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]

PETITIONER'S REPLY TO GOVERNMENT

IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Ricardo Castaneda-Barrientos ("Petitioner"), by counsel, respectfully files this Reply in support of his Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1), and in response to Respondents' "Response to Petition for Writ of Habeas Corpus Considering Recent Fifth Circuit Precedent" (ECF No. 6). For the reasons below, the Court should grant habeas relief and order immediate release, or at minimum enter a hearing-or-release order requiring a prompt, constitutionally adequate custody hearing at which the Government bears the burden to justify continued detention.

I. INTRODUCTION

Respondents argue Petitioner is subject to "mandatory detention" under 8 U.S.C. § 1225(b)(2)(A) and that this Court must deny relief based on the Fifth Circuit's recent decision in Buenrostro-Mendez v. Bondi, No. 25-20496 (5th Cir. Feb. 6, 2026).

Petitioner does not dispute that Buenrostro addresses the statutory classification question—i.e., whether certain noncitizens present in the United States without lawful admission may be treated as "applicants for admission" for purposes of § 1225(b)(2)(A). But Respondents overread Buenrostro to claim it forecloses the distinct and core habeas issue here: whether Petitioner's ongoing civil incarceration without any individualized custody determination is lawful and constitutional as applied.

However, the supreme law of the land as established by the U.S. Supreme Court has made clear that immigration detention statutes do not necessarily contain an implied bond-hearing requirement as a matter of statutory interpretation; however, the Court has equally made clear that constitutional challenges to detention remain available in habeas. Jennings v. Rodriguez remanded for consideration of constitutional claims after rejecting the Ninth Circuit's statutory construction. In addition, the Supreme Court has repeatedly reaffirmed federal habeas jurisdiction to review immigration detention and to grant effective relief where detention violates the Constitution or laws of the United States. Demore v. Kim; Zadvydas v. Davis; INS v. St. Cyr.

Petitioner has been detained since December 4, 2025 (over two months as of filing and longer now), has no criminal history, has extraordinary community ties, and has a strong claim for relief (including eligibility for non-LPR cancellation under INA § 240A(b) based on five U.S. citizen children). (ECF No. 1 at ¶¶ 7–11.) An Immigration Judge denied bond on January 7, 2026 solely for asserted "lack of jurisdiction" under Matter of Yajure-Hurtado, not based on any individualized findings of danger or flight risk. (ECF No. 1 at ¶ 10; Exh. C.)

On this record, the Court should reject Respondents' attempt to convert a statutory label into a constitutional blank check for prolonged incarceration without neutral review.

II. RESPONDENTS' THRESHOLD RELIANCE ON BUENROSTRO DOES NOT DEFEAT AS-APPLIED HABEAS RELIEF

A. Buenrostro does not hold that prolonged detention without an individualized custody hearing is constitutional in all circumstances

Respondents assert Buenrostro "requires" denial. (ECF No. 6 at 1–3.) That is incorrect. Buenrostro primarily resolves a statutory interpretation dispute about whether § 1225(b)(2)(A) can apply to certain noncitizens present in the United States who were never lawfully admitted. It does not decide—nor could it categorically decide—the distinct constitutional question presented by this habeas petition: whether continued civil detention without any individualized custody determination violates the Due Process Clause as applied to a long-term U.S. resident with deep ties and no criminal history.

The Supreme Court's decision in Jennings is dispositive on this point: while Jennings rejected a statutory reading requiring periodic bond hearings, it left constitutional challenges open and remanded for their consideration. Thus, even if Respondents are correct that § 1225(b)(2)(A) governs as a matter of statutory label, Petitioner may still seek habeas relief where detention becomes arbitrary, excessive, or punitive in effect.

B. The Government's "mandatory means no judicial remedy" argument conflicts with Supreme Court habeas jurisprudence

Respondents' approach effectively reads "shall be detained" as "shall be detained with no constitutional backstop and no meaningful habeas remedy." That cannot be reconciled with Supreme Court precedent confirming that federal courts retain habeas jurisdiction over civil immigration detention and may provide effective relief. Demore held that § 1226(e) does not strip habeas jurisdiction over detention challenges, emphasizing that congressional limits on review require clear statements and do not erase habeas by implication. Zadvydas reaffirmed that habeas is the "basic method" for obtaining review of unlawful immigration custody. And St. Cyr

underscores the longstanding availability of habeas review in the immigration context absent a clear congressional statement.

