UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
MAR 16 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

CHIHABI LAL BOHARA,
Petitioner,
v. Civil Action No. 5:26-cv-00533-OLG

TODD M. LYONS, Acting Director,
U.S. Immigration and Customs Enforcement,
et al.,
Respondents.

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

Introduction

1. Petitioner respectfully submits that this action concerns **the legality of his continued detention**, not the merits of his immigration proceedings.
2. The Petition does not seek review of removability, asylum eligibility, or any immigration determination committed to the jurisdiction of the immigration courts.
3. Instead, Petitioner challenges whether Respondents possess lawful authority to **continue detaining him without meaningful procedural safeguards**.
4. Petitioner has now been detained for a prolonged period without a bond hearing or any meaningful opportunity to challenge the legality of his confinement.
5. The Supreme Court has long recognized that **freedom from unlawful physical restraint lies at the core of the liberty protected by the Constitution.**
6. As the Court explained in Zadvydas v. Davis, civil immigration detention must remain reasonably related to its regulatory purpose and **cannot become indefinite imprisonment without constitutional limits**.
7. The Fifth Amendment protects the liberty of **all persons within the United States**, regardless of immigration status.
8. The Supreme Court confirmed in Yick Wo v. Hopkins that constitutional protections extend to **all persons within the territorial jurisdiction of the United States**.
9. Despite these constitutional limits, Respondents' response relies almost entirely on statutory detention language while failing to address the constitutional claims raised in the Petition.
10. Because the government's response avoids the constitutional issues presented, this Court must determine whether **continued detention without procedural safeguards exceeds the lawful authority of the Executive Branch**.

Jurisdiction Under 28 U.S.C. §2241

11. This Court possesses jurisdiction under **28 U.S.C. §2241**, which authorizes federal courts to review the legality of executive detention through the writ of habeas corpus.
12. Habeas corpus has historically served as the **primary safeguard against unlawful executive imprisonment**.
13. The Supreme Court has repeatedly confirmed that federal courts retain authority to determine whether the government has lawful authority to detain an individual.

14. In INS v. St. Cyr, the Court reaffirmed that habeas corpus remains available to review the legality of immigration detention.
15. Similarly, the Court explained in Boumediene v. Bush that the writ of habeas corpus exists to ensure that **executive detention remains subject to judicial review**.
16. The Petition does not ask this Court to review immigration determinations or removal proceedings.
17. Instead, Petitioner asks the Court to determine whether Respondents possess lawful authority to **continue detaining him without meaningful procedural review**.
18. Courts have consistently distinguished between challenges to immigration proceedings and challenges to the legality of detention.
19. While immigration courts adjudicate removability, **federal courts retain habeas jurisdiction to determine whether continued detention is lawful**.
20. Accordingly, this Court has jurisdiction to determine whether Petitioner's continued confinement violates statutory and constitutional limits.

Scope of Habeas Corpus Review

21. The writ of habeas corpus has historically functioned as a critical safeguard against unlawful imprisonment by the Executive Branch.
22. The core purpose of habeas corpus is to determine whether **the jailer has lawful authority to detain the prisoner**.
23. This function has long been recognized as central to the protection of individual liberty.
24. As the Supreme Court explained in Boumediene v. Bush, habeas corpus allows courts to test the legality of executive detention.
25. Courts therefore examine whether the Executive Branch has exceeded the authority granted by Congress or the Constitution.
26. If detention exceeds those limits, habeas corpus provides the remedy of release.
27. The Supreme Court reiterated in Department of Homeland Security v. Thuraissigiam that the traditional function of habeas corpus is to determine whether detention itself is lawful.
28. Accordingly, the Court's task in this proceeding is straightforward.
29. The Court must determine whether Respondents possess lawful authority to continue detaining Petitioner.

