

PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW, Petitioner *Marco Antonio Espinoza Martinez*, through undersigned counsel, respectfully submits this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and states the following:

I. INTRODUCTION

1. Petitioner Marco Antonio Espinoza Martinez has been continuously detained by Respondents since October 25, 2025. Petitioner now challenges the legality of his continued civil immigration detention because Respondents have refused to provide any individualized custody determination, asserting instead that he is subject to mandatory detention under 8 U.S.C. § 1225. That position is unlawful both as a matter of constitutional due process and statutory law.

2. Petitioner was arrested inside the United States pursuant to an administrative warrant after more than two decades of continuous residence in this country. He subsequently prevailed on the merits of his removal proceedings when, on January 5, 2026, an Immigration Judge granted him adjustment of status under Immigration and Nationality Act § 245(i). The Immigration Judge granted adjustment of status, which, if it becomes final, will confer lawful permanent resident status.

3. Despite that favorable ruling, and despite the absence of any finding that he poses a danger or flight risk, Respondents continue to detain him solely because they have chosen to appeal the Immigration Judge's decision.

4. Continued detention under these circumstances bears no reasonable relationship to the civil purposes of immigration custody and deprives Petitioner of his core liberty interest in freedom from physical restraint without adequate procedural safeguards. Whether framed as a statutory misclassification or an as-applied constitutional violation, Respondents' refusal to provide a bond hearing cannot be reconciled with the Due Process Clause of the Fifth Amendment.

5. On December 10, 2025, the Immigration Court denied bond solely on the ground that it lacked jurisdiction, concluding that Petitioner was subject to mandatory detention. As a result, no neutral adjudicator has evaluated whether Petitioner's continued confinement is necessary to mitigate flight risk or danger. Administrative remedies have therefore been exhausted or rendered futile.

6. Accordingly, habeas relief in the form of immediate release from detention is warranted.

PARTIES

7. **Petitioner** *Marco Antonio Espinoza Martinez*, , a native and citizen of Mexico detained at the T. Don Hutto Detention Center, Taylor, Texas.

8. **Respondent Charlotte Collins**, Warden, T. Don Hutto Detention Center, is Petitioner's immediate custodian and is sued in her official capacity.

9. **Respondent Miguel Vergara**, Field Office Director, ICE ERO San Antonio Field Office, is responsible for detention and release decisions for individuals held at Hutto and is sued in his official capacity.

10. **Respondent Kristi Noem**, Secretary of the U.S. Department of Homeland Security, oversees ICE and is sued in her official capacity.

11. **Respondent Todd M. Lyons** is the Director of U.S. Immigration and Customs Enforcement and is responsible for the administration of immigration detention nationwide. He is sued in his official capacity.

12. **Respondent Pamela Bondi**, Attorney General of the United States, oversees EOIR and is sued in her official capacity.

13. **Respondent Sirce E. Owen** is the Acting Director of the Executive Office for Immigration Review and is responsible for the administration of the immigration courts. She is sued in her official capacity.

JURISDICTION

14. This action is brought pursuant to 28 U.S.C. § 2241, as Petitioner is in custody under color of federal authority and seeks relief from unlawful detention.

15. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331, as Petitioner's claims arise under the Constitution, the INA, and the APA.

The Suspension Clause guarantees the availability of habeas review. U.S. Const. art. I, § 9, cl. 2.

16. The Warden of T. Don Hutto Detention Center, Respondent Charlotte Collins, is Petitioner's immediate custodian and the proper habeas respondent. The remaining Respondents exercise legal custody and policymaking authority over Petitioner's detention.

VENUE

17. Venue is proper in this Court pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(e) because Petitioner is currently detained at the T. Don Hutto Detention Center in Taylor, Texas, which lies within this judicial district, and his immediate custodian is located within the jurisdiction of this Court.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)(citing U.S. Const., Art I, § 9, cl. 2). “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). “A district court’s habeas jurisdiction,” therefore, “includes challenges to immigration-related detention.” *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *3–6 (D. Nev. Sept. 17, 2025) (quoting *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001)).

19. The Court must grant the petition for Writ of Habeas Corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

EXHAUSTION OF REMEDIES

20. Petitioner has exhausted all administrative remedies that are available and adequate to challenge his continued detention, or, in the alternative, exhaustion should be excused because further administrative proceedings would be futile, incapable of providing the relief sought, and would result in continued unlawful deprivation of Petitioner’s physical liberty.

21. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Petitioner remains confined in civil immigration detention despite having prevailed on the merits of his adjustment of status application before the Immigration Court.

