

I. INTRODUCTION

1. Petitioner respectfully amends his petition for a writ of habeas corpus in light of the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026). Under FRCP 15(a)(1), a party may amend its pleading once as a matter of course 21 days after service of a responsive pleading. Here, Respondents filed their responsive pleading on February 9, 2026.

2. Petitioner respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge his ongoing unlawful civil immigration detention without any individualized custody determination.

3. Although the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), forecloses a purely statutory entitlement to a bond hearing under 8 U.S.C. § 1226(a), that decision does not resolve Petitioner's independent constitutional and administrative-law claims. Petitioner's prolonged detention without any meaningful individualized review violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, the Suspension Clause, and binding agency regulations.

4. Petitioner has no history of violence or criminal record and has fully cooperated with immigration authorities throughout his stay in the U.S. His continued categorical detention without any opportunity for a neutral decisionmaker to assess danger, flight risk, or alternatives to detention is unconstitutional as applied to him.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241 and § 1331. Petitioner is in custody within the Western District of Texas, and his claims raise federal questions of constitutional and statutory law.

6. Venue is proper in the Austin Division because Petitioner is physically detained at the T. Don Hutto Detention Center in Taylor, Texas.

7. The Supreme Court has long recognized that federal courts retain *habeas* jurisdiction to review the statutory and constitutional bases of immigration detention notwithstanding jurisdiction-stripping provisions, as such review lies at the core of the Great Writ. See *Demore v. Kim*, 538 U.S. at 516–17; *Zadvydas v. Davis*, 533 U.S. at 687–88.

III. PARTIES

8. Petitioner, William Alexis Ramos Quintanilla, is a Honduran citizen currently in ICE Custody at the T. Don Hutto Detention Center in Taylor, Texas. His A# is .

9. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

10. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

11. Respondent Miguel Vergara is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division; however, on information and belief, the DHS is rotating its Field Office Director without publishing a schedule of rotation. As such, Miguel Vergara or his unknown, unannounced provisional replacement is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He or his acting counterpart is named in his or her official capacity.

12. Respondent, Charlotte Collins, is employed by the private, for-profit detention corporation contracted by the Government as an agent to confine immigrants at T. Don Hutto Detention Center, where Petitioner is detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

13. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

14. Respondent Immigration and Customs Enforcement is the federal agency, branch of DHS, responsible for the enforcement of the INA, apprehension of non-citizens in the U.S., and detention and removal of noncitizens.

15. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. There is no statutory exhaustion requirement for habeas corpus petitions under 28 U.S.C. § 2241.

17. There are no administrative remedies available to the Petitioner under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Both DHS and DOJ claim the Petitioner is an applicant for admission subject to mandatory detention. In this precedential decision issued on September 5, 2025, the Board of Immigration Appeals (BIA) held that, based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(2)(A), immigration judges lack authority to hear bond requests or grant bond to noncitizens who are present in the United States without admission or parole. These individuals

are classified as "applicants for admission," subjecting them to mandatory detention during removal proceedings, regardless of how long they have resided in the country. As a result, the IJ lacks jurisdiction to hear Petitioner's request for a bond redetermination hearing.

18. The only remedy available to address the Petitioner's detention is through this habeas corpus petition.

V. FACTUAL BACKGROUND

19. Petitioner is a 21-year-old citizen of Honduras, born [REDACTED]. He entered the United States in May 2021 at age 16 as an unaccompanied minor, turned himself in to Customs and Border Protection (CBP), and was issued a Notice to Appear on May 25, 2021, charging him under INA § 212(a)(6)(A)(i), as an alien present without admission or parole. On June 23, 2021, he was released to his sponsor. He has resided continuously in Texas since then.

20. Petitioner's uncle filed a Suit Affecting the Parent-Child Relationship (SAPCR), and the uncle was appointed sole managing conservator. On February 19, 2025, Petitioner applied for Special Immigrant Juvenile (SIJ) status via Form I-360, which USCIS approved on July 1, 2025.