30. If the government lacks such authority, **the writ of habeas corpus must issue to restore Petitioner's liberty**.

Respondents' Reliance on Thuraissigiam Is Misplaced

31. Respondents rely on Department of Homeland Security v. Thuraissigiam to argue that habeas review in immigration matters is limited.
32. That reliance is misplaced because Thuraissigiam addressed a fundamentally different question.
33. In that case, the petitioner sought habeas relief to obtain additional immigration procedures and a new asylum determination.
34. The Supreme Court concluded that habeas corpus historically did not extend to claims seeking expanded immigration review procedures.
35. However, the Court simultaneously reaffirmed that habeas corpus remains available to determine whether **detention itself is lawful**.
36. The petition before this Court falls squarely within that traditional function.
37. Petitioner does not seek additional immigration hearings or reconsideration of an asylum determination.
38. Instead, Petitioner seeks only a determination of whether Respondents possess lawful authority to continue detaining him.
39. That question lies at the very heart of habeas corpus.
40. Accordingly, Respondents' reliance on Thuraissigiam does not undermine this Court's authority to review the legality of Petitioner's detention.

Respondents' Theory Creates a Constitutional Review Gap

41. Respondents' position would effectively eliminate any meaningful forum for reviewing the legality of Petitioner's detention.
42. First, Respondents argue that the district court lacks jurisdiction to review Petitioner's custody.
43. Second, Respondents assert that immigration courts lack authority to grant bond to individuals detained under **8 U.S.C. §1225(b)**.

44. Third, Respondents identify no administrative mechanism through which Petitioner may obtain meaningful review of his detention.
45. Taken together, these arguments create a system in which an individual may be detained **without any forum capable of reviewing the legality of that detention**.
46. Such a system would allow the Executive Branch to imprison individuals indefinitely without judicial oversight.
47. The Constitution does not permit detention that is **completely insulated from judicial review**.
48. As the Supreme Court emphasized in Boumediene v. Bush, the writ of habeas corpus exists to prevent unlawful executive imprisonment.
49. Where no alternative forum exists to review detention, federal courts must remain available to exercise habeas jurisdiction.
50. Accordingly, Respondents' theory creates a constitutional **review gap** that the writ of habeas corpus is designed to prevent.

Exhaustion Is Not Required Where No Remedy Exists

51. Respondents suggest that Petitioner must exhaust administrative remedies before seeking habeas relief in this Court.
52. That argument fails because **no meaningful administrative remedy exists for Petitioner to exhaust**.
53. Respondents assert that Petitioner is detained under **8 U.S.C. §1225(b)**, which they contend requires mandatory detention without bond.
54. Under Respondents' own theory, immigration courts lack authority to grant bond to individuals detained under §1225(b).
55. If immigration courts lack authority to review custody, then **no administrative mechanism exists through which Petitioner may challenge his detention**.
56. The Supreme Court has long recognized that exhaustion requirements do not apply where administrative remedies are **unavailable or futile**.
57. As the Court explained in McCarthy v. Madigan, exhaustion is not required where the administrative process cannot provide the relief sought.

58. Because Respondents contend that immigration courts cannot grant bond under §1225(b), the administrative process cannot provide the relief Petitioner seeks.
59. Accordingly, requiring exhaustion in this context would serve no purpose other than to **delay judicial review of unlawful detention**.
60. Where no adequate remedy exists, habeas corpus remains available to ensure that executive detention does not exceed lawful authority.

Respondents Fail to Address Petitioner's Constitutional Claims

61. The Petition raised several constitutional claims challenging the legality of Petitioner's continued detention.
62. These claims include violations of the **Fifth Amendment's Due Process Clause** and the constitutional limits on prolonged civil detention.
63. Respondents' response, however, focuses almost entirely on statutory detention provisions.
64. Respondents rely primarily on the text of **8 U.S.C. §1225(b)** while largely ignoring the constitutional issues presented.
65. The Supreme Court has repeatedly held that **statutory authority cannot override constitutional limitations on executive detention**.
66. In Zadvydas v. Davis, the Court explained that immigration detention is subject to important constitutional limitations.
67. The Court warned that a statute permitting indefinite detention would raise serious constitutional concerns.
68. Because Respondents fail to address the constitutional claims raised in the Petition, their response does not resolve the central question before this Court.
69. That question remains whether Petitioner's continued detention without procedural safeguards violates the Constitution.
70. The Court must therefore independently evaluate the constitutional limits on Respondents' authority to detain Petitioner.