Continued detention under these circumstances implicates a substantial liberty interest warranting prompt judicial review.

22. On December 10, 2025, Petitioner sought release from custody before the Immigration Court through a motion for redetermination of custody. The Immigration Judge denied bond on the same date, concluding that Petitioner was subject to mandatory detention under Immigration and Nationality Act § 235(b)(2) and that the Immigration Court lacked jurisdiction to consider release. Because the Immigration Judge determined that no bond authority existed, the administrative process provided no meaningful mechanism for obtaining release.

23. Petitioner thereafter proceeded to an individual merits hearing, and on January 5, 2026, the Immigration Judge granted adjustment of status pursuant to Immigration and Nationality Act § 245(i). Despite prevailing on the merits, Petitioner has remained detained solely because Respondents reserved appeal and subsequently filed an appeal with the Board of Immigration Appeals on February 2, 2026.

24. No administrative remedy presently exists that could provide Petitioner the relief requested in this petition. The Board of Immigration Appeals lacks authority to order Petitioner's release in these circumstances, and the Immigration Judge has already determined that he lacks jurisdiction to conduct a bond hearing. Further exhaustion would therefore be futile.

25. Moreover, Petitioner raises constitutional challenges to the legality of his detention that fall outside the competence of the immigration courts to resolve. Federal courts routinely excuse exhaustion where administrative remedies are inadequate, futile, or incapable of addressing constitutional claims involving unlawful detention and deprivation of liberty.

26. Accordingly, exhaustion is satisfied or, in the alternative, excused.

STATEMENT OF FACTS

13. Petitioner was born on [REDACTED] He is a native and citizen of Mexico. (Mexican Passport attached as Exh. 1.) Petitioner is now approximately forty-two years old as of the filing of this writ.

14. On or about February 12, 2000, Petitioner entered the United States without inspection at approximately sixteen years of age and has remained continuously present in the United States since that time. Following his entry as a minor, Petitioner resided in the United States, attended school, and developed significant familial, educational, and community ties in this country. Petitioner has now spent the vast majority of his life in the United States. (School records are attached as Exh. 2.)

15. On March 21, 2001, a qualifying immigrant visa petition (Form I-130) was filed on Petitioner's behalf by his mother, Floriberta Espinoza, establishing a priority date of March 21, 2001. The petition was received on March 26, 2001 and subsequently approved by United States Citizenship and Immigration Services on January 24, 2006, with a notice date of February 1, 2006. (I-130 Petition attached as Exh. 3.)

16. Petitioner is the father of two United States citizen children, [REDACTED] born [REDACTED] in Travis County, Texas, and [REDACTED], born [REDACTED], in Travis County, Texas. (Birth Certificates attached as Exh. 4.) Both children are biological children of Petitioner and were born in the United States. Documentary evidence submitted in the immigration proceedings included certified birth certificates establishing their identities, dates of birth, and United States citizenship. Petitioner has maintained an active parental role in his children's lives, including financial and emotional support, and his continued detention has caused hardship to his children and family.

17. On April 15, 2016, a Texas state court in Travis County entered a Final Decree of Divorce dissolving Petitioner's marriage to Veronica Patricia Castillo. The decree reflects that Petitioner and his former spouse are parents of minor children. Exh. 5

18. On October 3, 2025, Petitioner was convicted in Travis County, Texas of obstruction of a highway under Texas Penal Code § 42.03. Court documentation reflects that the judgment was signed, imposed, and entered on October 23, 2025. Exh. 6.

19. On October 25, 2025, Respondents issued an ICE detainer (Exh. 7) requesting that Travis County Jail not release Petitioner following the resolution of his criminal case. The petitioner received a sentence of ten days in Travis County Jail for time served. (Sentencing Document attached as Exh. 8.) Petitioner received a sentence of ten days' confinement, credited as time served.

20. On October 25, 2025, Petitioner was transferred from Travis County custody into the custody of Immigration and Customs Enforcement pursuant to the immigration detainer and an administrative Warrant for Arrest of Alien. Respondents' Warrant for Arrest of Alien is attached as Exh. 9.

21. Following his transfer to federal custody, Petitioner was detained at the T. Don Hutto Residential Center, 1001 Welch Street, Taylor, Texas 76574, where he has remained detained since that date. (Exh. 10.)

22. On October 25, 2025, Respondents issued a Notice to Appear charging Petitioner as inadmissible under Immigration and Nationality Act § 212(a)(6)(A)(i) as a noncitizen present without admission or parole and initiating removal proceedings against him. The Notice to Appear is attached as Exh. 11. The Notice to Appear alleged that Petitioner entered the United

States at an unknown location and on an unknown date. Respondents filed the Notice to Appear with the Immigration Court on October 27, 2025.

