FILED
February 23, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: vnd
DEPUTY

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

GUOYING CHEN ([redacted])	:	**Case No: SA-26-CA-00688-XR**
PETITIONER,	:	
v.	:	
WILLIAM JOYCE, in his official capacity as Field Office Director of the New York Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations	:	**PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**
CALEB VITELLO, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement	:	
KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security	:	
RESPONDENTS.		

Petitioner GUOYING CHEN ("Petitioner"), through counsel, respectfully submits this Reply to Respondents' Response. Respondents contend this Court must deny relief because, under ***Buenrostro-Mendez v. Bondi,*** Petitioner is subject to mandatory detention under **8 U.S.C. § 1225(b)(2)(A).** That argument overreads Buenrostro. Buenrostro resolves a statutory interpretation question; it does not eliminate this Court's responsibility to adjudicate Petitioner's as-applied Fifth Amendment due process challenge to continued detention without meaningful individualized process.

I. Relevant Facts

1. Petitioner entered the United States without inspection on December 13, 2023.
2. Petitioner was briefly detained and then released.

3. On December 15, 2023, DHS issued a Notice to Appear charging Petitioner under **INA § 212(a)(6)(A)(i)** (present without admission or parole).
4. Proceedings were transferred to the New York Immigration Court.
5. Petitioner timely filed Form I-589 seeking asylum/withholding based on his [redacted] and participation in an [redacted]; that application remains pending.
6. Petitioner complied with every filing deadline, hearing, and reporting requirement imposed by DHS while at liberty.
7. ICE re-detained Petitioner on November 24, 2025. He remains detained at the South Texas Detention Facility. As of February 23, 2026, he has been detained 91 days on this re-detention.
8. Petitioner has no criminal history and no prior immigration violations beyond his initial entry.
9. Petitioner resided in New York for approximately two years, establishing substantial community and church ties in Brooklyn.
10. Petitioner has a verified U.S. citizen sponsor (cousin) who submitted a sworn affidavit of support, proof of citizenship, 2024 tax returns, and recent pay stubs demonstrating ability to provide housing and support.

II. *Buenrostro-Mendez* Does Not Dispose of Petitioner's As-Applied Constitutional Claim

Respondents rely on ***Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)**, to argue that Petitioner "shall be detained" under **§ 1225(b)(2)(A)** and therefore this Court must deny habeas relief.

Buenrostro holds, as a matter of statutory interpretation, that **§ 1225(b)(2)(A)** can require detention for certain noncitizens present in the United States who have not been admitted and are not "clearly and beyond a doubt entitled to be admitted." The decision relies on the Supreme Court's rejection of reading time limits and bond-hearing requirements into detention statutes via constitutional avoidance. ***Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).**

But Respondents' leap from "mandatory detention statute applies" to "no constitutional problem exists" is incorrect. Jennings and Buenrostro primarily address the absence of a *statutory* entitlement to periodic bond hearings; they do not give the government a free pass to detain a person in every circumstance without meaningful individualized process where due process is violated as applied.

This Court retains habeas authority to address unlawful detention and constitutional violations. ***See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000)** (recognizing **§ 2241** habeas as a vehicle for challenging custody).

III. Petitioner's "Release-Then-Re-Detain" History and Individualized Facts Make Continued Detention Without Meaningful Process Unconstitutional As Applied

Even accepting arguendo Respondents' statutory premise, Petitioner's detention is unconstitutional as applied because the government's own custody history and Petitioner's individualized circumstances demonstrate that categorical detention is unnecessary and arbitrary here.

First, DHS released Petitioner shortly after entry and after issuing the NTA, then allowed him to live in New York for nearly two years. During that period, Petitioner complied with all immigration obligations, maintained community and church ties, completed PCA training, and

secured employment. Respondents do not grapple with why detention became suddenly "mandatory" in a real-world sense for *this person* after two years of demonstrated compliance.

Second, Petitioner was re-detained on November 24, 2025 and has now been held 91 days as of February 23, 2026, despite (i) no criminal history, (ii) deep and verifiable ties to New York, (iii) a U.S. citizen sponsor with documented financial ability to support him, and (iv) employment and vocational certification that reinforce stability and compliance. On these facts, continued detention without meaningful individualized justification is untethered from the government's stated civil purposes (ensuring appearance and protecting the community) and becomes arbitrary as applied.

At minimum, due process requires a real opportunity for Petitioner to be heard on the only question that matters in practice: whether any conditions of release can reasonably assure appearance and public safety given his history of compliance and stable ties.

IV. Requested Relief

Petitioner respectfully asks this Court to:

1. Grant the Petition and order Petitioner's immediate release under appropriate conditions; or, in the alternative,
2. Order a prompt individualized custody hearing before a neutral adjudicator at which the Government must justify continued detention in light of Petitioner's specific facts and the availability of conditions (including verified housing/support from his U.S. citizen sponsor, reporting requirements, and other supervision measures); and
3. Grant such other relief as the Court deems just and proper.

Date: February 22, 2026

Respectfully submitted,

Chen, Guo Ying