

Carabantes, No. 1:26-CV-446-RP, slip op. at 3–4. There, the Court held that “*Buenrostro-Mendez* addressed only statutory interpretation” and “did not examine whether Petitioner’s ongoing detention without access to a bond hearing violates the Constitution.” *Id.* at 3–4.

Respondents argue that the only process due for those who have never “been admitted into the country pursuant to the law” is whatever process is “expressly conferred by Congress.” *DHS v. Thuraissigiam*, 591 U.S. 103, 138 (2020). Moreover, Respondents point out that Petitioner falls within the terms of the statute as interpreted by *Buenrostro-Mendez*; and that as in *Connecticut Department of Public Safety*, any claim that Petitioner is entitled to a bond hearing ‘must ultimately be analyzed’ in terms of substantive, not procedural, due process. Respondents make arguments that additional procedures can only be required for those who have been ‘lawfully admitted’ (and not even lawfully paroled); and must be ‘regarded as stopped at the boundary line’ and ‘had gained no foothold in the United States.’

I. *Buenrostro-Mendez* Does Not Foreclose Petitioner’s Procedural Due Process Claim

In *Buenrostro-Mendez v. Bondi*, the Fifth Circuit addressed a statutory detention-authority question and held that certain noncitizens who entered without inspection may be treated as “applicants for admission” such that DHS may invoke INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), during pending § 1229a proceedings. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (5th Cir. 2026). *Buenrostro-Mendez* did not decide whether the Constitution permits DHS to detain a long-term interior resident for civil immigration purposes with no meaningful, individualized custody process. The statutory label DHS invokes does not eliminate Petitioner’s protected liberty interest. See *Zadvydas*, 533 U.S. at 690.

This Court may grant relief on procedural due process grounds without deciding any statutory detention-authority dispute. Courts in multiple Districts have done so in materially similar circumstances, including where Respondents invoked § 1225(b)(2) and immigration judges declined bond jurisdiction. *See, e.g., Guevara Carabantes v. Bondi*, No. 1:26-CV-446-RP (W.D. Tex. Mar. 5, 2026) (granting habeas corpus, ordering immediate release, and holding that *Thuraissigiam* does not bar a detainee’s procedural due process claim because the petitioner did not challenge admission or seek a right to remain in the United States but instead sought only a meaningful opportunity to apply for release from civil detention).

**II. CONNECTICUT DEPARTMENT OF PUBLIC SAFETY v. DOE DOES NOT
PERMIT RESPONDENTS TO DEFINE AWAY CONSTITUTIONALLY
RELEVANT CUSTODY FACTS**

Respondents have relied on *Connecticut Department of Public Safety v. Doe*, 538 U.S. 1 (2003), to argue that any hearing on flight risk or dangerousness would be a “bootless exercise.” *Doe* does not control this case. *Doe* involved a sex-offender registration scheme in which the plaintiff sought a hearing on “current dangerousness” even though the governing statutory consequence turned solely on the fact of conviction. *Doe*, 538 U.S. at 4, 7–9. This case is fundamentally different. The Government is not publishing information about Petitioner or imposing a collateral regulatory consequence. The Government is physically imprisoning Petitioner. Freedom from imprisonment lies at the core of the liberty protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 690.

In *Guevara Carabantes*, the Court there held that *Doe* is “highly distinguishable” in this setting. *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 6–7. Another court has likewise observed that *Doe* “arose in an entirely different context” than an immigration detainee’s challenge

to detention without a bond hearing. *Hernandez v. ICE Field Office Director*, No. EP-26-CV-67-KC, 2026 WL 503958, at *2 (W.D. Tex. Feb. 23, 2026). This Court should reach the same conclusion here. *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 6–7; *Hernandez*, 2026 WL 503958, at *2.

Even under *Doe*'s own materiality logic, Respondents would be wrong to say flight risk and dangerousness are irrelevant to detention under § 1225. Noncitizens detained under § 1225 may be released on parole “for urgent humanitarian reasons or significant public benefit,” so long as they “present neither a security risk nor a risk of absconding.” 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5(b). Thus, whether a detainee presents a danger or a risk of absconding is not alien to the statutory and regulatory custody framework. 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5(b); *Aguilar v. Bondi*, No. 5:25-CV-01453-JKP, 2025 WL 3471417, at *2 n.1 (W.D. Tex. Nov. 26, 2025); *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 6–7.