23. On December 8, 2025, Petitioner, through counsel, filed a motion for redetermination of custody with the Immigration Court (Exh. 12), requesting release on bond and submitting supporting documentation demonstrating his family ties, long-term residence, and lack of danger to the community (Exh. 13).

24. On December 10, 2025, the Immigration Court conducted custody redetermination proceedings before Immigration Judge Anibal D. Martinez. On that same date, the Immigration Judge issued a written custody redetermination order denying release. The Immigration Judge concluded that Petitioner was an applicant for admission subject to mandatory detention under Immigration and Nationality Act § 235(b)(2) and cited *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), *Jennings v. Rodriguez*, 583 U.S. 281 (2018), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), concluding that the Immigration Court lacked authority to grant bond. Appeal rights were reserved by both parties, with an appeal deadline of January 9, 2026. Petitioner remained detained following the custody denial. The Immigration Judge's Order denying bond based on lack of jurisdiction is attached as Exh. 14.

25. On January 5, 2026, Petitioner appeared before the Immigration Court for an individual merits hearing before Immigration Judge Anibal D. Martinez. During the proceedings, Petitioner presented evidence supporting eligibility for adjustment of status under Immigration and Nationality Act § 245(i), including the approved qualifying visa petition, documentation establishing physical presence during the statutory period required for § 245(i) eligibility, and evidence of his long-term residence, family ties, employment history, and good moral character.

26. On January 5, 2026, the Immigration Judge issued an oral decision, reflected in a written order, finding Petitioner removable under Immigration and Nationality Act § 212(a)(6) but granting adjustment of status pursuant to Immigration and Nationality Act § 245(i). The written order reflects that both parties reserved appeal. The Immigration Judge's Order granting adjustment of status is attached as Exh. 15.

27. On February 2, 2026, Respondents filed a Notice of Appeal with the Board of Immigration Appeals seeking review of the Immigration Judge's January 5, 2026 decision granting adjustment of status and identified Petitioner as detained at the time of filing. The Department's appeal challenges the Immigration Judge's discretionary weighing of equities, including Petitioner's residence in the United States since approximately 2000, family ties, employment history, and good moral character, against adverse factors including his manner of entry and the obstruction of a highway conviction.

28. Petitioner has remained continuously detained in immigration custody since October 25, 2025, including after the Immigration Judge denied bond on December 10, 2025 and after the Immigration Judge granted adjustment of status on January 5, 2026. As of February 2026, Petitioner has been detained for over four months.

29. Petitioner remains detained despite having prevailed on the merits of his adjustment application before the Immigration Court and despite the absence of any individualized finding that he poses a danger to the community or a risk of flight. His continued detention has caused hardship to his children and family, and his absence has adversely affected his children's physical and emotional well-being. Removal is not presently imminent because Petitioner prevailed before the Immigration Court and any possibility of removal now depends entirely on the Government's speculative success on appeal.

I. ARGUMENT

30. Noncitizens are entitled to due process of law under the Fifth Amendment to the United States Constitution. *Demore v. Kim*, 538 U.S. 510, 523 (2003). The Supreme Court has long distinguished between the constitutional rights of noncitizens seeking initial admission and those who are already present in the United States. *See, Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Noncitizens physically present in the United States, even without lawful status, are “persons” protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 693; *Kwong Hai Chew v. Colding*, 344 U.S. 590, 596–98 (1953); *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903).

31. This distinction is embedded in the structure of the Immigration and Nationality Act (“INA”) as amended by the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996¹ and, more recently, by the Laken Riley Act of 2025.² The INA authorizes civil immigration detention through separate statutory provisions that apply to different categories of noncitizens. However, where detention is authorized—or even required—by statute, it must also comport with the Due Process Clause.

32. In the present case, Petitioner entered the United States as a minor more than two decades ago, has lived in the United States continuously, was arrested in the interior of the country pursuant to an administrative warrant following transfer from local custody, and has already been granted adjustment of status by an Immigration Judge. Under these circumstances, continued detention without an individualized custody determination violates the Constitution and exceeds the statutory framework Congress enacted.

33. Respondents’ theory of mandatory detention fails for four reasons.

¹ Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009– 585. Section 1226(a).

² Pub. L. No. 119–1, 139 Stat. 3 (2025)

34. First, continued detention without an individualized custody determination violates procedural due process under *Mathews v. Eldridge*, particularly where Petitioner possesses substantial equities and has already received a favorable merits ruling.

