

UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSE RODRIGUEZ HERNANDEZ
Petitioner,

v.

CHARLOTTE COLLINS, Warden,
T. Don Hutto Detention Center, *et al.*

Respondents.

Civil Action No. 1:26-cv-289

**PETITIONER'S ABBREVIATED RESPONSE TO RESPONDENT'S REPLY IN
SUPPORT FOR WRIT OF HABEAS CORPUS**

COMES NOW, Petitioner Jose Rodriguez Hernandez, through undersigned counsel, and respectfully submits this Reply to Respondents' Opposition to the Petition for Writ of Habeas Corpus.

I. INTRODUCTION

1. Respondents’ Opposition attempts to reduce this case to a narrow statutory dispute controlled by *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). That characterization is incomplete.

2. Petitioner's Writ raises three claims: (1) that his continued detention violates the Due Process Clause of the Fifth Amendment (COUNT I); (2) that he is detained under the wrong statutory framework (COUNT II); and (3) that the categorical denial of bond constitutes unlawful agency action (COUNT III). (ECF No. 1.) Respondents' opposition meaningfully

addresses only the statutory claim (COUNT II). In support of that limited position, Respondents rely almost exclusively on *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). But *Buenrostro-Mendez* addressed a narrow question of statutory interpretation—whether certain noncitizens present without admission fall within § 1225’s detention framework. It did not resolve whether the Constitution permits the categorical denial of any individualized custody review to a long-term interior resident, like the Petitioner.

3. Even assuming that § 1225 applies as a matter of statutory interpretation under *Buenrostro-Mendez*, the Petition separately alleges that the Government may not detain Petitioner without any meaningful opportunity for individualized custody review. That constitutional claim was squarely raised in the Writ and is not meaningfully addressed in Respondents’ Opposition.

4. That constitutional question was squarely raised in the Petition. It remains unanswered. Respondents’ Opposition collapses the statutory and constitutional inquiries into one. It assumes that because Congress authorized detention under § 1225, the constitutional analysis is complete. That assumption is incorrect. Statutory authorization does not extinguish Fifth Amendment limits.

5. In line with this principle, multiple federal courts in the Fifth Circuit have granted habeas relief on procedural due process grounds notwithstanding the statutory limitations addressed in *Buenrostro*.

CONCLUSION

6. Respondents’ Opposition resolves only a statutory classification question. It does not answer the constitutional claim presented in Count I of the Petition.

7. Petitioner is detained following an interior arrest after residing in the United States for years. He is denied access to any bond hearing as a matter of binding administrative precedent. No neutral adjudicator has evaluated whether he presents a danger or a flight risk. No individualized findings support his continued confinement.

8. The Government relies solely on statutory classification to justify categorical detention. Even assuming arguendo that 8 U.S.C. § 1225 governs as a matter of statutory interpretation, the Fifth Amendment independently limits the Government's authority to impose civil detention without meaningful custody review. Respondents' Opposition does not address that constitutional limitation.

9. For the foregoing reasons, and for the reasons set forth in the Petition, the Court should grant the writ and order Respondents to immediately release Petitioner or, at minimum, provide a prompt and meaningful individualized custody redetermination hearing before a neutral adjudicator at which the Government bears the burden of justifying continued detention.

RESPECTFULLY SUBMITTED,

/s/ Jesus Dario Elizondo

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Admission to the Western District of Texas: PENDING

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