21. USCIS did not grant deferred action based on its June 6, 2025, policy rescinding automatic consideration of deferred action for approved SIJs ineligible for adjustment solely due to visa unavailability (Policy Alert PA-2025-07). However, this rescission is stayed pending litigation in *A.C.R. et al. v. Noem et al.*, No. 1:25-cv-3962 (E.D.N.Y.). On November 19, 2025, the court stayed the rescission, finding plaintiffs likely to succeed on APA claims (arbitrary/capricious; failure to consider reliance interests/alternatives), irreparable harm from heightened removal risk, and ordering that the 2022 SIJS Deferred Action Policy remains in effect. The government must conduct deferred-action and employment authorization

adjudications pursuant to the 2022 policy, though class certification and full preliminary injunction were deferred. The court enjoined removal of individual plaintiffs during litigation.

22. On November 6, 2025, Petitioner was arrested in Hays County, Texas, for harboring a runaway child (a minor friend of Petitioner who requested a ride and he accepted; Petitioner was pulled over for a traffic violation; the cop found out the minor had run away from home; and Petitioner was unaware of that situation). The charge was dismissed on January 7, 2026.

23. On January 8, 2026, after dismissal, Petitioner was transferred to ICE custody pursuant to an ICE hold. He has been detained without bond at T. Don Hutto since then.

24. Petitioner is unable to seek an individualized custody redetermination hearing before an Immigration Judge, despite living in the U.S. for almost five years, findings in the SAPCR order that it is not in the best interest for him to return to his home country, approved SIJ Petition, viable pathway to lawful permanent residence in the future (once his priority date becomes current), strong family and community ties, no criminal record, and no history of violence.

VI. LEGAL FRAMEWORK AND ACKNOWLEDGMENT OF *BUENROSTRO-MENDEZ*

25. The Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi* (Feb. 6, 2026) holds that noncitizens present in the United States without admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are not statutorily entitled to a bond hearing under § 1226(a). This Court is bound by that holding on the pure statutory question.

26. However, *Buenrostro-Mendez* addressed only the statutory interpretation issue and expressly did not reach constitutional, APA, or other independent claims. As the Supreme

Court made clear in *Jennings v. Rodriguez*, 583 U.S. 281, 302–03 (2018), the absence of a statutory bond entitlement does not eliminate constitutional constraints on detention.

27. Petitioner therefore concedes that he has no statutory right to a bond hearing under § 1226(a) due to *Buenrostro*, but maintains that his continued detention without any individualized custody determination violates the Constitution and the APA.

VII. CONSTITUTIONAL AND STATUTORY VIOLATIONS

COUNT I: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT (As Applied)

28. Even assuming that 8 U.S.C. § 1225(b)(2)(A) governs Petitioner's detention following the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), his ongoing and foreseeably prolonged detention without any individualized custody determination violates both procedural and substantive due process as applied to him.

29. Civil immigration detention must be reasonably related to the government's legitimate, non-punitive purposes of ensuring appearance at proceedings and protecting public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). When mandatory detention becomes prolonged, due process requires an individualized bond hearing before a neutral decisionmaker at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary and that no reasonable conditions of release will serve the government's interests. *Jennings v. Rodriguez*, 583 U.S. 281, 302–03 (2018) (leaving constitutional claims open); *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

30. Petitioner has been detained since January 8, 2026—more than one month—without any neutral adjudicator ever considering whether he poses a danger to the community, a risk of flight, or whether less restrictive alternatives would suffice. The Immigration Judge lacks jurisdiction to address any custody factors under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

31. This detention is foreseeably prolonged. Recent TRAC data shows that even in the Pearsall Immigration Court (the detained docket where the petitioner's case is pending), the average wait time from filing to an asylum hearing is **121 days**—approximately four months (Exhibit D). This figure represents only the time until the hearing itself; it does not include the additional weeks or months for the Immigration Judge to issue a written decision, nor the time required for any appeal to the Board of Immigration Appeals, which routinely takes six months or longer. Given that Petitioner is seeking asylum, and will later be eligible for AOS based on his approved SIJ Petition, his case will require a full evidentiary hearing, a decision, and—given the government's vigorous opposition—almost certain appellate review. As a result, Petitioner faces the realistic prospect of 12 to 18 months or more of detention without any individualized custody review.