35. Second, the mandatory detention scheme is unconstitutional as applied because Petitioner was arrested pursuant to warrant authority under 8 U.S.C. § 1226, a statutory framework that expressly contemplates bond eligibility.

36. Third, Respondents' interpretation violates settled principles of statutory construction by rendering § 1226's warrant-based arrest authority superfluous and devoid of independent meaning, particularly where Respondents have issued and effectuated warrants of arrest. Respondent's position creates uncertainty as to when a warrant based arrest would ever be governed by 8 U.S.C. § 1226, the only statute which specifically refers to arrest pursuant to warrants. Respondents' position is inconsistent with its own contemporaneous records—including the immigration detainer, administrative warrant, Notice to Appear, and Form I-213—which uniformly confirm that Petitioner was apprehended in the interior of the United States after decades of residence, rather than during any attempt to seek admission.

37. Fourth, the application of mandatory detention to the case at hand frustrates Congress's express policy objectives underlying § 245(i), enacted through the LIFE Act to promote family unity and provide legalization pathways for long-term residents with qualifying family relationships, a statutory purpose that is undermined by prolonged civil incarceration. Petitioner has already been granted adjustment of status by an Immigration Judge, and Respondents' sole basis for continued detention is their disagreement with the Immigration Judge's discretionary weighing of equities on appeal, a circumstance that bears no reasonable relationship to the

regulatory purpose of immigration detention and therefore cannot justify continued confinement under the Due Process Clause.

38. Each is taken in turn.

(A)
DUE PROCESS VIOLATIONS PURSUANT
TO MATHEWS FACTORS

39. Respondents' actions implicate significant constitutional due process concerns. Noncitizens are entitled to due process of law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Courts within the Western District of Texas have recognized constitutional law and statutory law offer separate and alternative means to scrutinize agency action.

40. In *Chauhan v. Noem*, No. EP-25-CV-00574-DB, at 7 n.5 (W.D. Tex. Oct. 16, 2025), the court concluded that the distinction between detention under § 1225(b)(1) and § 1225(b)(2) was inconsequential for purposes of due process analysis. Similarly, in *Guerra-Miranda v. Bondi*, No. EP-26-CV-00028-KC (W.D. Tex. Jan. 21, 2026), the court held that release on parole versus release on recognizance was “a distinction without a difference” in evaluating constitutional liberty interests. Also see, *Guerra-Miranda v. Bondi*, No. EP-26-CV-00028-KC (W.D. Tex. Jan. 21, 2026)(holding that being paroled into the United States, rather than released on own recognizance, is “a distinction without a difference.”)

41. The Western District of Texas has held that noncitizens who have “established connections” in the United States by virtue of living here for a substantial period acquire a liberty interest in being free from government detention without due process of law. *Hassen v. Noem*, 3:26-cv-00048-DB (W.D. Tex. Feb. 9, 2026) (citing *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020)).

42. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). Those factors are: (1) the private interest affected by the official action; (2) the risk of an erroneous deprivation of that interest through the procedures used, and the probable value of additional or substitute procedural safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedures would entail. *Mathews*, 424 U.S. at 335. Each is taken in turn.

(i) SUBSTANTIAL LIBERTY INTEREST

43. The private interest at stake is profound. "The interest in being free from physical detention is the most elemental of liberty interests." *Martinez v. Noem*, 2025 WL 2598379, at *2 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Petitioner has lived in the United States for more than twenty-five years, entered as a minor, and has developed extensive family and community ties, including United States citizen children. He is now approximately forty-two years old and has spent the vast majority of his life in this country. These facts establish a substantial liberty interest in freedom from continued civil detention.

44. Petitioner's liberty interest is particularly strong because he has already prevailed on the merits of his immigration proceedings. On January 5, 2026, an Immigration Judge granted Petitioner adjustment of status pursuant to Immigration and Nationality Act § 245(i). Petitioner therefore remains detained because Respondents elected to appeal the Immigration Judge's decision. Continued detention under these circumstances is not tied to any individualized determination of danger or flight risk, but instead rests entirely on the Government's litigation posture.

45. Petitioner's interest extends beyond freedom from physical confinement. His detention disrupts his ability to support his children, maintain employment, and participate meaningfully in ongoing immigration proceedings. Courts have recognized that detention implicates family integrity and the ability to pursue legal relief, particularly for individuals with long-standing residence in the United States. See, *Zadvydas v. Davis*, 533 U.S. 678, 690–93 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32–34 (1982).

