CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Guardado Parrales, Rafael Isaac

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Mendez Law Office, 6300 Gulfton, Houston, TX 77081, 346-205-4343

DEFENDANTS

Thompson, Bobby; Vergara, Miguel; Noem, Kristi; Bondi, Pam

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. § 224(c)

Brief description of cause:
Habeas Corpus to Release INS Detainee

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 01/30/2026

SIGNATURE OF ATTORNEY OF RECORD: Matthew Mendez

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL No. _____

RAFAEL ISAAC GUARDADO PARRALES	§	
Petitioner	§	
v.	§	**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C § 2241**
BOBBY THOMPSON, in his official capacity as Warden of the South Texas Detention Facility;	§	
MIGUEL VERGARA, in his official capacity as Field Office Director of ICE Enforcement and Removal Operations Houston Field Office;	§	
KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security;	§	
PAM BONDI, in her official capacity as Attorney General of the United States, Respondents.	§	

EMERGENCY VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I. INTRODUCTION

1. This case challenges an unlawful warrantless interior arrest and continued civil detention that exceed statutory authority and violate the Fourth and Fifth Amendments.

2. Petitioner was detained during a traffic stop and was seized without a judicial warrant, without probable cause, and without lawful detention authority.

3. ICE asserts mandatory detention under INA §1225, relying on Matter of Yajure Hurtado to label Petitioner an "applicant for admission."

4. That theory is statutorily incorrect, constitutionally infirm, and non-binding on this Court and the Fifth Circuit.

5. Because the arrest itself was unlawful, Petitioner seeks immediate injunctive relief and issuance of the writ.

II. JURISDICTION AND AUTHORITY

6. Jurisdiction lies under 28 U.S.C. § 2241 and 28 U.S.C. § 1331.

7. The Fifth Circuit recognizes habeas jurisdiction over challenges to the fact and legality of immigration detention, including constitutional claims. *See* Zadvydas v. Davis, 533 U.S. 678 (2001); Pierre v. United States, 525 F.2d 933 (5th Cir. 1976).

8. This Court has authority to issue a TRO to halt ongoing constitutional violations. *See* Opulent Life Church v. City of Holly Springs, 697 F.3d 279, 295 (5th Cir. 2012).

III. STATEMENT OF FACTS

9. Petitioner is a fourty year old male native and citizen of El Salvador. *See attached,* Exhibit A: Petitioner's Birth Certificate. Petitioner entered the U.S in 2004.

10. Petitioner is currently in Immigration Proceedings in front of the Pearsall Immigration Court. *See attached* Exhibit B: EOIR Automated Case Information.

11. Petitioner was detained during a traffic stop on January 15, 2026.

12. Petitioner is currently detained at the South Texas Detention Facility. *See attached* Exhibit C: ICE Locator.

13. Petitioner has four U.S. citizen children in the United States who depend on him for emotional and financial support and are suffering hardship due to his continued detention by ICE. *See attached,* Exhibit D: Petitioner's U.S. Citizen Children's Birth Certificate.

14. Petitioner is eligible for Cancellation of Removal under INA § 240A(b) (42B), as he has resided continuously in the United States for more than ten years and has four U.S. Citizen Children who would suffer hardship upon his removal.

15. Petitioner's wife is experiencing significant financial hardship as a result of Petitioner's continued detention. She has been placed at risk of losing the family home because she is

unable to afford the necessary household expenses without the Petitioner's income, as Petitioner is the primary financial provider for the family.

16. ICE arrested Petitioner without a judicial warrant and without alleging danger or flight risk.

17. ICE asserts detention authority solely under INA §1225 and Matter of Yajure Hurtado.

18. ICE has provided no bond hearing under INA §1226a and no neutral adjudication of detention authority.

IV. LEGAL STANDARD FOR TRO

14. A TRO is warranted where the movant shows:

- likelihood of success on the merits,
- irreparable harm,
- balance of equities in the movant's favor,
- consistency with the public interest.

See Winter v. NRDC, 555 U.S. 7 (2008); Opulent Life Church, 697 F.3d at 295.