32. The constitutional stakes are particularly high in this case because Petitioner is not a recent border arrival. He has lived continuously and openly in the United States for almost five years. The findings in the SAPCR order state that it is not in his best interest to return to his home country, approved SIJ Petition, viable pathway to lawful permanent residence in the future (once his priority date becomes current), strong family and community ties, no criminal record, and no history of violence. These factors create a substantial liberty interest that cannot be extinguished through indefinite detention without any opportunity for individualized review.

33. Petitioner's continued categorical detention—without any neutral assessment of danger, flight risk, or alternatives to detention—is arbitrary and punitive in effect. The length of detention, combined with the irreparable harm it is causing to his family, renders the detention unconstitutional as applied to him.

34. Accordingly, Petitioner's prolonged mandatory detention without individualized review violates the Due Process Clause of the Fifth Amendment. This Court should grant habeas relief by ordering his immediate release under reasonable conditions of supervision, or, in the alternative, ordering Respondents to provide Petitioner a prompt individualized bond hearing before a neutral decisionmaker within fourteen (14) days, at which the government bears the burden of proving by clear and convincing evidence that no conditions of release will reasonably assure Petitioner's appearance and the safety of the community.

COUNT II: UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT ("INA") AND IMPLEMENTING REGULATIONS

35. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

36. The Immigration and Nationality Act authorizes immigration detention only to the extent it serves legitimate, non-punitive statutory purposes—namely, to ensure an individual's appearance at future proceedings or to protect public safety. Detention that does not advance those purposes, or that becomes arbitrary and indefinite, exceeds the government's statutory authority. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005).

37. Petitioner entered the United States five years ago, has significant equities, SAPCR order finding it is not in the best interest to return him to his home country, SIJ Petition

approved, lawful pathway to lawful permanent residence (once priority date is current), no criminal record, no record of violence, and has never exhibited conduct suggesting danger to the community or risk of flight. Nothing in his immigration file indicates that he poses a threat to public safety or that he would fail to appear for his hearings if released. On the contrary, he has strong incentives to appear and become a LPR in the future through his SIJ approved Petition.

38. Petitioner has been continuously detained in civil immigration custody since January 8, 2026, and is currently confined at the T. Don Hutto Detention Center in Taylor, Texas. The Immigration Court lacks jurisdiction to hear custody redetermination solely on jurisdictional grounds, relying on *Matter of Yajure Hurtado*, I&N Dec. 216 (BIA 2025).

39. The Immigration Judge will never consider any individualized custody factors and will not evaluate Petitioner's lack of criminal history, his non-dangerousness, his cooperation with immigration authorities, or the feasibility of alternatives to detention. Because the Immigration Judge lacks jurisdiction, Petitioner now has no administrative mechanism for custody review, effectively subjecting him to prolonged and potentially indefinite detention without statutory authority or procedural safeguards, despite having a strong claim to LPR through his approved SIJ Petition.

40. Petitioner acknowledges that, under the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*, Nos. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), he does not possess a purely statutory entitlement to a bond hearing before an immigration judge under 8 U.S.C. § 1226(a). However, neither *Buenrostro-Mendez* nor *Matter of Yajure Hurtado* authorizes unlimited, unreviewable civil detention untethered from the INA's non-punitive purposes. The INA does not permit detention to operate as punishment, deterrence, or coercion, nor does it authorize prolonged confinement absent a meaningful mechanism to assess whether continued

detention is necessary to serve its legitimate aims. *Zadvydas*, 533 U.S. at 690–91; *Clark*, 543 U.S. at 380–81.

41. Even where detention is initially authorized under INA § 235(b)(2)(A), the statute must be applied consistently with its limited purpose and in conjunction with the INA’s broader detention framework, including DHS’s continuing discretionary authority to release noncitizens through parole, supervision, or other conditions where detention no longer serves a legitimate statutory objective. *See* 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5.

42. DHS has not conducted any individualized assessment of whether Petitioner’s continued detention is necessary to ensure appearance or protect public safety, nor has it articulated any reasoned basis for rejecting less restrictive alternatives to detention. The categorical reliance on *Yajure Hurtado* as a blanket bar to custody review effectively transforms a civil detention scheme into one of indefinite confinement without statutory justification.