46. Congress's enactment of § 245(i), as amended by the Legal Immigration Family Equity ("LIFE") Act, further reinforces the weight of Petitioner's liberty interest. Section 245(i) was designed to promote family unity and provide a legalization pathway for long-term residents with qualifying family relationships, even where entry occurred without inspection. Petitioner falls squarely within that congressional framework and has already demonstrated eligibility before an Immigration Judge. Applying mandatory detention to individuals whom Congress intended to integrate into lawful status through family-based immigration pathways frustrates the statute's purpose and heightens the constitutional concerns associated with continued detention.

47. Under these circumstances, the first *Mathews* factor weighs heavily and decisively in Petitioner's favor.

(ii) HIGH RISK OF ERRONEOUS DEPRIVATION

48. The second *Mathews* factor strongly favors Petitioner because the procedures used here create a substantial risk of erroneous deprivation of liberty.

49. Petitioner has been detained since October 25, 2025 without any individualized custody determination by a neutral decisionmaker regarding danger or flight risk. When Petitioner sought release before the Immigration Court, the Immigration Judge denied bond on December 10, 2025, concluding that Petitioner was subject to mandatory detention under Immigration and

Nationality Act § 235(b)(2) and that the court lacked jurisdiction to conduct a custody determination. As a result, no adjudicator has ever evaluated whether Petitioner's continued detention is actually necessary.

50. Under current administrative precedent, once the Government classifies a noncitizen as subject to § 235(b), Immigration Judges decline to exercise bond jurisdiction. See *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). That structure leaves detention dependent entirely on the Government's unilateral statutory classification rather than an individualized assessment of necessity.

51. The risk of erroneous deprivation is especially acute here because Petitioner has already received a favorable merits determination. An Immigration Judge has concluded that Petitioner qualifies for lawful permanent residence and exercised favorable discretion. Detention following such a determination increases the probability that liberty is being deprived unnecessarily, particularly where removal is not presently imminent and depends entirely on the Government's speculative success on appeal.

52. Absent habeas review, Petitioner faces continued detention based solely on a categorical statutory label with no meaningful opportunity to obtain individualized consideration of his confinement. The second Mathews factor therefore weighs heavily in Petitioner's favor.

(iii)
**THE GOVERNMENT'S INTERESTS DO NOT JUSTIFY CATEGORICAL
DETENTION WITHOUT PROCESS**

53. The third Mathews factor considers the Government's interest and the burden of additional procedural safeguards.

54. Respondents assert an interest in enforcing the statutory detention framework applicable to applicants for admission. Even assuming Congress authorized detention in certain

circumstances, that interest does not eliminate the Constitution's requirement of procedural safeguards where physical liberty is at stake. The relevant inquiry under Mathews is whether the manner in which detention is implemented in this case satisfies due process.

55. Providing Petitioner with an individualized custody determination would impose minimal administrative burden. Immigration Judges routinely conduct bond hearings under 8 U.S.C. § 1226. The institutional framework already exists, and the Government regularly presents evidence regarding flight risk and dangerousness in those proceedings. No new procedures would need to be created.

56. Moreover, the Government's interest is substantially weakened because Petitioner has already been granted adjustment of status by an Immigration Judge. Continued detention is not reasonably related to effectuating removal, but instead reflects only the Government's decision to pursue appellate review. Detention that persists solely because the Government has reserved appeal carries diminished justification under the Due Process Clause.

57. Congress's policy underlying § 245(i) also informs the Government's interest. Through the LIFE Act amendments, Congress expressed a federal interest in promoting family unity and permitting long-term residents with qualifying family relationships to obtain lawful permanent residence notwithstanding unlawful entry. Detaining individuals who fall within this legalization framework, particularly after they have demonstrated eligibility and obtained approval before an Immigration Judge, does not meaningfully advance the statute's purpose and instead frustrates Congress's intent.

58. When the Mathews factors are balanced, the Government's asserted interest in categorical detention does not justify continued detention without individualized process. That interest

carries limited weight when compared to Petitioner's profound liberty interest and the substantial risk of error inherent in a detention regime that forecloses neutral review.

59. Respondents may rely on the Fifth Circuit's recent statutory decision in *Buenrostro-Mendez v. Bondi*, Nos. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), which addressed whether certain noncitizens apprehended inside the United States were detained under 8 U.S.C. § 1225 or § 1226. The court concluded that individuals who entered without admission or parole remain "applicants for admission" within the meaning of 8 U.S.C. § 1225(a)(1) unless and until they are formally admitted, and therefore fall within the mandatory detention framework of § 1225(b)(2)(A).

