UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

YOLANDA VASQUEZ-JUAREZ Petitioner-Plaintiff, v. **Todd M. Lyons,** Field Office Director U.S. Immigration and Customs Enforcement; **Rose Thompson,** Facility Warden Karnes County Immigration Processing Center, Respondents-Defendants	Civ. No. 5:26-cv-00509 DHS File Number: [redacted]

PETITIONER'S REPLY TO GOVERNMENT

IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Yolanda Vasquez-Juarez respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner does not challenge removal proceedings. She challenges civil incarceration without meaningful process.

I. INTRODUCTION

Ms. Vasquez-Juarez has resided in the United States for approximately nine-teen (19) years. She is the mother of three United States citizen children, ages 23, 20, and 19. She has no criminal history. She was arrested following a minor traffic stop and transferred directly to Immigration and Customs Enforcement ("ICE") custody.

She is now detained without:

- any individualized finding of danger,
- any finding of flight risk,
- any neutral custody determination, and
- any meaningful opportunity to contest confinement.

Immigration Judges in this jurisdiction, relying on Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), assert they lack bond jurisdiction over individuals whom DHS classifies as detained under 8 U.S.C. §1225(b)(2). Thus, Petitioner has no administrative avenue to seek release.

The Fifth Amendment does not permit automatic civil incarceration of a long-term resident inside the United States without meaningful process. Petitioner respectfully requests immediate release or, at minimum, a prompt custody redetermination hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is necessary.

II. JURISDICTION AND VENUE

This Court has jurisdiction under:

- 28 U.S.C. §2241(c)(3)
- 28 U.S.C. §1331
- 28 U.S.C. §§2201–2202

Petitioner is in federal custody in this District at the Karnes County Immigration Processing Center. Venue is proper under 28 U.S.C. §1391(e) and Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973). This petition challenges present detention—not removal—and therefore is not barred by 8 U.S.C. §§1252(b)(9) or 1252(g).

III. PARTIES

Petitioner is a native and citizen of Mexico detained by ICE at Karnes, Texas.

Respondent Todd M. Lyons is the ICE Field Office Director responsible for custody decisions in this District.

Respondent Rose Thompson is the Warden of the Karnes County Immigration Processing Center and Petitioner's immediate custodian.

IV. STATEMENT OF FACTS

1. Petitioner entered the United States without inspection in 2006.
2. She has continuously resided in the United States for approximately nine-teen years.
3. She is the mother of three United States citizen children.
4. She has no criminal history whatsoever.
5. She was arrested following a minor traffic stop.
6. She was transferred to ICE custody and remains detained.
7. Her Master Calendar Hearing is scheduled in Immigration Court.
8. She is eligible to seek Cancellation of Removal under INA §240A(b).

Despite overwhelming equities favoring release, ICE/DHS continues to detain her without individualized findings of danger or flight risk.

V. RESPONDENTS' AUTHORITIES DO NOT FORECLOSE RELIEF

Respondents present *Buenrostro-Mendez v. Bondi* and a string citation of district court decisions as though they collectively dispose of this case. They do not. The Government's position rests on three analytical errors: (1) conflating statutory authorization with constitutional sufficiency; (2) ignoring the statutory predicate required by §1225(b)(2)(A); and (3) relying on

distinguishable district court decisions that do not address Petitioner's as-applied due process claim.

Each defect independently defeats Respondents' argument.

A. *Buenrostro* Resolves a Statutory Classification Question—Not the Constitutional Question Presented Here

Buenrostro held that noncitizens present in the United States who have not been admitted qualify as "applicants for admission" subject to §1225(b)(2)(A). That is a statutory interpretation holding.

It did not hold:

- that federal courts lack habeas jurisdiction;
- that §1225 detention is constitutionally sufficient in every application;
- that prolonged detention without individualized findings is immune from Fifth Amendment scrutiny; or
- that district courts are prohibited from ordering constitutional process.

The Government collapses statutory authority into constitutional sufficiency. That conflation is doctrinally unsound.