Prolonged Civil Detention Without Procedural Safeguards Violates Due Process

71. Civil immigration detention is permitted only insofar as it remains **reasonably related to its regulatory purpose**.

72. The government may detain individuals to ensure their presence at removal proceedings or to facilitate removal.
73. However, civil detention cannot become **punitive or indefinite**.
74. The Supreme Court emphasized in Zadvydas v. Davis that civil detention must remain limited in duration and subject to constitutional safeguards.
75. The Court explained that freedom from physical restraint lies at the heart of the liberty protected by the Constitution.
76. When detention becomes prolonged without meaningful procedural protections, it raises serious due process concerns.
77. The Fifth Amendment protects all persons within the United States from **arbitrary governmental detention**.
78. In Foucha v. Louisiana, the Supreme Court reaffirmed that civil detention must bear a reasonable relation to its regulatory purpose.
79. When detention ceases to serve its regulatory purpose, continued confinement becomes unlawful.
80. Accordingly, prolonged detention without meaningful review violates the fundamental liberty protections guaranteed by the Constitution.

Respondents Fail to Justify Continued Detention

81. Respondents offer no meaningful explanation for the length of Petitioner's detention.
82. The government does not demonstrate that removal is imminent or that detention remains necessary to accomplish removal.
83. Instead, Respondents rely solely on statutory detention language while ignoring the constitutional implications of prolonged confinement.
84. The Supreme Court has made clear that the government must justify continued detention where liberty interests are at stake.
85. In Demore v. Kim, the Court upheld immigration detention based in part on the **brief and limited duration** of that detention.
86. The Court specifically noted that detention in that case typically lasted only a few months.
87. When detention extends far beyond that timeframe without procedural safeguards, the constitutional analysis changes.

88. Prolonged detention without review raises serious constitutional concerns under the Fifth Amendment.
89. Respondents provide no evidence demonstrating that continued detention remains necessary or justified.
90. Accordingly, the government has failed to carry its burden of showing that Petitioner's continued confinement is lawful.

Respondents Mischaracterize the Petition

91. Respondents repeatedly characterize the Petition as an attempt to challenge immigration proceedings.
92. That characterization is incorrect.
93. The Petition does not seek review of removability, asylum eligibility, or any immigration determination.
94. Instead, the Petition challenges **only the legality of Petitioner's continued detention**.
95. The distinction between detention challenges and immigration proceedings is well established in habeas jurisprudence.
96. Federal courts routinely review the legality of immigration detention without interfering with removal proceedings.
97. The Supreme Court recognized this distinction in INS v. St. Cyr, where the Court affirmed the availability of habeas review in immigration cases.
98. By framing the Petition as a challenge to immigration proceedings, Respondents attempt to avoid addressing the legality of detention itself.
99. However, the issue before this Court remains straightforward.
100. The Court must determine whether Respondents possess lawful authority to **continue detaining Petitioner without meaningful procedural safeguards**.

11. The Constitution Protects Persons Within the United States

101. The Constitution protects **persons within the territorial jurisdiction of the United States**, not merely citizens or lawful permanent residents.
102. The Supreme Court has long held that constitutional protections apply to all persons physically present in the country.

103. In Yick Wo v. Hopkins, the Court made clear that the guarantees of the Constitution extend to **all persons within the jurisdiction of the United States** regardless of citizenship status.

104. Similarly, the Fifth Amendment protects individuals from **arbitrary governmental deprivation of liberty**.

105. Immigration status does not eliminate the fundamental liberty interests protected by the Due Process Clause.

106. The Supreme Court reaffirmed in Zadvydas v. Davis that noncitizens within the United States are entitled to due process protections when the government seeks to deprive them of liberty.

107. These constitutional safeguards apply even in the immigration context.

108. While Congress possesses authority over immigration matters, that authority remains subject to constitutional limitations.

