UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOSE A. CASTILLO GUAMAN,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. SA-26-CV-535-OLG

PETITIONER'S REPLY TO RESPONDENTS' ANSWER TO WRIT OF HABEAS CORPUS

ARGUMENT

I. Facts and Procedure

On January 29, 2026, Petitioner filed a Petition for Writ of Habeas Corpus setting forth both statutory and procedural due process arguments challenging his detention. *See* ECF No. 1. On January 30, 2026, the Court ordered Respondents to explain whether the detention issues involved in Petitioner's case were materially different from those in the cases of *Mendoza Euceda v. Noem* No. SA-25-CV-01234-OLG and *Rahimi v. Thompson* No. SA-25-CCV-1338-OLG; both cases decided on statutory grounds and neither case reaching the procedural due process violations present in each case. *See* ECF No. 3. On February 6, 2026, the Fifth Circuit issued a decision in *Buenrostro-Mendez v. Bondi,*

narrowing certain statutory avenues for release, but not eliminating constitutional protections. *Buenrostro v. Bondi*, No. 25-20496, -----F.4th ----2026 WL 323330 (5th Cir. Feb 6, 2026). Respondent's February 9, 2026 response did not include an analysis of the cases of *Mendoza Euceda v. Noem* No. SA-25-CV-01234-OLG and *Rahimi v. Thompson* No. SA-25-CCV-1338-OLG. Instead, Respondents rested largely on the holding in *Buenrostro. Id., also see* ECF No. 5. Respondent's position is that Petitioner is statutorily and categorically ineligible for any custody redetermination before an Immigration Judge.

Petitioner was taken into custody for the first time on or about January 16, 2026, and has already been detained and in the custody of the Department of Homeland Security (hereinafter "DHS") for almost a month. Respondents and the DHS, to date, have not issued Petitioner with a charging document, and have not entered his case with the Executive Office for Immigration Review (hereinafter "Immigration Court"). In almost a month, DHS has issued no documentation to justify Petitioner's detention, and DHS has not conducted any neutral, individualized assessment of Petitioner's danger to the community, risk of flight, or suitability for less restrictive alternatives to detention.

Petitioner has no criminal convictions, no history of violence, and has consistently complied with all immigration requirements. In May of 2024, the United States Citizenship and Immigration Service (hereinafter "USCIS") approved Petitioner's I-130 Immediate Relative Petition by his US citizen wife, and on September 23, 2024, Petitioner filed an I-601A with USCIS and was fingerprinted in connection with that filing. *See* Exhibit 1. Petitioner's continued detention is not based on any individualized

finding that confinement is necessary to serve a legitimate governmental purpose. Petitioner argues in the instant reply that his due process rights under the Fifth Amendment of the Unites States Constitution have been violated, and request the Court to issue his immediate release or a bond hearing accordingly.

II. Petitioner's claims under Due Process remain viable

On February 6, 2025, the Fifth circuit issued a decision in *Buenrostro v. Bondi* holding that aliens who entered the United States illegally and who are not "clearly and beyond a doubt entitled to be admitted", "shall be detained" under 8 U.S.C. § 1225(b)(2)(a), until the conclusion of their removal proceedings. *Buenrostro v Bondi,* No. 25-20496 ----F .4th ---- 2026 WL 323330 at *1 (5th Cir. Feb. 6, 202-06). Respondents argue that the *Buenrostro* decision is binding precedent and requires that the Court deny Petitioner's habeas petition. *See* ECF No. 5.

While Petitioner does not withdraw his statutory arguments, Petitioner takes this opportunity to remind Respondents and the Court that although the statutory path to release in Petitioner's habeas case may be foreclosed at the moment, pursuant to *Buenrostro,* Petitioner's due process claims remain a viable path forward for his release. In fact, in *Hassen v Noem,* No 3:26-cv-00048-DB at *4 n.1 (W.D. Tex. Feb. 9, 2026), the court found that "*Buenrostro* does not change this case's outcome on procedural due process grounds."

Prior to, and even after the decision in *Buenrostro*, the Fifth Circuit has issued multiple decisions granting release on procedural due process grounds. *Hassen v. Noem*, 3:26-cv-00048-DB (W.D. Tex. Feb. 9, 2026)1 ; *Clemente Ceballos v. Garite,* 3:26-cv-

00312-DB (W.D. Tex. Feb 10, 2026)2; *See Lala Barros v. Noem,* No. 3:25-cv-488-KC, 2025 WL 3154059 (W.D. Tex. Nov. 10, 2025); *Santiago v. Noem*, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Hernandez-Fernandez v. Lyons*, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025); *Parada-Hernandez v. Johnson*, 2025 WL 3465958 (N.D. Tex. Oct. 29, 2025), report and recommendation adopted, 2025 WL 3463682 (N.D. Tex. Dec. 2, 2025*); Rojas v. Noem,* 2025 WL 3038262 (W.D. Tex. Oct. 30, 2025) ; *De Leon Hernandez v. Bondi*, 2025 WL 3217037 (W.D. La. Nov. 18, 2025); *Chinchilla v. De Anda-Ybarra,* 2025 WL 3645178 (W.D. Tex. Dec. 16, 2025); *Vieira v. De Anda-Ybarra*, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025); *Cruz-Reyes v. Bondi*, (S.D. Tex. Feb. 3, 2026); *Singh v. Taylor,* 2026 WL 360913 (W.D. Tex. Feb. 9, 2026); *Aguila v. Warden, ERO El Paso Camp East Montana*, (W.D. Tex. Feb. 9, 2026).