60. In reaching that conclusion, the Fifth Circuit relied on the statutory definition of "applicant for admission," the structure of the detention provisions enacted in the Illegal Immigration Reform and Immigrant Responsibility Act, and the absence of any temporal limitation in the text tying § 1225(b) detention to recent border encounters. The panel therefore rejected the district courts' view that interior apprehension necessarily triggers detention authority under § 1226(a). *Buenrostro-Mendez* is inapplicable for at least two reasons.

61. First, the Fifth Circuit expressly resolved only a question of statutory interpretation and did not address whether detention without a bond hearing under 8 U.S.C. § 1225(b) comports with the Due Process Clause. The constitutional question presented here therefore remains open. Even assuming the statutory framework endorsed in *Buenrostro-Mendez v. Bondi*, Nos. 25-20496 & 25-40701 (5th Cir. Feb. 6, 2026), applies generally, its application to Petitioner violates due process as applied to the facts of this case.

(B)
AS-APPLIED CHALLENGE TO
RESPONDENTS' DETENTION AUTHORITY

62. Petitioner was arrested pursuant to an administrative warrant issued under 8 U.S.C. § 1226 for an interior arrest. The existence of a warrant materially distinguishes this case from *Buenrostro-Mendez*, which makes no mention of custody initiated through § 1226 warrant. Not all interior arrests are effectuated pursuant to warrant and the Fifth Circuit did not address whether the Government may invoke § 1225 to impose mandatory detention after the issuance of a warrant pursuant to 8 U.S.C. § 1226(a).

“On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.

Except as provided in subsection (c) and pending such decision, the Attorney General—

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on—

- (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
- (B) conditional parole;

Id.

63. Petitioner was arrested inside the United States pursuant to an administrative Warrant for Arrest of Alien, which tracks the language of 8 U.S.C. § 1226(a).

64. Said warrant states in relevant part:

“US Department of Homeland Security Warrant for Arrest of Alien Form I-200

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part of 287 of title 8, code of federal regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that ESPINOZA, MARCO is removable from the United States

[...]

Biometric confirmation of subject's identity and records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such states is removable under U.S. immigration a law”

Warrant for Arrest of Alien Form I-200 (Rev. 09/16) attached as Exhibit 9.

65. The Warrant was signed on October 25, 2025, the same day the Petitioner was bonded over to ICE and transferred to the Don T. Hutto Detention Center in Taylor, Texas, where he remains detained as of the filing of this writ.

66. Respondents issued the Notice to Appear after Petitioner had already been arrested and placed into immigration custody. The Notice to Appear alleges entry at an unknown time and place, confirming that Petitioner was not encountered in the course of an admission inspection but was instead apprehended in the interior after completed entry. Because Petitioner was first arrested pursuant to administrative warrant and then placed into removal proceedings through issuance of a Notice to Appear, his detention fits squarely within 8 U.S.C. § 1226(a), which governs custody pending a removal determination. Respondents’ interpretation effectively renders the warrant-based arrest authority in 8 U.S.C. § 1226(a) superfluous.

(C)

CANONS OF CONSTRUCTION: RULE AGAINST SUPERFLUITY

67. The canon against superfluity requires courts to interpret statutes so that no provision is rendered meaningless, redundant, or without operative effect. See *Duncan v. Walker*, 533 U.S. 167, 174 (2001) (courts must give effect, “if possible, to every clause and word of a statute”); *Corley v. United States*, 556 U.S. 303, 314 (2009) (rejecting an interpretation that would render statutory language “superfluous”); *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (courts are “reluctant to treat statutory terms as surplusage”). The Fifth Circuit applies the same principle,

recognizing that statutory provisions must be read in harmony so that each retains independent meaning. See *United States v. Kaluza*, 780 F.3d 647, 658 (5th Cir. 2015) (courts must interpret statutes to give effect to all provisions rather than render any part inoperative). This canon has particular force where Congress has enacted adjacent provisions addressing related subject matter, as courts presume that distinct statutory sections serve distinct functions. See *Marx v. General Revenue Corp.*, 568 U.S. 371, 386 (2013).