15. The Fifth Circuit holds that loss of liberty constitutes irreparable harm. *See* Texas v. United States, 809 F.3d 134, 155–56 (5th Cir. 2015).

V. LIKELIHOOD OF SUCCESS ON THE MERITS

A. Fourth Amendment — Unlawful Seizure

16. The Fourth Amendment applies to civil immigration arrests inside the United States.

17. Warrantless seizures are unreasonable absent probable cause and lawful statutory authority. *See* United States v. Brignoni-Ponce, 422 U.S. 873 (1975); Melendres v. Arpaio, 695 F.3d 990, 1000–01 (9th Cir. 2012).

18. The Fifth Circuit recognizes that civil detention unsupported by statutory authority violates the Fourth Amendment. *See* Vega v. United States, 881 F.3d 1146, 1153 (5th Cir. 2018).

19. Because INA §1225 does not apply, ICE lacked lawful authority—rendering the seizure per se unreasonable.

B. INA §1225 Does Not Apply to Interior Residents

20. Section 1225 governs inspection and detention of arriving aliens.

21. Congress separately addressed interior detention under INA §1226, confirming §1225's limited scope.

22. The Fifth Circuit has repeatedly distinguished arriving aliens from those already present in the United States. *See* Gisbert v. U.S. Attorney General, 988 F.2d 1437, 1441–42 (5th Cir. 1993).

23. Petitioner was not seeking admission and therefore cannot be detained under §1225.

C. Matter of Yajure Hurtado Is Not Binding

24. Yajure Hurtado is a BIA decision.

25. The Fifth Circuit holds that agency interpretations do not bind Article III courts, particularly where constitutional rights are implicated. *See* Texas v. United States, 787 F.3d 733, 749–50 (5th Cir. 2015).

26. No Fifth Circuit precedent adopts Yajure's expansion of §1225 to interior arrests.

27. ICE cannot rely on a non-binding agency opinion to justify warrantless detention.

D. Fifth Amendment — Procedural and Substantive Due Process

28. Civil detention must be accompanied by meaningful process. *See* Zadvydas, 533 U.S. at 690; Jennings v. Rodriguez, 138 S. Ct. 830 (2018).

29. The Fifth Circuit recognizes that prolonged detention without a hearing raises serious due-process concerns. *See* Hernandez v. Gonzales, 424 F.3d 42, 42–43 (5th Cir. 2005).

30. Detention based on an incorrect statutory classification is arbitrary and punitive, violating substantive due process.

VI. IRREPARABLE HARM

31. Each day of unlawful detention inflicts irreparable constitutional injury.

32. The Fifth Circuit recognizes that constitutional deprivations cannot be remedied by money damages. *See* Elrod v. Burns, 427 U.S. 347, 373 (1976).

VII. BALANCE OF EQUITIES & PUBLIC INTEREST

33. The government has no legitimate interest in unlawful detention.

34. The Fifth Circuit holds that the public interest favors constitutional compliance. *See* Jackson Women's Health Org. v. Currier, 760 F.3d 448, 458 (5th Cir. 2014).

VIII. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

A. Grant a Temporary Restraining Order ordering immediate release;

B. Enjoin Respondents from enforcing INA §1225 against Petitioner;

C. Alternatively, order a bond hearing under INA §1226a within 7 days;

D. Issue the writ of habeas corpus;

E. Grant all other just relief.

VII. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfton Street
Houston, Texas 77081
Tel. (346) 205-4343
matt@mendezlawoffice.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

On January 30, 2026, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Grant Dickey, in his Official Capacity as Warden of the South Texas Detention Facility**, at Office of the Warden, 566 Veterans Drive Pearsall, TX 78061.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

January 30, 2026
Date

CERTIFICATE OF SERVICE

On January 30, 2026, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Miguel Vergara, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations San Antonio Field Office,** at Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

January 30, 2026
Date

CERTIFICATE OF SERVICE

On January 30, 2026, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

January 30, 2026
Date

CERTIFICATE OF SERVICE

On January 30, 2026, Counsel for Plaintiff served a copy of the attached Petition via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at usatxw.civil.immigration.notices@usdoj.gov.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

January 30, 2026
Date