43. Petitioner’s continued detention bears no reasonable relationship to the purposes of the INA. It is not tied to imminent removal, is not supported by any individualized finding of danger or flight risk, and persists solely as a result of a categorical legal interpretation that eliminates all meaningful custody review.

44. Detention under these circumstances exceeds the detention authority Congress conferred in the INA and contravenes the statute’s non-punitive design, its implementing regulations, and controlling Supreme Court precedent limiting civil immigration detention to what is reasonably necessary to achieve its lawful purposes.

45. Accordingly, Petitioner’s continued detention is unlawful under the Immigration and Nationality Act and its implementing regulations. Petitioner respectfully requests that this Court grant habeas relief by ordering his immediate release, or, in the alternative, ordering

Respondents to provide a prompt, lawful, and meaningful individualized custody determination consistent with the INA and governing law.

**COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –
ARBITRARY AND CAPRICIOUS AGENCY ACTION**

46. DHS's July 2025 policy memorandum abruptly reversed nearly three decades of consistent administrative practice without notice-and-comment rulemaking or reasoned explanation. This policy shift, implemented through an internal memo and enforced via *Yajure Hurtado*, is arbitrary, capricious, and contrary to law under 5 U.S.C. § 706(2)(A).

47. The abrupt change from treating long-term interior residents under § 1226(a) to blanket mandatory detention under § 1225(b)(2) lacks reasoned decision-making and fails to address reliance interests created by decades of contrary practice.

**COUNT IV: VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE
FIFTH AMENDMENT**

48. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

49. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

50. Petitioner is in removal proceedings under section 240 of the Immigration and Nationality Act—the same adjudicatory framework that governs millions of noncitizens

nationwide, whose cases proceed before immigration judges and whose liberty interests are assessed through individualized custody determinations.

51. Petitioner is similarly situated, for custody purposes, to other noncitizens in § 240 proceedings who have no criminal convictions and no record of violence or dangerous behavior. He has cooperated fully with immigration authorities since entering ICE custody. Yet Petitioner alone is categorically denied access to any individualized custody review.

52. Petitioner's disparate treatment rests solely on DHS's *post-hoc* classification of him as an "applicant for admission" under INA § 235(b), based on disputed and unreviewed allegations regarding the manner and timing of his entry—facts never adjudicated in a custody hearing and never tested before a neutral decisionmaker.

53. The Immigration Judge lacks jurisdiction to hear Petitioner's request for a custody redetermination solely on jurisdictional grounds, under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). As a result, Petitioner will never have an individualized consideration of danger, flight risk, community ties, or alternatives to detention.

54. This categorical denial creates an unjustifiable disparity between Petitioner and other similarly situated § 240 respondents who receive individualized custody determinations—even where those individuals entered without inspection, were apprehended long after entry, and present identical risk profiles.

55. Equal protection requires that detention classifications bear a rational relationship to a legitimate governmental purpose. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). Civil immigration detention is permissible only insofar as it serves the non-punitive purposes of ensuring appearance at proceedings or protecting public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

56. DHS's classification scheme fails rational-basis review as applied to Petitioner. The government has never alleged—let alone established—that Petitioner poses a danger or flight risk, nor has it explained how denying him any custody review advances detention's legitimate purposes.

57. Instead, DHS relies on a categorical rule that treats similarly situated individuals differently based solely on entry-related labels that bear no rational relationship to present-day custody concerns. Such arbitrary line-drawing is constitutionally impermissible even under deferential review. *See Zadvydas*, 533 U.S. at 690; *Plyler*, 457 U.S. at 216.

58. Moreover, federal courts have recognized that immigration detention classifications must comport with fundamental fairness and may not be applied arbitrarily or discriminatorily. *See, e.g., Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (government must justify detention with individualized evidence); *Rodriguez v. Robbins*, 804 F.3d 1060, 1074–76 (9th Cir. 2015) (due process prohibits prolonged detention without meaningful review).

59. The irrationality of this classification is heightened by the government's own prior practice. For nearly three decades, DHS and EOIR treated noncitizens in Petitioner's posture as eligible for individualized custody determinations. DHS's abrupt departure from that settled practice—without individualized justification—underscores the arbitrariness of the disparate treatment imposed here.