68. Section 1226(a) establishes a comprehensive detention framework governing arrests conducted pursuant to administrative warrant, including authority to detain, discretion to release, and the availability of bond pending a decision on removability. If the Government may arrest an individual in the interior of the United States under that warrant authority yet categorically deny the statutory framework Congress attached to such arrests by reclassifying the detention under § 1225, the operative provisions of § 1226 cease to function. Not only the warrant language, but also the discretionary detention authority and bond provisions Congress enacted would have no meaningful application in cases initiated through warrant-based arrest. A statute cannot reasonably be interpreted to regulate a category of arrests while simultaneously withholding its procedural framework from the very individuals arrested under that authority. Respondents' interpretation would therefore render § 1226 largely inoperative in precisely the circumstances it was designed to address, a result courts must avoid. See *Duncan v. Walker*, 533 U.S. 167, 174 (2001); *Hibbs v. Winn*, 542 U.S. 88, 101 (2004).

69. Respondents' interpretation not only conflicts with the statutory structure governing detention authority, but also undermines Congress's broader objectives in the immigration scheme at issue here.

(D)
MANDATORY DETENTION AND
245(i) ADJUSTMENT OF STATUS

70. Congress designed § 245(i) as a legalization mechanism for certain long present noncitizens with qualifying family based petitions, allowing adjustment notwithstanding unlawful entry and related status violations. Respondents' theory of mandatory detention frustrates the family unity objectives Congress advanced through § 245(i).

71. On January 5, 2026, an Immigration Judge granted Petitioner adjustment of status pursuant to Immigration and Nationality Act § 245(i). Petitioner therefore remains detained not while his eligibility for relief is being adjudicated, but solely because Respondents elected to appeal a decision granting lawful permanent resident status.

72. The Government's detention interest is at its lowest point. The Immigration Judge has already determined that the noncitizen qualifies for permanent residence and has exercised favorable discretion.

73. Mandatory detention under these circumstances is not reasonably related to effectuating removal, but instead rests entirely on the Government's litigation choice to pursue appellate review. That distinction was not present in the Fifth Circuit cases addressing statutory detention classification, and it independently supports Petitioner's as-applied due process challenge.

74. Section 1226(a) governs detention pending a removal determination following arrest pursuant to administrative warrant and expressly provides for individualized custody decisions, including release on bond or conditional parole. That discretionary framework reflects Congress's judgment that detention in this posture should be tailored to the individual circumstances of the case rather than imposed categorically. Where, as here, an Immigration Judge has already granted relief that would terminate removal proceedings, the justification for

continued detention is substantially diminished. Continued confinement therefore rests not on removal necessity but solely on the Government's litigation decision to pursue appellate review.

75. In its appeal, Respondents do not argue that Petitioner is statutorily ineligible under § 245(i)³; instead, they challenge only the Immigration Judge's discretionary weighing of equities.

76. The statutory context of § 245(i) further underscores the constitutional concerns presented here. Congress enacted § 245(i), as amended through the Legal Immigration Family Equity ("LIFE") Act of 2000, to permit certain long-term residents with qualifying family relationships to obtain lawful permanent residence notwithstanding unlawful entry, in order to promote family unity and stabilize the immigration status of individuals with deep ties to the United States. The provision reflects a federal policy judgment that family-based immigration and legalization of long-standing community members serve important national interests. Congressional interest in maintaining family unity for qualifying AOS applicants under 245(i) is underscored by the variety of grounds of inadmissibility available to such applicants.

77. Section 245(i) permits adjustment of status notwithstanding entry without inspection and violations of immigration status, including unauthorized employment and failure to maintain lawful status, thereby allowing long-term residents with qualifying family relationships to obtain lawful permanent residence despite technical immigration violations that would otherwise bar adjustment.

78. "Spouses, children, parents and siblings of permanent residents or U.S. citizens will now be able to adjust their status in the U.S. and avoid needless separation from their loved ones."

³ Adjustment of status under § 245(i) requires proof that the applicant is the beneficiary of a qualifying immigrant petition filed on or before April 30, 2001 that was approvable when filed, that the applicant was physically present in the United States on December 21, 2000 where required, that an immigrant visa is available, and that the applicant is admissible or eligible for applicable waivers.

146 Cong. Rec. S11850 (daily ed. Dec. 15, 2000) (joint memorandum of Sens. Kennedy and Abraham).

79. Applying mandatory detention to individuals who fall squarely within this legalization framework frustrates Congress's purpose by imposing prolonged incarceration on persons whom Congress intended to integrate into lawful status through family-based immigration pathways. The constitutional tension is especially pronounced where, as here, the applicant has already demonstrated eligibility and obtained an Immigration Judge's approval of adjustment of status. Detaining such individuals without individualized review undermines the statutory objective of family unity and renders the detention scheme disproportionate to its civil regulatory purpose.