More fundamentally, those facts are constitutionally relevant whether or not Congress listed them in § 1225(b)(2)(A). Civil detention remains constitutionally permissible only so long as it bears a reasonable relation to legitimate regulatory purposes and is accompanied by adequate process. *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 332–35. Respondents' theory would allow Congress or the Executive to eliminate meaningful review of continued physical confinement simply by omitting custody standards from the statute. *Doe* does not compel such a result. *Doe*, 538 U.S. at 7–9; *Zadvydas*, 533 U.S. at 690; *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 6–7.

III. Thuraissigiam and the entry fiction do not strip Petitioner of Due Process

Protection Against Arbitrary Civil Detention

Respondents often argue that because Petitioner was never “admitted pursuant to law,” the only process due is whatever Congress expressly conferred, relying on *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020). That argument improperly conflates admission doctrine with civil detention. *Thuraissigiam* addressed the scope of judicial review in the expedited-removal context and the process due in admission-related determinations; it did not hold that the Government may seize a person from the interior of the country, continue civil detention for weeks or months, and deny any meaningful custody forum on the theory that the person was never formally admitted. *Thuraissigiam*, 591 U.S. at 107–10, 138–40; *Zadvydas*, 533 U.S. at 690, 693.

Petitioner does not seek admission, does not ask this Court to review removability, and does not request additional procedures in any admission determination. He seeks only a meaningful opportunity to apply for release from civil detention. That distinction is critical, and courts in this District have recognized it repeatedly. See *Guevara Carabantes v. Bondi*, No. 1:26-CV-446-RP, slip op. at 4–5 (W.D. Tex. Mar. 5, 2026); As *Guevara Carabantes* explained, “*Thuraissigiam* does not foreclose [Petitioner’s] due process claims” in this detention posture. *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 4–5.

Two distinctions make that clear. First, unlike the petitioner in *Thuraissigiam*, Petitioner does not challenge the admission process and does not assert a right to remain in the United States; he seeks only a chance to apply for release from civil detention. *Thuraissigiam*, 591 U.S. at 140; ECF 1, at 26–32; *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 4–5.

Second, *Thuraissigiam* involved a noncitizen apprehended within yards of the border, immediately detained, and never released. When Petitioner was paroled and then arbitrarily detained in his check ins. For constitutional purposes, that difference matters because, once a person has entered the country and developed substantial ties here, the Due Process Clause applies to “persons” within the United States, including noncitizens whose presence is unlawful. *Zadvydas*, 533 U.S. at 693; *Lopez-Arevelo*, 801 F. Supp. 3d at 682; *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 5–6.

Respondents’ contrary framing, including any suggestion that unlawful presence defeats due process protection, is legally irrelevant. Due process is not a reward for lawful admission; it is a constitutional limit on the Government’s power to imprison persons inside the United States. *Zadvydas*, 533 U.S. at 693. In short, Respondents’ admission-doctrine cases do not foreclose Petitioner’s as-applied challenge to ongoing civil detention without meaningful, individualized custody process. *Thuraissigiam*, 591 U.S. at 138–40; *Mathews v. Eldridge*, 42.

IV. REQUESTED RELIEF

Petitioner respectfully requests that the Court grant the Petition and order immediate release under reasonable conditions no more restrictive than those previously imposed. This is consistent with this Court’s recent post-*Buenrostro* relief in *Ruiz-Velazquez* and *Sosnav-Rodriguez* (ordering immediate release and enjoining re-detention absent constitutionally adequate custody process). In the alternative, Petitioner requests an order requiring Respondents to provide a prompt, individualized custody hearing under constitutionally adequate procedures within a fixed deadline, at which Respondents bear the burden to justify continued detention by clear and convincing evidence of dangerousness or flight risk, and requiring release if Respondents cannot provide a workable hearing mechanism.

V. CONCLUSION

For the foregoing reasons, the Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release or alternatively order prompt constitutionally adequate custody process with release if such process is not provided. *Mathews*, 424 U.S. at 335; *Zadvydas*, 533 U.S. at 690; *Guevara Carabantes*, No. 1:26-CV-446-RP, slip op. at 10–11.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 18, 2026, I served the foregoing Petitioner's reply in support of
Petition for Writ of Habeas Corpus through the Court's CM/ECF system upon counsel of record.

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