FILED
JAN 23 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CHHABI LAL BOHARA
A-Number: [redacted]
Petitioner, Pro Se,

SA26CA0533OG

v.

TROY MILLER, Acting Commissioner,
U.S. Immigration and Customs Enforcement;
U.S. DEPARTMENT OF HOMELAND SECURITY;
WARDEN, SOUTH TEXAS DETENTION COMPLEX,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. §2241
WITH MANDATORY §2243 ENFORCEMENT
AND ADMINISTRATIVE PROCEDURE ACT CLAIMS

INTRODUCTION

This is a civil action challenging ongoing unlawful immigration detention. Petitioner has been detained continuously for over one year after a border apprehension, without a final order of removal, without any attempt to deport, and without meaningful progress toward resolution.

Petitioner's continued detention is not authorized by statute, violates the Due Process Clause, and constitutes unlawful agency action under the Administrative Procedure Act ("APA"). Once illegality is shown, 28 U.S.C. §2243 mandates immediate judicial action. Continued detention cannot lawfully persist.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. §§2241 and 1331.
2. This Court has authority to enforce 28 U.S.C. §2243, which governs habeas procedure and mandates prompt judicial action.
3. Venue is proper because Petitioner is detained within this District.

PARTIES

4. Petitioner is Chhabi Lal Bohara, a civil immigration detainee currently held at the South Texas Detention Complex in Pearsall, Texas.
5. Respondents exercise custody and control over Petitioner and are responsible for the legality of his detention.

FACTUAL BACKGROUND

6. Petitioner is a citizen of Nepal.
7. He entered the United States in January 2025 and was apprehended at the border.
8. He was immediately taken into ICE custody and has remained detained continuously since that time.
9. Petitioner has never been released, paroled, or granted bond.
10. Petitioner has no final order of removal.
11. Petitioner is **seeking asylum** and remains in active immigration proceedings.
12. DHS has never attempted to deport Petitioner to his home country.
13. Petitioner has appeared for multiple scheduled immigration court hearings.
14. Each hearing has been postponed by the government because the immigration court failed to provide an interpreter for Petitioner's language.
15. These delays were not caused by Petitioner.
16. As of today, Petitioner has been detained for over twelve months with no lawful endpoint.

DETENTION POSTURE AND STATUTORY FAILURE

17. DHS purports to hold Petitioner under INA §235 authority.
18. Civil detention under §235 is not unlimited and must remain reasonably related to its regulatory purpose.
19. Where detention becomes prolonged, indefinite, or disconnected from removal or adjudication, continued custody becomes unlawful.
20. Petitioner's detention persists solely because the government has failed to conduct proceedings competently, not because removal is imminent or lawful.

PROCEDURAL DUE PROCESS VIOLATION

(Interpreter Failure & Government-Created Delay)

21. The Due Process Clause guarantees meaningful access to immigration proceedings.
22. The government bears the obligation to provide language interpretation sufficient to allow participation.
23. Petitioner's immigration court hearings have been **continued approximately ten (10) to twelve (12) times over the course of one year**, each time due to the government's failure to provide an interpreter for Petitioner's language.
24. The government may not detain a person indefinitely due to its own administrative failure.
25. Detention caused by systemic interpreter failure is arbitrary, punitive, and unconstitutional.
26. Continued custody under these circumstances violates procedural due process.

PROLONGED CIVIL DETENTION

(Unlawful and Punitive)

27. Petitioner has been detained for over one year.
28. There is no final order of removal.
29. There is no imminent deportation.
30. There is no individualized custody justification.
31. Detention has lost any regulatory purpose and has become punitive in effect.
32. Prolonged civil detention without progress or justification violates due process.

ADMINISTRATIVE PROCEDURE ACT CLAIMS

COUNT I – Agency Action in Excess of Statutory Authority
(5 U.S.C. §706(2)(C))

33. DHS lacks statutory authority to continue detention under these circumstances.

34. Continued custody exceeds the limits of civil detention authorized by Congress.

COUNT II – Agency Action Not in Accordance With Law
(5 U.S.C. §706(2)(A))

35. DHS detention violates constitutional due process.
36. Agency action contrary to constitutional requirements is unlawful.

COUNT III – Agency Action Unlawfully Withheld or Unreasonably Delayed
(5 U.S.C. §706(1))

37. DHS has failed to lawfully advance Petitioner's case.
38. Prolonged detention resulting from agency inaction constitutes unlawful delay.

§2243 MANDATORY ENFORCEMENT

39. Once unlawful detention is shown, §2243 removes judicial discretion.
40. The statute mandates prompt issuance of an Order to Show Cause and immediate resolution.
41. Routine scheduling, briefing delays, or prolonged response periods are unlawful under §2243.
42. Continued detention during delay compounds the constitutional violation.

§2243 Mandatory Timeline Enforcement

42(a). Title 28 U.S.C. §2243 requires the Court forthwith to issue an Order to Show Cause once unlawful detention is shown.

42(b). Section 2243 mandates that Respondents make a return within three (3) days, unless for good cause shown the Court allows additional time.

42(c). Any extension permitted under §2243 may not exceed twenty (20) days, and successive or routine extensions are prohibited by statute.

42(d). Section 2243 does not authorize thirty-day or sixty-day response periods, discretionary scheduling orders, or prolonged briefing timelines.

42(e). Because Petitioner's detention is ongoing and unlawful, continued custody during delay constitutes a continuing constitutional violation.

42(f). Accordingly, the Court is statutorily required to enforce the following:

(1) Issuance of an Order to Show Cause within three (3) days;

(2) Respondents' return within seven (7) days;

(3) No extensions beyond a single period not exceeding twenty (20) days, only if the Court insists;

(4) No procedural delay that would perpetuate unlawful detention.

ANTI-TRANSFER ORDER

(Jurisdiction Preservation)

43. Transfer during habeas proceedings would defeat jurisdiction and frustrate §2243 enforcement.
44. An immediate order prohibiting transfer is necessary and mandatory.

PRAYER FOR RELIEF

Petitioner respectfully submits that the Court must:

A. Declare Petitioner's continued detention unlawful and unconstitutional;
B. Order Respondents to immediately release Petitioner from custody;
C. Prohibit Respondents from transferring Petitioner during the pendency of this action;
D. Retain jurisdiction to ensure compliance with this Court's orders.

No alternative relief is lawful.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 21, 2026.

/s/ **Chhabi Lal Bohara**
Chhabi Lal Bohara
A-Number: [redacted]
Petitioner, Pro Se

Petitioner is currently detained at:
South Texas Detention Complex
566 Veterans Drive
Pearsall, Texas 78061