice-and-comment rulemaking, and are contrary to 5 U.S.C. § 553.

68. Under the APA, this Court may hold unlawful and set aside agency action that is contrary to constitutional right, in excess of statutory jurisdiction, authority, or limitations, or otherwise not in accordance with law. Respondents' actions meet these criteria and must be set aside.

FIFTH CAUSE OF ACTION

Stay of Removal

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

70. The denial of a bond hearing followed by Petitioner's removal from the United States would cause him irreparable harm, including permanent separation from his family and the loss of his ability to pursue relief for which he is prima facie eligible.

71. This harm is exacerbated by the Government's misclassification of Petitioner as subject to mandatory detention, which has prevented him from securing release on bond while he litigates his claims.

72. A stay of removal is necessary to preserve the Court's jurisdiction, prevent mootness of Petitioner's claims, and protect his statutory and constitutional rights.

SIXTH CAUSE OF ACTION

Suspension Clause

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

74. If 8 U.S.C. § 1252 were construed to strip this Court of jurisdiction to review Petitioner's detention and custody classification, such a construction would be unconstitutional as applied because it would deny him any meaningful opportunity for judicial review of the lawfulness of his detention.

75. Under *Boumediene v. Bush*, relevant considerations in applying the Suspension Clause include: (1) the citizenship and status of the detainee and the adequacy of the process through which that status determination was made; (2) the nature of the sites of apprehension and detention; and (3) the practical obstacles inherent in resolving the prisoner's entitlement to the writ. *Boumediene v. Bush*, 553 U.S. 723, 766 (2008).

76. Petitioner satisfies these factors: he has long-standing ties to the United States and is pursuing statutory relief; he was apprehended and remains detained inside the United States; and there are no serious practical obstacles to adjudicating his entitlement to the writ.

77. There is no adequate alternative to habeas review. The immigration courts and BIA cannot adequately and expeditiously resolve the legality of his custody classification or the denial of bond process, and any purported alternative review would be illusory in practice.

78. To the extent § 1252 is interpreted to bar this Court's jurisdiction over his habeas challenge to detention, it violates the Suspension Clause as applied to Petitioner.

SEVENTH CAUSE OF ACTION

Injunctive Relief

79. Petitioner re-alleges and incorporates by reference each and every allegation contained in the above paragraphs of this Petition.

80. This Court has authority to enter temporary restraining orders and preliminary and permanent injunctions to preserve its jurisdiction, prevent irreparable harm, and ensure that federal agencies comply with the Constitution and laws of the United States.

81. Petitioner faces a substantial threat of irreparable injury if injunctive relief is not granted, including continued unlawful detention and the risk of removal before his claims are fully adjudicated.

82. Petitioner is likely to succeed on the merits of his claims that the Government has misapplied § 1225(b)(2), violated the Due Process Clause, and acted in excess of statutory authority.

83. The balance of harms favors Petitioner because an injunction will merely require Respondents to apply the proper custody statute and afford him bond process, while Respondents suffer no legally cognizable harm from complying with the law. In addition, Petitioner has resided in the United States for 24 years, has paid taxes, raised his family, and has never been arrested. His release would not harm Respondents in any way. **To the contrary, his continued detention only imposes unnecessary financial costs on Respondents.**

84. An injunction will serve, rather than disserve, the public interest by ensuring that the federal government respects statutory limits and constitutional protections in civil immigration detention.

IX. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this action.

2) Issue an order directing Respondents to show cause, pursuant to 28 U.S.C. § 2243, why the writ of habeas corpus should not be granted, and require an expedited return.

3) Grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody. Petitioner further requests that, upon release, Respondents not impose conditions of supervision more restrictive than those previously in place prior to his detention. Petitioner also requests that Respondents return all identification documents at the time of release and not retain any such documents, as withholding them would unnecessarily impede Petitioner's ability to work, travel to required appointments, comply with supervision, and otherwise resume his life.

4) In the alternative, order a prompt individualized custody hearing before a neutral adjudicator with authority to grant release, requiring the Government to justify continued detention by clear and convincing evidence and to address less restrictive alternatives.

5) Enjoin Respondents from transferring Petitioner outside the Western District of Texas while this action is pending.

6) Grant declaratory relief that Petitioner's continued detention without meaningful individualized custody review violates the Fifth Amendment and federal law.

7) Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security relating to Petitioner's detention and removal proceedings;

8) Declare that ICE's apprehension and detention of Petitioner was an unlawful exercise of authority, as ICE did not provide any justification that he presents a danger to the community or is a flight risk, and misclassified him under § 1225(b);

9) Award reasonable attorneys' fees and costs as permitted by law, including where available under the Equal Access to Justice Act, 28 U.S.C. § 2412[1].

10) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on January 28, 2026.

/s/ Georgia Santos Laurent
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Admitted and Qualified to Practice as an Attorney in the Western District of Texas
Attorney for Petitioner

[1] Petitioner acknowledges that the Fifth Circuit has held that attorney's fees are not recoverable in habeas corpus proceedings under the Equal Access to Justice Act, *Barco v. Witte*, 831 F.2d 427 (5th Cir. 1987), but submits that the issue merits reconsideration in the context of unlawful and prolonged civil immigration detention resulting from arbitrary, unlawful, and constitutionally infirm agency action. Petitioner further asserts that it costs the government significantly more to continue detaining Petitioner than to pay the reasonable attorney's fees incurred in litigating a habeas action to end that unlawful detention, and therefore requests an award of attorney's fees and costs to the extent permitted by law under 28 U.S.C. § 2412, or, in the alternative, that the Court preserve this issue for further review. This issue is ripe for decision in the 5th Circuit.

VERIFICATION OF COUNSEL

I, Georgia Santos Laurent, certify that I am familiar with the Petitioner's case and that the factual statements herein are true and correct to the best of my knowledge and belief.

/s/ Georgia Santos Laurent
Georgia Santos Laurent
Date: 01/28/2026

CERTIFICATE OF SERVICE

I certify that on January 28, 2026, I filed the foregoing via the Court's CM/ECF system, which will provide notice to all counsel of record.

/s/ Georgia Santos Laurent
Georgia Santos Laurent