The Supreme Court has repeatedly held that statutory authorization does not eliminate constitutional review. See *Zadvydas v. Davis*, 533 U.S. 678 (2001) (limiting statutorily authorized detention on due process grounds); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (declining to rewrite statute but preserving constitutional challenges); *Demore v. Kim*, 538 U.S. 510 (2003) (upholding detention in part based on limited duration).

Even assuming §1225(b)(2) applies, detention must still comport with the Fifth Amendment as applied. That is the question before this Court.

B. Respondents Have Not Established the Statutory Predicate Required by §1225(b)(2)(A)

Section 1225(b)(2)(A) mandates detention only:

"*if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted.*" The statute requires a predicate determination.

Respondents' brief identifies no examining officer, no date, no inspection record, no I-213 language, and no custody worksheet demonstrating that this statutory condition precedent was satisfied in Petitioner's case. Entry without inspection does not automatically establish that §1225(b)(2)(A) was properly invoked.

Habeas review is record-based. The Government bears the burden of justifying custody. None of the cases cited by Respondents eliminated that burden; most assumed the predicate was either undisputed or documented in the administrative record. Absent proof that the statutory trigger was satisfied here, mandatory detention under §1225(b)(2)(A) cannot be sustained.

C. The District Court Cases Cited by Respondents Are Distinguishable

Respondents cite numerous district court decisions nationwide. Those authorities fall into three categories, none of which forecloses relief here.

1. <u>Pure Statutory Interpretation Cases</u>

Decisions such as *Singh v. Noem*, *Cruz Rodriguez v. Olson*, and *Zuniga v. Lyons* apply *Buenrostro*'s statutory reasoning to hold that §1225 governs certain detainees. They do not engage in meaningful '*Mathews v. Eldridge*' balancing. In addition, they do not analyze the prolonged detention of long-term residents inside the United States. They do not resolve the, as-applied

constitutional question, presented here. They simply address statutory language and classification. They do not touch the purview of this court, constitutional sufficiency.

2. Short-Duration Detention Cases

Several cited cases involve detention periods measured in weeks or brief months. Duration is constitutionally significant. In *Demore*, the Supreme Court relied heavily on the limited and finite nature of detention. Where detention extends beyond initial administrative processing and occurs without individualized findings of danger or flight risk, constitutional scrutiny intensifies. Respondents' short-duration cases do not control here.

3. Different Procedural Postures

Other cited cases involve materially different contexts: border apprehensions, parole revocations, expedited removal transfers, or clearly documented inspection determinations. Petitioner was arrested after a traffic stop following twenty-one years of residence inside the United States. She is not challenging admission at the border; she challenges continued civil confinement without individualized process. That factual distinction matters under Fifth Amendment analysis.

D. None of Respondents' Authorities Eliminates As-Applied Due Process Review

Respondents quote *Buenrostro*'s observation that *Zadvydas* does not directly apply to detention during removal proceedings. That statement rejects importing a six-month post-removal-order presumption. It does not hold that §1225 detention is categorically immune from constitutional scrutiny. No cited case holds that detention under §1225(b)(2) can never violate due process as applied.

Under *Mathews v. Eldridge*, this Court must weigh:

1. Petitioner's liberty interest;
2. The risk of erroneous deprivation under existing procedures; and
3. The Government's interest.

Here, the Petitioner is a nine-teen-year resident, mother of three U.S. citizen children, with no criminal history, detained without any individualized custody determination. The risk of erroneous deprivation under an automatic no-bond regime is substantial.

Respondents' authorities do not foreclose that analysis.

E. The Narrow Relief Requested Is Fully Consistent with Governing Law

Petitioner does not ask this Court to invalidate §1225(b)(2) or overrule *Buenrostro*. She seeks the minimum constitutional safeguard: a prompt individualized custody determination at which the Government bears the burden of proving that continued detention is necessary. That remedy is consistent with habeas principles and Supreme Court precedent governing civil confinement. Respondents' citation block does not compel denial.

