

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEJANDRO NUTE EDUARDO,

Petitioner,

v.

MIGUEL VERGARA, Field Office Director of
Enforcement and Removal Operations, San
Antonio Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN OF
KARNES COUNTY IMMIGRATION
PROCESSING CENTER,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner, ALEJANDRO NUTE EDUARDO, with A number  is a
3 native and citizen of Mexico. He has been detained at the Karnes County Immigration
4 Processing Center in Karnes City, Texas, since approximately March 2023, during the pendency
5 of his removal proceedings, and has never received an individualized custody determination or
6 meaningful procedural review assessing whether his continued detention is necessary.

7 2. Petitioner remains in ongoing removal proceedings before the Immigration Court,
8 with no Individual Hearing scheduled.

9 3. Petitioner has now been detained for a prolonged period during ongoing removal
10 proceedings without ever receiving a bond hearing or any neutral custody determination. The
11 Government has never been required to justify his detention before an immigration judge, and no
12 tribunal has evaluated whether detention remains necessary. Prolonged civil detention without
13 individualized review violates fundamental due process protections.

14 4. As Petitioner's detention has grown prolonged during the pendency of his
15 removal proceedings, the continued deprivation of liberty without any individualized custody
16 determination violates due process. When civil immigration detention becomes prolonged, the
17 Constitution requires a meaningful custody hearing at which the Government bears the burden of
18 proving that continued detention is necessary to prevent flight or danger.

19 5. Civil immigration detention is constitutionally permissible only for the limited
20 purpose of effectuating removal and ensuring appearance at proceedings. When detention
21 becomes prolonged without meaningful procedural safeguards, it ceases to be regulatory and
22 becomes punitive in violation of the Due Process Clause. The Constitution does not permit the
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1 Government to impose prolonged pre-removal detention without providing a neutral and
2 individualized determination that continued confinement is necessary.

3 6. Petitioner has remained continuously detained for months without any bond
4 hearing, without any finding that he poses a danger or flight risk, and without any meaningful
5 review of whether detention remains necessary.

6 7. At a minimum, due process requires a meaningful custody hearing at which the
7 Government bears the burden of justifying continued detention. No such process has been
8 provided here.

9 8. Petitioner therefore seeks habeas relief to remedy his unconstitutional prolonged
10 pre-removal detention and to vindicate his rights under the Fifth Amendment to the United States
11 Constitution.

12 9. In addition, Petitioner suffers from end-stage renal disease and has required
13 dialysis treatment for approximately 4 years. Dialysis is a life-sustaining medical treatment that
14 must be administered multiple times per week. Any interruption or delay in dialysis care places
15 Petitioner at immediate risk of severe complications, including fluid overload, electrolyte
16 imbalance, organ failure, and death. Continued detention places Petitioner at substantial medical
17 risk and independently renders detention constitutionally excessive. Civil detention violates due
18 process where it exposes a detainee to serious medical harm or interferes with necessary
19 treatment.

20 JURISDICTION

21 10. Petitioner is detained pursuant to pre-removal order immigration detention
22 authority during the pendency of removal proceedings, and challenges the constitutionality of his
23 prolonged civil detention without an individualized custody determination.
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1 11. Petitioner is detained in civil immigration custody at the Karnes County
2 Immigration Processing Center in Karnes City, Texas, within the Western District of Texas, San
3 Antonio Division. He has been continuously detained since approximately March 2023, during
4 the pendency of his removal proceedings, without receiving an individualized custody
5 determination or meaningful procedural review justifying his continued detention.

6 12. This action arises under the Constitution of the United States and the Immigration
7 and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq. Petitioner challenges the legality and
8 constitutionality of his ongoing civil immigration detention, which has become unreasonably
9 prolonged and unsupported by individualized procedural safeguards, in violation of the Due
10 Process Clause of the Fifth Amendment.

11 13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
12 corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United
13 States Constitution (Suspension Clause). This Court is authorized to grant relief pursuant to 28
14 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act,
15 28 U.S.C. § 1651.

16 14. Habeas corpus is the proper vehicle to challenge unlawful civil immigration
17 detention, including challenges to prolonged pre-removal detention that violates constitutional
18 due process protections. Petitioner therefore properly invokes this Court's jurisdiction to remedy
19 his unlawful prolonged detention and to vindicate his rights under the Fifth Amendment.
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VENUE

15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of Texas, because Petitioner is detained at the Karnes County Immigration Processing Center in Karnes City, Texas, which is within the jurisdiction of this District.

16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to his claims occurred in this district, and no real property is involved in this action.

PARTIES

17. Petitioner, ALEJANDRO NUTE EDUARDO, is a citizen of Mexico. He has been detained since March 2023, and is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas. She is in the custody, and under the direct control, of Respondents and their agents.

18. Petitioner, MIGUEL VERGARA, is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division. As such, MIGUEL VERGARA, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

19. 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.