II. CLAIMS FOR RELIEF

COUNT I - FIFTH AMENDMENT DUE PROCESS

80. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

81. The Fifth Amendment's Due Process Clause applies to all persons within the United States, including noncitizens physically present here.

82. Civil immigration detention constitutes a severe restraint on physical liberty and must be accompanied by constitutionally adequate procedural safeguards.

83. Respondents continue to detain Petitioner without any meaningful individualized custody determination by a neutral decisionmaker regarding flight risk or danger, because the Immigration Judge denied bond solely on the ground of lack of jurisdiction based on Respondents' mandatory detention classification.

84. Whether detention procedures satisfy due process is assessed under the balancing framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976).

85. As applied to Petitioner, continued detention without an individualized custody determination violates the Due Process Clause.

86. Petitioner is therefore entitled to habeas and equitable relief ordering his immediate release (or, at minimum, an individualized custody determination with constitutionally adequate procedures).

COUNT II - Fifth Amendment As-Applied Procedural Due Process

87. Petitioner incorporates all preceding paragraphs.

88. Respondents continue to detain Petitioner under a theory of mandatory detention pursuant to 8 U.S.C. § 1225(b).

89. Petitioner was arrested inside the United States pursuant to an administrative warrant issued under 8 U.S.C. § 1226(a) and then placed into removal proceedings through issuance and filing of a Notice to Appear after custody had already begun.

90. Section 1226(a) governs arrest and detention “[o]n a warrant issued by the Attorney General” pending a decision on removability and authorizes discretionary release, including release on bond.

91. Respondents’ reliance on § 1225 to impose mandatory detention after initiating custody pursuant to § 1226 is not authorized by the statutory scheme as applied to Petitioner and renders the warrant based detention framework enacted by Congress functionally meaningless.

92. The Government’s position also conflicts with its own contemporaneous records, including the administrative warrant, immigration detainer, and Notice to Appear, which confirm

that Petitioner was apprehended in the interior of the United States following completed entry rather than during any attempt to seek admission.

93. Even if Respondents may classify Petitioner as an applicant for admission for certain statutory purposes, the Constitution independently requires that detention bear a reasonable relationship to its regulatory purpose and include adequate procedural safeguards. Continued detention after an Immigration Judge has granted adjustment of status, and solely because Respondents have elected to appeal that decision, lacks a reasonable relationship to removal objectives and violates due process as applied to Petitioner.

94. Petitioner is therefore entitled to habeas and equitable relief ordering his immediate release (or, at minimum, an individualized custody determination with constitutionally adequate procedures).

III. CONCLUSION

95. Petitioner has been detained since October 25, 2025 without any meaningful individualized custody determination by a neutral decisionmaker. When Petitioner sought release through the Immigration Court, the Immigration Judge denied bond solely on the ground that the court lacked jurisdiction, leaving Petitioner with no administrative mechanism to obtain release. Petitioner then prevailed on the merits of his removal proceedings when, on January 5, 2026, an Immigration Judge granted adjustment of status under Immigration and Nationality Act § 245(i). Nevertheless, Respondents continue to detain Petitioner solely because they have chosen to appeal that decision, even though removal is not presently imminent and no adjudicator has found that Petitioner poses a danger to the community or a risk of flight.

96. Under these circumstances, continued detention bears no reasonable relationship to the civil purposes of immigration custody and violates the Due Process Clause of the Fifth

Amendment. Because administrative remedies have been exhausted or are futile, and because the agency has denied Petitioner access to any custody determination, habeas relief in the form of immediate release is appropriate. In the alternative, the Court should order Respondents to provide a prompt individualized custody hearing before a neutral adjudicator with constitutionally adequate procedures.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus and:

1. Declare that Petitioner's continued detention without an individualized custody determination violates the Due Process Clause of the Fifth Amendment and is not authorized by the governing detention statutes as applied to Petitioner;
2. Order Respondents to immediately release Petitioner from custody because the administrative process has already denied bond solely for lack of jurisdiction and further administrative proceedings are futile;
3. In the alternative, order Respondents to provide Petitioner a prompt individualized custody hearing before a neutral adjudicator at which the Government bears the burden to justify continued detention by clear and convincing evidence;
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jesus Dario Elizondo

Jesus Dario Elizondo, Esq.

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Admission to the Western District of Texas: PENDING

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, *Marco Antonio Espinoza Martinez*, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17th day of FEBRUARY, 2026.

RESPECTFULLY SUBMITTED,

/s/ Jesus Dario Elizondo

Jesus Dario Elizondo, Esq.

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