UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Ricardo Castaneda-Barrientos Petitioner-Plaintiff, v. **Todd M. Lyons,** Acting Director U.S. Immigration and Customs Enforcement; **Rose Thompson,** Warden Karnes County Immigration Processing Center, Respondent-Defendants	Civ. No. 5:26-cv-00516 DHS File Number: [redacted]

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

I. INTRODUCTION

Petitioner **Ricardo Castaneda-Barrientos**, by counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued civil immigration detention as unlawful and unconstitutional.

Petitioner has been unlawfully detained by the Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE") since **December 4, 2025**, despite his eligibility for relief from removal and despite the absence of any criminal history, danger, or flight risk. Petitioner entered the United States without inspection on or about **2008** and has continuously resided in this country for approximately **16 years.** He is currently detained at the **Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, Texas.**

Petitioner requested a bond hearing, which was conducted on **January 7, 2026**. The Immigration Judge denied bond, asserting a lack of jurisdiction, classifying Petitioner as an

"applicant for admission", citing *Matter of Hurtado 29 I&N Dec 216 (BIA 2025)*. Petitioner remains detained without individualized findings, despite having no criminal record, long duration of residence in the U.S., and qualifying **Cancellation of Removal for Certain Non-Permanent Residents under INA § 240A(b) (42B),** by having five minor **United States citizen children** who qualify as a statutory qualifying relatives. This Petition challenges Petitioner's prolonged, unnecessary, and unconstitutional civil detention and seeks immediate release or, in the alternative, a prompt and constitutionally adequate custody hearing with the burden of proof on the government.

II. JURISDICTION & VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. Jurisdiction is also proper under **28 U.S.C. § 1331** and **28 U.S.C. §§ 2201–2202.**
3. Venue lies in this District pursuant to **28 U.S.C. § 1391(e)** and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise control over him here.

III. PARTIES

4. Petitioner **Ricardo Castaneda-Barrientos** is a native and citizen of Mexico who has resided in the United States since approximately 2008. He is currently detained by ICE.
5. **Respondent Todd M Lyons** is the **ICE Acting Director,** legal custodian of Petitioner and is named in his official capacity.
6. **Respondent Rose Thompson, Facility Warden** of Karnes County Residential Center and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

7. Petitioner entered the United States without inspection in or around 2008 and has lived continuously in Texas for over sixteen years.

8. He is married and the father of seven children, five of whom are United States citizens residing in San Antonio, Texas, and who qualify as a statutory qualifying relative for purposes of INA § 240A(b).
9. Petitioner has no criminal history. He has been self-employed in construction and landscaping and has extensive family and community ties.
10. On January 7, 2026, an Immigration Judge in Pearsall denied bond, concluding that Petitioner was an "arriving alien" and that the Immigration Court lacked jurisdiction to grant bond under *Matter of Yajure-Hurtado*.
11. Petitioner remains detained **without any individualized finding that he poses a danger or flight risk.**

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

12. Civil immigration detention is governed primarily by **INA § 236(a), 8 U.S.C. § 1226(a),** which permits discretionary detention only when justified by individualized findings.
13. Prolonged civil detention is subject to the Due Process Clause of the Fifth Amendment and must be **justified by individualized findings** of danger or flight risk. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

VI. ARGUMENT

A. Petitioner's Continued Detention Is Unlawful Under § 1226(a) and Violates Due Process

14. Petitioner has no criminal history, strong community ties, and is eligible for relief yet remains detained without a finding of danger or flight risk
15. The Due Process Clause prohibits prolonged detention unless the government shows, by clear and convincing evidence, that such detention is justified. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005). Where detention is no longer reasonably related to its purported purpose, it becomes punitive and unconstitutional.
16. ICE has failed to make any individualized findings justifying continued detention. Continued confinement without such findings exceeds statutory authority under **INA § 236(a).**

B. Immigration Court Jurisdictional Limits Do Not Bar Federal Habeas Relief

17. *Matter of Hurtado*, 21 I&N Dec. 609 (BIA 1996), is limited to immigration courts' jurisdiction over bond, not federal habeas courts' power to review the legality of detention.

18. The federal district court has independent habeas corpus jurisdiction under **28 U.S.C. § 2241,** regardless of immigration court limitations. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

19. Continued reliance on *Matter of Hurtado* to deny Petitioner relief violates basic due process principles, leading to indefinite detention without review. See also *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).; *Judulang v. Holder*, 565 U.S. 42 (2011) (agency decisions must be lawful and reasonable).

C. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Hearing

20. If immediate release is not granted, due process requires a bond hearing where DHS bears the burden of proof. *See Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (N.D. Cal. 2019).

VII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

21. Petitioner incorporates all preceding paragraphs.

22. Respondents are detaining Petitioner in violation of the Fifth Amendment.

COUNT II – Declaratory Relief

23. A declaration is warranted that Petitioner's continued detention is unlawful, without statutory authority, and violated Due Process.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. GRANT this Petition for Writ of Habeas Corpus;
B. ORDER Petitioner's immediate release from ICE custody;
C. In the alternative, order a prompt custody hearing with the burden on DHS:
D. Grant any other relief the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo
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X. SIGNATURE & VERIFICATION

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I and others working under my supervision have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on 01/29/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

1. **Exhibit A** – Petitioner's Passport and New Mexico driver's license
2. **Exhibit B** – Petitioners US citizen kids birth certificates
3. **Exhibit C** – IJ Order – bond denial
4. **Exhibit D – Attorney Declaration** authenticating Exhibits A–C, submitted in support of the Emergency Petition for Writ of Habeas Corpus.