109. The Executive Branch therefore cannot detain individuals in a manner that violates the Due Process Clause.

110. Respondents' suggestion that constitutional protections do not apply to Petitioner **cannot withstand constitutional scrutiny**.

Administrative Procedure Act Violations

111. In addition to the constitutional violations described above, Respondents' continued detention constitutes unlawful agency action under the Administrative Procedure Act.

112. The APA authorizes courts to set aside agency actions that are **arbitrary, capricious, or contrary to law**.

113. Immigration detention decisions are subject to these statutory limitations.

114. Agency action that exceeds the authority granted by Congress is unlawful.

115. Under 5 U.S.C. §706, courts must invalidate agency action that is **in excess of statutory jurisdiction or authority**.

116. Respondents' interpretation of §1225(b) would permit prolonged detention without meaningful review.

117. Such an interpretation would allow the Executive Branch to exercise detention authority beyond the limits contemplated by Congress.

118. Agency action that results in prolonged detention without procedural safeguards is therefore **contrary to law**.

119. Respondents provide no lawful basis demonstrating that continued detention complies with the APA.

120. Respondents therefore provide **no lawful justification for continued detention**.

Section 2243 Requires Prompt Judicial Resolution

121. The federal habeas statute requires courts to promptly determine the legality of detention.

122. Under 28 U.S.C. §2243, courts must **summarily hear and determine the facts and dispose of the matter as law and justice require**.

123. This statutory command reflects the historic purpose of habeas corpus as a swift remedy for unlawful imprisonment.

124. Prolonged detention while legal challenges remain unresolved undermines the purpose of the writ.

125. The Supreme Court has emphasized that habeas corpus serves as a **swift and imperative remedy in cases of unlawful restraint**.

126. That principle was reaffirmed in Fay v. Noia, where the Court described habeas corpus as a fundamental safeguard of liberty.

127. Because Petitioner's liberty is at stake, the Court must determine the legality of his detention without unnecessary delay.

128. Continued detention without prompt judicial review raises serious constitutional concerns.

129. Respondents' arguments do not justify delaying resolution of Petitioner's habeas claim.

130. Accordingly, the Court should promptly determine whether Respondents possess lawful authority to continue detaining Petitioner.

Executive Detention Without Review Raises Separation of Powers Concerns

131. The Constitution divides governmental authority among the legislative, executive, and judicial branches.

132. This separation of powers ensures that **no branch of government exercises unchecked authority over individual liberty**.

133. Detention by the Executive Branch must therefore remain subject to judicial oversight.

134. The Supreme Court emphasized in Boumediene v. Bush that the writ of habeas corpus preserves the judiciary's role in checking unlawful executive detention.

135. Without meaningful judicial review, the Executive Branch could imprison individuals indefinitely.

136. Such unchecked detention authority would undermine the constitutional structure.

137. The judiciary plays a critical role in preventing unlawful imprisonment by the Executive.

138. Respondents' theory would effectively remove that judicial safeguard.

139. A system that allows the Executive Branch to detain individuals without meaningful judicial review **cannot withstand constitutional scrutiny**.

140. The Court must therefore ensure that executive detention remains subject to constitutional limits.

Application of Law to Petitioner's Detention

141. The legal principles described above apply directly to the circumstances of Petitioner's detention.

142. Petitioner has remained in immigration custody for a prolonged period without receiving a bond hearing.

143. Respondents have not demonstrated that continued detention is necessary to accomplish removal.

144. Nor have Respondents provided any meaningful procedural safeguard through which Petitioner may challenge his detention.

145. Instead, Respondents rely solely on statutory detention language while ignoring the constitutional limits on prolonged confinement.

146. The Supreme Court has repeatedly warned that civil detention cannot become **indefinite imprisonment without constitutional justification**.

147. When detention exceeds the limits necessary to serve its regulatory purpose, continued confinement becomes unlawful.

148. Respondents offer no evidence showing that Petitioner's continued detention remains reasonably related to removal proceedings.