Accordingly, this Court may grant habeas relief even where the Government invokes a mandatory-detention statute, if detention is unlawful or unconstitutional as applied.

III. RESPONDENTS' EXHAUSTION ARGUMENT FAILS (AND IS IRRELEVANT TO THE RELIEF SOUGHT)

Respondents contend Petitioner failed to exhaust administrative remedies. (ECF No. 6 at 9–10.) That argument fails for at least three independent reasons.

A. Petitioner sought a bond hearing and was denied on jurisdictional grounds—making further "bond exhaustion" futile under Respondents' own theory

Petitioner requested bond; the Immigration Judge denied bond because the court purportedly lacked jurisdiction under Matter of Yajure-Hurtado. (ECF No. 1 at ¶ 10; Exh. C.) Respondents simultaneously argue that Yajure-Hurtado and § 1225(b)(2)(A) bar bond hearings for individuals in Petitioner's position. Having taken the position that the immigration court lacks power to provide the relief, Respondents cannot credibly demand further exhaustion as a prerequisite to federal habeas review of unlawful custody.

B. Exhaustion in § 2241 detention habeas is, at most, prudential and is excused where detention causes ongoing irreparable harm and presents legal/constitutional questions

Even where courts apply exhaustion principles in § 2241, they are prudential and may be excused for futility, irreparable injury, or purely legal issues, especially where the petitioner remains in custody. Petitioner challenges the lawfulness and constitutionality of continued detention now; habeas exists for precisely that purpose.

C. Respondents' reliance on § 1226(e) is misplaced and does not bar habeas review of detention legality

Respondents cite § 1226(e) to argue district courts lack jurisdiction over bond matters. (ECF No. 6 at 9–10.) But Demore squarely rejected the notion that § 1226(e) deprives courts of jurisdiction to hear habeas challenges to detention. Moreover, Respondents primarily claim Petitioner is detained under § 1225, not § 1226; § 1226(e) is therefore a non-sequitur. In any event, Petitioner does not ask this Court to "review a discretionary judgment" about bond; he asks the Court to remedy unlawful custody.

IV. RESPONDENTS' DUE PROCESS SECTION MISUSES THURAISSIGIAM AND DOES NOT ANSWER THE REAL CONSTITUTIONAL PROBLEM HERE

A. Thuraissigiam is inapposite: it concerns expedited removal review limits, not prolonged civil detention in § 1229a proceedings

Respondents invoke DHS v. Thuraissigiam to suggest that "applicants for admission are entitled only to statutory protections." (ECF No. 6 at 10.) But Thuraissigiam addressed the constitutionality of Congress limiting habeas review for an individual placed in expedited removal seeking additional asylum process. This case is different in kind: Petitioner is detained in the interior pursuant to a Notice to Appear and placed into full § 1229a removal proceedings, and the deprivation challenged is not the scope of review of an expedited removal order but rather ongoing physical confinement without an individualized custody justification.

Thuraissigiam does not hold that the Executive may confine a long-term resident for a prolonged period without any neutral custody determination.

B. Respondents' "Zadvydas doesn't apply" argument misses the point: due process limits prolonged civil detention regardless of statutory label

Respondents argue (via Buenrostro) that Zadvydas does not apply. (ECF No. 6 at 10–11.) Even if Zadvydas arose under a different detention statute, its constitutional premise remains controlling: freedom from physical restraint lies at the core of Fifth Amendment liberty, and civil detention must remain reasonably related to a legitimate purpose and not become arbitrary.

Petitioner's claim is not that § 1225 contains an implied six-month limit by statutory construction; it is that as applied to Petitioner, prolonged civil incarceration without an individualized custody determination violates due process. Jennings confirms this Court may and should reach that constitutional question.