60. By denying Petitioner any opportunity to obtain an individualized custody determination while granting such a process to similarly situated noncitizens, DHS has violated the equal protection component of the Fifth Amendment.

61. *Habeas* relief is therefore warranted to remedy this unconstitutional disparate treatment. Petitioner respectfully requests that this Court order his immediate release or, in the

alternative, direct Respondents to provide him with a prompt and meaningful individualized custody determination under constitutionally adequate standards.

COUNT V: VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES CONSTITUTION

62. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

63. The Suspension Clause of the United States Constitution provides that “[t]he Privilege of the *Writ of Habeas Corpus* shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the lawfulness of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

64. *Habeas corpus* remains available to all persons in the United States who are detained by executive authority, including noncitizens in civil immigration custody. The Supreme Court has repeatedly held that Congress—and a fortiori the Executive—may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06; *Boumediene*, 553 U.S. at 779.

65. Petitioner is detained solely under civil immigration authority and is currently confined at the T. Don Hutto Detention Center in Taylor, Texas. He has strong equities, no criminal record, no history of violence, SAPCR order finding it is not in the best interest to return him to Honduras, an approved SIJ Petition, a pathway to LPR (once priority date becomes current), and his removal proceedings remain pending before an immigration judge.

66. The Immigration Judge will never consider bond or conduct any individualized custody determination, based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). This

classification—based on disputed and unreviewed allegations regarding the manner and timing of Petitioner’s entry—foreclosed access to the custody redetermination process available to other § 240 respondents.

67. Because the Immigration Judge lacks jurisdiction to hear a custody redetermination request, Petitioner has no administrative pathway to challenge the legality, duration, or necessity of his detention. The Board of Immigration Appeals likewise lacks jurisdiction to review custody determinations in which no bond hearing can be held. ICE has also declined to provide any individualized parole or custody assessment.

68. As a result, no adequate or effective substitute for habeas corpus exists through which Petitioner may obtain judicial review of the legality of his confinement. Neither the Immigration Courts nor the Board of Immigration Appeals possesses jurisdiction to review custody challenges arising from DHS’s classification decisions.

69. The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 (“The writ must be effective.”). When no adequate and effective substitute exists, *habeas* review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

70. Petitioner’s detention—prolonged, non-punitive in name but punitive in effect, and wholly insulated from individualized review—implicates the core protections of the Suspension Clause. Without *habeas corpus*, Petitioner has no judicial or administrative forum in which to contest the legality of his ongoing confinement.

71. The government’s application of *Matter of Yajure Hurtado* to categorically bar all custody review, combined with DHS’s refusal to conduct any individualized discretionary

assessment, results in a detention regime that violates the Suspension Clause by eliminating any effective means to challenge unlawful detention.

72. Accordingly, *habeas corpus* relief is constitutionally required. Petitioner respectfully requests that this Court grant the writ and order Petitioner's immediate release from ICE custody or, in the alternative, direct Respondents to provide a prompt, meaningful, and individualized custody determination before a neutral decisionmaker with authority to order release.

COUNT VI: VIOLATION OF THE *ACCARDI* DOCTRINE WITH RESPECT TO 8 C.F.R. § 287.8(C)(2)(I) AND (II)

73. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

74. Under the *Accardi* doctrine, federal agencies are required to follow their own binding regulations, and failure to do so renders the resulting agency action unlawful. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). This principle applies with full force in immigration proceedings and is enforceable through habeas corpus where regulatory violations result in unlawful detention.

75. The United States has also failed to follow immigration-specific arrest and processing regulations. Regulations governing immigration enforcement require that warrantless arrests comply with the standards set forth in 8 C.F.R. § 287.8(c). Specifically, for any arrest, immigration officers must have reason to believe that an individual committed an offense against the United States or was present in the United States illegally. 8 C.F.R. § 287.8(c)(2)(i). And, for a warrantless arrest, officers must also have reason to believe that an individual is “likely to escape before a warrant can be obtained.” 8 C.F.R. § 287.8(c)(2)(ii).

76. These regulatory requirements are mandatory, not discretionary. They impose substantive limitations on ICE's authority to conduct warrantless arrests in the interior of the United States and are designed to protect against arbitrary deprivations of liberty.