149. Under these circumstances, Respondents fail to demonstrate lawful authority to continue detaining Petitioner.

150. Respondents therefore fail to justify the legality of Petitioner's continued detention.

Habeas Relief Is Required

151. Habeas corpus exists to remedy unlawful executive detention.

152. Where the government lacks lawful authority to continue detaining an individual, the writ must issue.

153. The Supreme Court has consistently recognized that habeas corpus remains the **traditional mechanism for securing release from unlawful imprisonment**.

154. In Preiser v. Rodriguez, the Court reaffirmed that the writ of habeas corpus provides the proper remedy when an individual challenges the legality of custody.

155. The analysis presented above demonstrates that Respondents lack lawful authority to continue detaining Petitioner.

156. Respondents' statutory arguments fail to overcome the constitutional limitations governing civil detention.

157. Respondents' theory would leave Petitioner detained without meaningful judicial review.

158. Such detention is incompatible with the constitutional protections guaranteed by the Due Process Clause.

159. Because Respondents cannot demonstrate lawful authority for continued detention, the writ of habeas corpus must issue.

160. The Court should therefore restore Petitioner's liberty by granting habeas relief.

Conclusion

161. The Constitution does not permit the Executive Branch to detain individuals indefinitely without meaningful judicial oversight.

162. The writ of habeas corpus exists precisely to prevent such unlawful restraint of liberty.

163. Petitioner has now been detained in immigration custody for **409 consecutive days**, having been taken into custody on **January 26, 2025**.

164. This prolonged detention has occurred without a bond hearing or any meaningful procedural mechanism through which Petitioner may challenge the legality of his confinement.

165. The Supreme Court has repeatedly emphasized that freedom from physical restraint lies at the core of the liberty protected by the Constitution.

166. In Zadvydas v. Davis, the Court warned that immigration detention is subject to constitutional limitations and cannot become indefinite imprisonment.

167. The Court further reaffirmed in Boumediene v. Bush that the writ of habeas corpus serves as a fundamental safeguard against unlawful executive detention.

168. Despite these constitutional principles, Respondents' response fails to meaningfully address the constitutional claims presented in the Petition.

169. Respondents instead rely almost entirely on statutory detention language while leaving the central constitutional questions unanswered.

170. Respondents also fail to rebut Petitioner's showing that their theory of detention creates a **constitutional review gap**, leaving Petitioner without any meaningful forum capable of reviewing the legality of his confinement.

171. Where executive detention is insulated from judicial review, the writ of habeas corpus must intervene to protect individual liberty.

172. The record before the Court is now complete and demonstrates that Respondents lack lawful authority to continue detaining Petitioner.

173. Respondents' statutory arguments cannot override the constitutional limitations governing civil detention.

174. Because Respondents failed to respond to the constitutional arguments raised in the Petition, their position fails to justify Petitioner's continued confinement.

175. Continued detention exceeding **409 days without meaningful procedural safeguards cannot withstand constitutional scrutiny**.

176. The Constitution therefore requires that this Court grant the writ of habeas corpus.

Prayer for Relief

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for a Writ of Habeas Corpus:

a. Petitioner requests that the Court declare that Respondents' continued detention of Petitioner is unlawful.

b. Petitioner further requests that the Court order **Petitioner's immediate release from immigration custody**.

c. In the alternative, Petitioner requests that the Court order Respondents to provide a prompt and meaningful custody hearing before a neutral decision-maker.

d. Petitioner further requests that the Court retain jurisdiction to ensure compliance with the Court's order.

e. Petitioner respectfully requests any additional relief the Court deems just and proper under the circumstances.

f. The writ of habeas corpus exists to restore liberty where detention exceeds lawful authority.

g. Because Respondents have failed to demonstrate lawful authority for Petitioner's continued detention, **the writ should issue and Petitioner should be released.**

VERIFICATION

I, **Chhabi Lal Bohara**, declare under penalty of perjury pursuant to **28 U.S.C. § 1746** that I am the Petitioner in the above-captioned action; that I have read the foregoing **Petitioner's Reply to Respondents' Response in Support of Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**; and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Executed on **March 11, 2026**.

Respectfully submitted,

X C. B.

Chhabi Lal Bohara
Petitioner, Pro Se
A# [redacted]
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061