C. Respondents offer no individualized justification for Petitioner's continued detention

Critically, Respondents do not contend Petitioner is dangerous or a flight risk. They rely instead on a categorical position: "mandatory detention." But due process is not satisfied by a label where detention becomes unmoored from individualized necessity. Petitioner has no criminal history, has extensive family ties including five U.S. citizen children, and has lived in Texas for approximately sixteen years. (ECF No. 1 at ¶¶ 7–11.) The IJ did not deny bond based on individualized evidence; the IJ denied bond for lack of jurisdiction. (Id. ¶ 10; Exh. C.) This is precisely when habeas relief is appropriate.

V. PETITIONER'S PROLONGED DETENTION INDEPENDENTLY VIOLATES DUE PROCESS

Even assuming arguendo that Petitioner's detention is authorized in the first instance under 8 U.S.C. § 1225(b)(2)(A), the Constitution imposes independent limits on the duration and justification of civil detention. Prolonged immigration detention without an individualized custody determination violates the Due Process Clause when it becomes excessive in relation to its purported purpose.

A. Prolonged Civil Detention Requires Heightened Constitutional Scrutiny

The Supreme Court has repeatedly held that civil detention, particularly detention that is not tied to punishment, must remain reasonably related to a legitimate governmental purpose and may not become arbitrary or punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). When

detention extends beyond a brief period and is imposed without individualized justification, due process concerns intensify.

In *Demore v. Kim*, the Supreme Court upheld mandatory detention only after emphasizing that detention under the statute at issue was "brief" and had a definite termination point. 538 U.S. 510, 529–30 (2003). The Court expressly distinguished prolonged or indefinite detention and reaffirmed that habeas review remains available where detention exceeds constitutional bounds. Id. at 517.

Here, Petitioner has been detained since December 4, 2025, with no end date, no individualized custody determination, and no finding of danger or flight risk. This is precisely the type of prolonged, non-individualized detention that triggers constitutional scrutiny under *Zadvydas* and *Demore*.

B. Detention Has Become Excessive and Unmoored from Its Purported Purpose

Civil immigration detention serves two legitimate purposes: ensuring appearance at proceedings and protecting the community. Where neither purpose is supported by evidence, continued detention becomes excessive and unconstitutional. Respondents do not allege—nor could they—that Petitioner poses a danger to the community or a risk of flight. Petitioner has:

- No criminal history;
- Sixteen years of continuous residence in Texas;
- Five United States citizen children;
- Not a flight risk;
- No threat to safety or the community
- Extensive family, employment, and community ties; and
- A strong, non-frivolous claim for relief from removal. (ECF No. 1 at ¶¶ 7–11.)

The Immigration Judge did not deny bond based on any individualized assessment. Instead, bond was denied solely on a perceived lack of jurisdiction. (Id. ¶ 10; Exh. C.) As a result, Petitioner has never received a neutral determination that detention is necessary to serve a legitimate governmental interest. When detention persists solely because of a statutory label, rather than individualized necessity, it ceases to be regulatory and becomes punitive in effect—violating the Fifth Amendment.

C. Prolonged Detention Without Individualized Review Is Unconstitutional Regardless of Statutory Label

Respondents' position would allow the Government to detain a noncitizen indefinitely, without a hearing, based purely on classification as an "applicant for admission." The Supreme Court has never endorsed such a result.

Jennings v. Rodriguez confirms that while courts may not rewrite detention statutes to impose bond hearings as a matter of statutory interpretation, constitutional challenges to prolonged detention remain available in habeas. 583 U.S. ___ (2018). Thus, even if § 1225(b)(2)(A) applies, it does not authorize detention that violates due process as applied.

Nor does *Buenrostro-Mendez v. Bondi* hold otherwise. *Buenrostro* addresses who may be detained under § 1225; it does not approve prolonged detention without individualized custody review, nor does it eliminate constitutional constraints on the duration of civil confinement.

D. Habeas Relief Is Required Where Prolonged Detention Lacks Constitutional Justification

Federal courts retain both the authority and the obligation to remedy unconstitutional detention through habeas corpus. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). Where detention becomes prolonged and unsupported by individualized findings, habeas relief may include release or a conditional order requiring a prompt custody hearing with the burden on the

Government. Because Petitioner's detention has become prolonged, unnecessary, and unsupported by any individualized justification, it violates due process and independently warrants habeas relief.