VI. EXHAUSTION IS EXCUSED AS FUTILE

Respondents may argue Petitioner must seek bond before the Immigration Court and appeal to the BIA. That remedy is unavailable. Under Matter of Yajure-Hurtado, Immigration Judges in this jurisdiction assert they lack bond jurisdiction over individuals DHS classifies under §1225(b)(2). Because Petitioner entered without inspection, DHS categorizes her as falling under §1225(b)(2).

Thus:

- The Immigration Court lacks authority to provide relief.
- Administrative remedies are functionally unavailable.
- Exhaustion would be futile.

A detainee is not required to pursue remedies the agency claims it lacks power to grant.

VII. STATUTORY PREDICATE FOR §1225(b)(2) HAS NOT BEEN ESTABLISHED

Even assuming the Government invokes §1225(b)(2), that statute mandates detention only:

"if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted."

8 U.S.C. §1225(b)(2)(A).

Respondents have not identified:

- The examining officer
- The date of the determination
- The document memorializing it
- Any custody record establishing the statutory predicate

Entry without inspection does not automatically satisfy the statutory trigger.

Habeas requires the Government to justify custody on the record. If Respondents cannot demonstrate that §1225(b)(2)(A) was properly invoked, detention is unauthorized.

At minimum, the Court should order production of the custody record establishing the legal authority for detention.

VIII. EVEN IF §1225(b)(2) APPLIES, DETENTION AS APPLIED VIOLATES THE FIFTH AMENDMENT

A. Physical Presence Inside the United States Triggers Due Process Protections

Petitioner was arrested inside the United States after residing here for nine-teen years.

She was not apprehended at the border and is not seeking initial admission.

The Fifth Amendment applies to all persons within the United States, including noncitizens.

This case concerns detention during removal proceedings—not admission at the border.

B. Mathews v. Eldridge Balancing Requires Additional Process

Under Mathews v. Eldridge, 424 U.S. 319 (1976), courts weigh:

1. The private interest affected
2. The risk of erroneous deprivation
3. The government's interest

1. Private Interest — Exceptionally Strong

Petitioner's liberty interest is profound:

- 19 years in the United States
- Three U.S. citizen children
- No criminal history
- Strong community ties
- Eligibility for relief

Freedom from physical restraint lies at the core of the Due Process Clause.

2. Risk of Erroneous Deprivation — High

Under the current regime:

- No neutral adjudicator reviews custody
- No individualized findings exist
- Detention is automatic
- Immigration Judges deny jurisdiction

This creates a substantial risk of erroneous deprivation of liberty.

3. Government Interest — Adequately Protected Through Less Restrictive Means

The Government's interests in ensuring appearance and protecting the community can be protected through:

- Bond
- Electronic monitoring
- Reporting requirements
- Conditions of release

Automatic incarceration is not narrowly tailored. The Government's interests are sufficiently safe guarded in that the Petitioner's rights and remedies are still being presented to the Immigration Court. Should that Court decide that the Petitioner is removable/deportable, the Government may still do so, irrespective of the determination of this court's holding on the Writ matter.

IV. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Grant the writ and order immediate release;
2. Alternatively, order immediate release under reasonable supervision conditions.

This is the minimum constitutional process required.

X. CONCLUSION

This case presents a straightforward constitutional question:

May the Government incarcerate a long-term resident inside the United States without any meaningful individualized custody determination? The Fifth Amendment answers that question in the negative. For the foregoing reasons, Petitioner respectfully requests that this Court grant the writ of habeas corpus or, at minimum, order a prompt custody hearing consistent with due process.

Respectfully submitted,

/s/ Rodolfo Castillo
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2026, I electronically filed the foregoing petitioner's reply to government in support of emergency petition for writ of habeas corpus with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served upon:

Rose Thompson, Warden
Karnes County Immigration Processing Center,
409 FM 1144
Karnes City, TX 78118
and

Todd M Lyons
ICE Acting Director
500 12th Street, SW
Washington, DC 20536

Respectfully submitted,

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