Habeas corpus remains the proper remedy in Petitioner's case. In *Trump v J.G.G.*, 604 U.S. 670, 672 (2025), the Court held that "claims brought by immigration detainees that 'necessarily imply the invalidity' of their confinement falls within the 'core' of the writ of habeas corpus and thus must be brought in habeas." Petitioner's continued detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment.

Therefore, despite the decision in *Buenrostro*, Petitioner continues to seek habeas relief ordering his immediate release from ICE custody or, in the alternative, an individualized custody determination before a neutral decisionmaker with authority to order release.

III. Petitioner's Procedural Due Process Claim

All persons within the United States possess a liberty interest in freedom from physical restraint. A procedural due process analysis to detention is governed by *Mathews v. Eldridge,* 424 U.S. 319, 96 S. Ct. 893, 47 L.E.2d 18 (1976), which set forth factors for consideration when determining if a civil detention violates a detainee's due process rights: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional and procedural safeguards";, and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Mathews*, 424 U.S. at 335, 96 S. Ct. 893; *also see also Hernandez-Fernandez v. Lyons*, 2025 WL 2976923 at *8 (W.D. Tex. Oct. 21, 2025).

The first factor in *Mathews* is the private interest, "the interest in being free from physical detention, states as 'the most elemental of liberty interests'." This Court has consistently held that non-citizens acquire a liberty interest when they spend years in the US living and creating ties to their communities. *See Martinez I*, 2025 WL 2965859 at *4, *also see Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Federal courts in Texas have found that noncitizens have a protected liberty interest in their freedom, regardless of citizenship status, when they have spent time living, working, or supporting a family in the interior of the United States. *See*, e.g., *Lopez Miranda v. Flores*, No. EP-25-CV-584-KC, 2025 WL 3901908, at *3 (W.D. Tex. Dec. 10, 2025);

Chinchilla v. De Anda-Ybarra, No. EP-25-CV-00548-DB, 2025 WL 3645178 (W.D. Tex. Dec. 16, 2025) (finding noncitizen has protectable liberty interest because he was "living in the United States for over four years and attends his local church"); *Hernandez-Fernandez*, 2025 WL 2976923 at *9 ("Because he spent nearly three years at liberty in the United States, [petitioner] possesses a cognizable interest in his freedom from detention."). In the instant case, because Petitioner has lived at liberty in the United States for more than seven years, has a U.S. citizen wife and two U.S. citizen children, he possesses an entrenched and cognizable interest in his freedom from detention. *See* Exhibit 1.

The second factor in *Mathews* is the risk of erroneous deprivation. Specifically, the government's refusal to provide bond hearings creates a high risk of erroneous deprivation, since the process afforded in removal proceedings does "not ameliorate the risk that [a petitioner] will be erroneously deprived of his liberty while his removability is assessed." *See Rojas v. Noem*, 2025 WL 3038262 at *3-*4. Bond hearings that "conduct individualized custody determinations considering flight risk and dangerousness" are the precise "type of proceeding that would give [a noncitizen] an opportunity to be heard and to receive a meaningful assessment of whether he is dangerous or likely to abscond." *Id.* at *4.

In the instant case, detaining Petitioner without the issuance of a charging document, without entry of this case into the Immigration Court system, and without a bond hearing, creates an egregious and significant risk of erroneous deprivation of his liberty. Without the individualized determination of Petitioner's case and detention, DHS

cannot justify his continued, indefinite detention. A bond hearing would give the instant Petitioner the opportunity to be heard and receive a meaningful assessment of whether he is dangerous or likely to abscond, greatly reducing the risk of an erroneous deprivation of his liberty.

The third factor in a *Mathews* test relates to the government's interest. Regardless of the government's purported interest in enforcing its interpretation of the immigration detention statutes, a habeas petitioner's "constitutional interest in his liberty exists above and apart from the INA." *Rojas*, 2025 WL 3038262 at *4 (citing *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) ("[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.")). Further, while the government "has an interest in ensuring that noncitizens appear for their removal hearings and do not pose a danger to the community," such interest "would be squarely addressed through a bond hearing." *Id.* (citing *Martinez v. Noem*, 2025 WL 2598379 at *4 (W.D. Tex. Sep. 8, 2025)). In the instant case, Petitioner has pursued benefits before USCIS including a Petition filed by his U.S. citizen spouse and has a pending I-601A waiver. In processing these benefits with USCIS, he submitted substantial documentation to USCIS and was fingerprinted by DHS. As such, Petitioner has a history of demonstrated compliance with DHS. Absent an individualized review, Petitioner faces a substantial risk of indefinite detention despite having no criminal convictions, and no individualized finding of danger or flight risk.

IV. Plea for relief

Because *Buenrostro* does not foreclose a full review of Petitioner's due process claims, and because all *Mathews* factors support Petitioner's due process claim, Petitioner respectfully requests that the Court order Respondents to provide him immediate release, or a bond hearing for an individualized assessment of his flight risk and dangerousness.[1] Without right to such a hearing, he will remain deprived of this constitutional right to due process under the Fifth Amendment of the U.S. Constitution.

Accordingly, Petitioner now prays the Court to grant his requested relief of immediate release from DHS custody, or in the alternative, a bond hearing in immigration court.

Executed on this 13th day of February, 2026.

/s/ Brenda M. Villalpando
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[1] In *Lopez Arevelo v Rippa,* 801 F. Supp. At 687 (W.D. Tex. Sept. 22, 2025), the court determined that the remedy for a due process violation was to require a bond hearing.