V. RESPONDENTS' RELIANCE ON MATTER OF YAJURE-HURTADO DOES NOT LIMIT THIS COURT'S HABEAS POWER

Respondents cite Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), for the proposition that IJs lack bond authority over certain § 1225 detainees. Even if that is correct as a matter of agency jurisdiction, it does not resolve this Court's task under 28 U.S.C. § 2241: determining whether Petitioner's custody violates the Constitution or laws of the United States. Agency precedent may speak to the limits of immigration court bond authority; **it cannot eliminate** Article III habeas jurisdiction or immunize unconstitutional custody. Demore, Zadvydas, and St. Cyr foreclose any suggestion that immigration detention is categorically unreviewable in habeas.

VI. RESPONDENTS' APA/HABEAS DISCUSSION DOES NOT DEFEAT RELIEF

Respondents argue that APA claims are not cognizable in habeas. (ECF No. 6 at 11–12.) Petitioner primarily challenges the fact and legality of detention and seeks release or a constitutionally adequate custody process—relief squarely cognizable under § 2241. To the extent any non-habeas theory is pled, the Court may treat it as alternative support or simply resolve the case on habeas grounds. Either way, the existence of additional labels is not a reason to deny a detainee relief from unconstitutional custody. To do so would strain legal logic in order to placate the government's weak arguments that they seem to throw against the proverbial legal "wall" of authorities, to see what sticks.

VII. REMEDY

Petitioner respectfully requests that the Court grant the writ and order immediate release. Alternatively, the Court should enter a hearing-or-release order requiring a prompt custody hearing before a neutral adjudicator where the Government bears the burden to justify continued detention with evidence of danger or flight risk, and where release is ordered absent such showing within a fixed timeframe.

This form of conditional habeas relief is consistent with the historic function of habeas and the Supreme Court's recognition that constitutional challenges to immigration detention remain available even where the statute does not itself create a bond-hearing right by interpretation.

VIII. CONCLUSION

Respondents have failed to explain—let alone establish—why *Buenrostro-Mendez v. Bondi* operates as a bar to Petitioner's request for relief through habeas corpus as authorized by the United States Supreme Court. *Buenrostro* addresses statutory classification under the INA; it does not confer constitutional immunity from judicial review of prolonged civil detention, nor does it eliminate the federal courts' habeas authority to remedy unlawful custody. Respondents cite no binding authority holding that a statutory designation under 8 U.S.C. § 1225 extinguishes due process protections or permits indefinite civil incarceration without individualized justification.

Supreme Court precedent makes the governing principles clear. *Jennings v. Rodriguez* expressly preserves constitutional challenges to immigration detention notwithstanding the absence of a statutory bond-hearing requirement. *Zadvydas v. Davis* confirms that civil immigration detention is subject to substantive due process constraints and may not become arbitrary or punitive. *Demore v. Kim* and *INS v. St. Cyr* reaffirm that federal courts retain habeas

jurisdiction to review the legality of immigration detention and to order effective relief where constitutional limits are exceeded.

Because Petitioner's continued detention is unsupported by any individualized finding of danger or flight risk, and because Respondents rely solely on a statutory label rather than constitutional justification, Petitioner's custody is unlawful as applied. Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus, order Petitioner's immediate release, or, in the alternative, order a prompt and constitutionally adequate custody hearing at which the Government bears the burden of justifying continued detention, together with such other and further relief as the Court deems just and proper.