77. At the time he was taken into ICE custody on January 8, 2026, and at all times thereafter, Petitioner had complied with all immigration requirements, including appearing for his immigration proceedings and remaining available to immigration authorities. Petitioner was taken into ICE custody after a dismissed criminal case in Hays County, Texas, without a judicial warrant.

78. Petitioner was not evading law enforcement, was not subject to any criminal investigation, posed no danger to any person or to the community, and presented no risk of flight. There was no factual basis to conclude that Petitioner was "likely to escape before a warrant could be obtained," as required by 8 C.F.R. § 287.8(c)(2)(ii). ICE officers, therefore, failed to comply with a mandatory regulatory prerequisite to a lawful warrantless arrest. This violation of DHS's own binding regulations renders Petitioner's arrest unlawful under the *Accardi* doctrine.

79. The consequences of this regulatory violation are not limited to the moment of arrest. Petitioner's ongoing detention flows directly from—and is predicated upon—the unlawful warrantless arrest conducted in violation of 8 C.F.R. § 287.8(c). Continued detention based on an arrest that contravenes binding regulations is itself unlawful.

80. Federal courts have repeatedly recognized that habeas corpus is an appropriate vehicle to remedy detention that results from an agency's failure to follow its own regulations, particularly where those regulations are designed to protect individual liberty. *See Accardi*, 347 U.S. at 267–68; *St. Cyr*, 533 U.S. at 301–05.

81. By arresting Petitioner without a warrant and without satisfying the regulatory requirements governing such arrests, DHS violated the *Accardi* doctrine and deprived Petitioner of liberty in a manner not authorized by law.

82. *Habeas* relief is therefore warranted. Petitioner respectfully requests that this Court grant the writ and order his immediate release from ICE custody or, in the alternative, provide appropriate relief to remedy the unlawful detention resulting from DHS's regulatory violations.

COUNT VII: PRESERVATION OF STATUTORY ARGUMENT FOR EN BANC OR SUPREME COURT REVIEW

83. To preserve the issue, Petitioner respectfully maintains that *Buenrostro-Mendez* was wrongly decided under traditional tools of statutory construction, *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), and the overwhelming weight of pre-2026 district court authority (over 350 decisions). Those arguments stated in the original Petition are preserved for en banc review by the Fifth Circuit or certiorari to the Supreme Court.

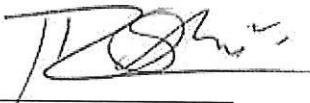
VIII. PRAYER FOR RELIEF

84. Petitioner respectfully requests that the Court:

- a. Issue a writ of habeas corpus ordering Petitioner's immediate release from custody under reasonable conditions of supervision;
- b. In the alternative, order Respondents to provide Petitioner a prompt, individualized custody determination before a neutral decisionmaker, with the government bearing the burden of proof by clear and convincing evidence that continued detention is necessary;

- c. Declare that Petitioner's continued detention without individualized review violates the Fifth Amendment, the Due Process Clause, and the APA;
- d. Grant such other and further relief as the Court deems just and proper, including attorney's fees and costs under the Equal Access to Justice Act.

Respectfully submitted, February 11, 2026.



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INDEX OF DOCUMENTS

Exhibit	
A	-SIJ Approval Notice -NTA -Division of Unaccompanied Children Operations - Verification of Release dated 06/23/2021
B	-Register of Actions (Case No. 25-3929CR-3) - Dismissed
C	-SAPCR Order
D	-Screenshot from the Transactional Records Access Clearinghouse (TRAC), Syracuse University https://tracreports.org/phptools/immigration/asylumbl/

CERTIFICATE OF SERVICE

I, Patricio Garza Izaguirre, certify that on this date a true and correct copy of this **AMENDED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**, and all the attached documents described in the index above, were served to the following by the CM/ECF system:

1. KRISTI NOEM, Secretary of the United States Department of Homeland Security;
2. PAMELA BONDI, United States Attorney General;
3. MIGUEL VERGARA, San Antonio Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security;
4. CHARLOTTE COLLINS, Warden, T. Don Hutto Detention Center, Taylor, Texas;
5. UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
6. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
7. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

On February 11, 2026


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