1 Amendment requires that prolonged civil detention be supported by a meaningful individualized
2 custody determination.

3 26. The Supreme Court has confirmed that noncitizens may challenge prolonged
4 immigration detention through constitutional habeas corpus. *Jennings v. Rodriguez*, 583 U.S.
5 281, 308–09 (2018). Civil detention becomes constitutionally suspect when its duration grows
6 unreasonable and the Government fails to provide adequate procedural protections.

7 27. Freedom from physical restraint lies at the core of the liberty protected by due
8 process. When detention becomes prolonged and the Government fails to provide an
9 individualized custody hearing evaluating danger or flight risk, continued detention becomes
10 excessive, arbitrary, and unconstitutional.

11 28. Federal courts retain authority to review the constitutionality of prolonged or
12 unjustified immigration detention through habeas corpus, even where the governing statute does
13 not expressly provide procedural protections. See *Jennings v. Rodriguez*, 583 U.S. 281, 308–09
14 (2018) (confirming availability of constitutional habeas challenges to immigration detention).
15 Due process requires that civil detention be supported by more than the mere existence of
16 statutory detention authority; it requires ongoing justification and procedural safeguards
17 sufficient to ensure that confinement does not become excessive, arbitrary, or punitive in nature.

18 29. Although immigration statutes authorize detention during removal proceedings,
19 the Fifth Amendment imposes constitutional limits. When pre-removal detention becomes
20 prolonged and the Government fails to provide an individualized custody determination,
21 continued detention becomes excessive and unconstitutional. Civil detention must remain
22 reasonably related to its regulatory purpose and cannot become punitive in nature.
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CLAIMS FOR RELIEF

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

33. The Due Process Clause of the Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law. This protection applies to noncitizens in civil immigration detention.

34. Petitioner has now been detained for a prolonged period without ever receiving a bond hearing or individualized custody determination. No immigration judge has evaluated whether detention remains necessary, and the Government has never been required to prove that Petitioner presents a danger or flight risk. Continued detention under these circumstances is arbitrary, excessive, and unconstitutional.

35. Petitioner, ALEJANDRO NUTE EDUARDO, a native and citizen of Mexico, has been detained at the Karnes County Immigration Processing Center in Karnes City, Texas, since

1 approximately March 2023. Since then, Respondents have continued to detain Petitioner without
2 providing any meaningful individualized pre-order custody determination, hearing, or procedural
3 review assessing whether continued detention is justified.

4 36. Respondents have not found that Petitioner poses a danger to the community or a
5 flight risk, nor have they articulated any legitimate basis demonstrating that continued detention
6 meaningfully advances the civil purpose of effectuating removal.

7 37. Petitioner suffers from end-stage renal disease and has required dialysis treatment
8 for approximately 4 years. Dialysis is a life-sustaining medical treatment that must be
9 administered multiple times per week. Any interruption or delay in dialysis care places Petitioner
10 at immediate risk of severe complications, including fluid overload, electrolyte imbalance, organ
11 failure, and death.

12 38. Continued detention under these medical circumstances places Petitioner at
13 substantial risk of serious harm and renders detention excessive in relation to its civil purpose.
14 Civil immigration detention violates due process where it exposes a detainee to serious medical
15 risk or interferes with necessary medical care. Accordingly, Petitioner's medical condition
16 provides an independent constitutional basis for habeas relief.

17 39. The risk of medical deterioration constitutes irreparable harm. Unlike ordinary
18 detention, the consequences of delayed or interrupted dialysis treatment cannot be remedied after
19 the fact. Continued confinement therefore causes ongoing constitutional injury warranting
20 immediate judicial intervention.

21 40. Even where detention authority exists, due process prohibits civil confinement
22 that becomes excessive, disproportionate, or unreasonable in relation to its regulatory purpose. In
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1 light of Petitioner's medical vulnerability, continued detention is no longer reasonably related to
2 ensuring appearance or effectuating removal and therefore violates the Fifth Amendment.

3 41. Petitioner's serious medical condition weighs strongly in favor of immediate
4 release or, at minimum, an individualized custody determination that fully considers the risk of
5 medical harm and the availability of safe alternatives to detention.

6 42. Civil immigration detention is lawful only so long as it remains reasonably related
7 to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where
8 detention continues without individualized justification and without meaningful review, it
9 becomes arbitrary and excessive in relation to its stated purpose.

10 43. By continuing to detain Petitioner without adequate procedural safeguards,
11 Respondents have violated Petitioner's right to due process under the Fifth Amendment.

12 **PRAYER FOR RELIEF**

13 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 14 (1) Assume jurisdiction over this matter;
- 15 (2) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of
16 the Fifth Amendment;
- 17 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- 18 (4) Order Respondents to immediately release Petitioner in light of the constitutional risk
19 posed by continued detention and Petitioner's serious medical condition;
- 20 (5) In the alternative, order an immediate individualized custody hearing at which
21 Respondents bear the burden of justifying continued detention, including consideration
22 of Petitioner's medical vulnerability and risk of irreparable harm;
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- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

DATED this 11th day of February 2026.

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