Respectfully submitted,

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(Controlling and Primary Persuasive Authority)

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Constitutional challenges to immigration detention remain available in habeas

Demore v. Kim,
538 U.S. 510 (2003) 3, 9–11, 15
Mandatory detention statutes do not strip habeas jurisdiction

Zadvydas v. Davis,
533 U.S. 678 (2001) 3–4, 12–14
Due process limits prolonged civil immigration detention

INS v. St. Cyr,
533 U.S. 289 (2001) 3–4, 10, 15–16
Suspension Clause protects habeas review absent clear congressional repeal

Dep't of Homeland Sec. v. Thuraissigiam,
591 U.S. ___ (2020) 11–13
Limited to expedited-removal review; does not authorize prolonged detention without custody review

Fifth Circuit

Buenrostro-Mendez v. Bondi,
No. 25-20496, ___ F.4th ___ (5th Cir. Feb. 6, 2026) 1–3, 5–9
Statutory classification under § 1225(b)(2)(A); does not resolve as-applied constitutional habeas claims

Administrative Authority (Non-Binding on Article III Courts)

Matter of Yajure-Hurtado,
29 I. & N. Dec. 216 (B.I.A. 2025) 6–7, 15
Limits IJ bond jurisdiction; does not constrain federal habeas power

CONTROLLING AUTHORITY SUMMARY

This habeas action is governed by settled Supreme Court precedent recognizing the continued availability of federal habeas review over immigration detention and the constitutional limits on prolonged civil confinement, as well as recent Fifth Circuit authority addressing statutory classification under the Immigration and Nationality Act ("INA"). Properly understood, these authorities compel the conclusion that statutory detention under 8 U.S.C. § 1225(b)(2)(A) does not foreclose as-applied constitutional habeas relief.

1. Buenrostro-Mendez v. Bondi (5th Cir. 2026) — Statutory Classification, Not Constitutional Immunity

In Buenrostro-Mendez v. Bondi, No. 25-20496, ___ F.4th ___ (5th Cir. Feb. 6, 2026), the Fifth Circuit held that certain noncitizens physically present in the United States who were never lawfully admitted may be treated as "applicants for admission" and detained under 8 U.S.C. § 1225(b)(2)(A) pending removal proceedings. Buenrostro resolves a statutory interpretation question regarding the scope of § 1225; it does not hold that prolonged detention without individualized custody review is constitutionally permissible in all circumstances, nor does it eliminate federal habeas jurisdiction. Buenrostro therefore does not foreclose as-applied constitutional challenges to continued detention.

2. Jennings v. Rodriguez — Constitutional Claims Remain Available in Habeas

In Jennings v. Rodriguez, 583 U.S. ___ (2018), the Supreme Court rejected a statutory construction requiring periodic bond hearings under §§ 1225 and 1226, but expressly left open constitutional challenges to immigration detention, remanding those claims for adjudication. Jennings confirms that even where the INA does not itself provide a bond-hearing mechanism, ***federal courts retain authority to decide whether detention violates the Constitution as applied.***

3. Demore v. Kim and Zadvydas v. Davis — Due Process Limits and Habeas Jurisdiction

In Demore v. Kim, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention under § 1226(c) in part because such detention was described as *brief and finite,* and the Court reaffirmed that immigration statutes do not strip habeas jurisdiction over detention challenges. In Zadvydas v. Davis, 533 U.S. 678 (2001), the Court held that civil immigration detention is subject to due process limits and must bear a reasonable relationship to its purpose; prolonged detention without adequate justification raises serious constitutional concerns. Together, these cases establish that civil detention cannot be arbitrary or punitive and remains subject to habeas review.

4. INS v. St. Cyr and the Suspension Clause — Habeas as a Constitutional Backstop

In INS v. St. Cyr, 533 U.S. 289 (2001), the Supreme Court emphasized that habeas corpus occupies a central role in immigration law and may not be curtailed absent a clear congressional statement, consistent with the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. Courts must retain the power to correct detention that rests on an erroneous application of law or violates constitutional guarantees.

5. DHS v. Thuraissigiam — Limited and Inapposite

Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. ___ (2020), addressed limits on habeas review of expedited removal determinations. It does not authorize prolonged physical detention without individualized custody justification and does not govern habeas challenges to ongoing civil incarceration in full § 1229a removal proceedings.

Conclusion

Binding Supreme Court precedent and Fifth Circuit law establish that while § 1225(b)(2)(A) may authorize detention as a statutory matter, it does not eliminate federal habeas jurisdiction or constitutional constraints. Where, as here, detention is prolonged and imposed without any individualized finding of danger or flight risk, the Court retains authority—and responsibility—to grant habeas relief, including release or a prompt constitutionally adequate custody hearing.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th 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:

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