

WILLIAM B. SHIPLEY, ESQ.
IMMIGRATION GENERAL SERVICES LLC
20 N. WACKER DRIVE SUITE 1000
CHICAGO, IL 60606
PH.: 312-719-1179
EMAIL: WILLIAM@IMMIGRATIONGENSERVICES.COM
NEW YORK ATTORNEY REGISTRATION #5223227

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

VICTOR JOSE MORALES QUINTERO,

Detainee with Alien Registration Number:



Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY (DHS);
KRISTI NOEM, Secretary, DHS (in her official capacity);
PAMELA BONDI, Attorney General of the United States (in her official capacities);
BRET BRADFORD, Director, Houston Field Office, ICE Enforcement and Removal
Operations (ICE ERO) (in his official capacity);
WARDEN, LIMESTONE COUNTY DETENTION CENTER (in their official capacity);

Respondents.

Civil Action Case No. 1:26-cv-00392

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
Challenging Unlawful Civil Immigration Detention of a TPS Beneficiary
(INA § 244(D)(4); Due Process; Suspension Clause)

I. INTRODUCTION

1. Petitioner **VICTOR JOSE MORALES QUINTERO** (“Petitioner”) is a Venezuelan national and detainee in civil immigration custody. Petitioner has been **provided Temporary Protected Status (“TPS”)** under INA § 244, 8 U.S.C. § 1254a, based on the Venezuela TPS designation. Congress expressly commanded that a person provided TPS **“shall not be detained ... on the basis of the alien’s immigration status in the United States.”** INA § 244(d)(4), 8 U.S.C. § 1254a(d)(4).
2. Petitioner is presently confined at the **Limestone County Detention Center**, Groesbeck, Texas, under the control and authority of **ICE ERO Houston Field Office**. He is detained despite (a) his TPS posture, (b) his timely TPS re-registration/renewal within the government’s recognized window, and (c) his membership in the **National TPS Alliance (“NTPSA”)**.
3. Petitioner was detained on or about **December 11, 2025**, when he **appeared and complied** at an ICE annual appointment, despite his history of compliance and the fact that he had previously been released on his own recognizance. Following that detention, DHS issued a **new NTA** and placed Petitioner in new removal proceedings, in which Petitioner seeks asylum and related protection. This Petition does not seek adjudication of the merits of removability or asylum. It challenges only the **lawfulness of confinement**.
4. Respondents may rely on the Fifth Circuit’s February 6, 2026, decision in **Buenrostro-Mendez v. United States** (No. 25-20496), which addressed statutory custody classification and the availability of bond hearings in certain contexts. **Petitioner does not ask this Court to disregard binding circuit precedent or to create statutory bond jurisdiction contrary to Buenrostro-Mendez.** Petitioner’s claims are **materially distinguishable** and arise in a different posture: *Victor Jose*

Morales Quintero is a Venezuelan TPS beneficiary who was granted TPS after entry, whose prior § 240 proceedings were dismissed because of that TPS approval, who timely re-registered within the government's recognized window, and who is an NTPSA member.

5. This habeas petition challenges **continued civil incarceration in direct conflict with Congress's express detention bar for TPS beneficiaries in INA § 244(d)(4)**, and separately raises **as-applied Fifth Amendment Due Process and Suspension Clause** claims where DHS is detaining a person it must treat as "provided TPS," including in light of DHS's **party-bound obligations** arising from final federal adjudication governing TPS continuity for covered individuals. Those statutory and constitutional issues—centered on **§ 244(d)(4)'s detention prohibition and party-bound enforcement against DHS**, not the statutory classification/bond framework analyzed in *Buenrostro-Mendez*—are not resolved by *Buenrostro-Mendez* and warrant habeas relief in this fundamentally different procedural and statutory posture.
6. This case arises in a post-***Buenrostro-Mendez*** posture. Petitioner does not ask this Court to create statutory bond jurisdiction contrary to circuit precedent or to relitigate generalized custody-classification questions. Instead, Petitioner invokes Congress's **separate, express statutory detention bar** applicable to TPS beneficiaries: **INA § 244(d)(4)**. That statutory command prohibits detention of a TPS beneficiary "on the basis of" immigration status while TPS is operative.
7. **Important clarification regarding the Ninth Circuit litigation and party-bound obligations:** Petitioner does **not** ask this Court to apply an out-of-circuit appellate decision as persuasive or binding "precedent" in a competing circuit. Rather, Petitioner seeks enforcement of a **final federal judgment** and the resulting operative obligations **against DHS itself**, because DHS is a **party** to that litigation and is bound

by the resulting obligations as to covered litigants, including NTPSA members. This Petition therefore presents a narrow habeas question: whether DHS may lawfully detain a person it must treat as “provided TPS” (and protected by INA § 244(d)(4)) while DHS remains bound, as a litigating party, by final federal adjudication governing TPS continuity for covered individuals.

8. Petitioner seeks issuance of the writ under **28 U.S.C. § 2241**, ordering **immediate release** as the proper remedy for unlawful detention, or, at a minimum, prompt constitutionally adequate individualized custody review with meaningful consideration of less restrictive alternatives.

II. CUSTODY

9. Petitioner is in the physical custody of Respondents and is confined at:

**LIMESTONE COUNTY DETENTION CENTER
910 N TYUS ST
GROESBECK, TX 76642**

10. ICE custody and release decisions are controlled by **ICE ERO Houston Field Office**, through **Director Bret Bradford**.

III. JURISDICTION

11. This Court has jurisdiction under **28 U.S.C. § 2241(c)(3)** because Petitioner is “in custody in violation of the Constitution or laws ... of the United States,” and under **28 U.S.C. § 1331**.
12. This Petition is not barred by **8 U.S.C. § 1252(b)(9)** or **8 U.S.C. § 1252(g)** because Petitioner does not seek review of a removal order or prosecutorial discretion decisions. Petitioner challenges only the legality of ongoing civil immigration detention.

IV. VENUE

13. Venue is proper in the **Western District of Texas, Waco Division**, because Petitioner is confined within this Division at the Limestone County Detention Center in Groesbeck, Texas.
14. Alternatively, should the Court determine venue should lie in a different district, Petitioner requests **transfer rather than dismissal** under 28 U.S.C. § 1406(a) and/or 28 U.S.C. § 1631.

V. PARTIES

15. **Petitioner:** Victor Jose Morales Quintero, , Venezuelan national, currently detained at Limestone County Detention Center, Groesbeck, Texas.
16. **Respondent DHS:** U.S. Department of Homeland Security, responsible for TPS administration and immigration detention and enforcement.
17. **Respondent Kristi Noem:** Secretary of DHS, sued in her official capacity.
18. **Respondent Pamela Bondi:** Attorney General of the United States, sued in her official capacity.
19. **Respondent Bret Bradford:** Director, **ICE Enforcement and Removal Operations (ERO), Houston Field Office**, sued in his official capacity, exercising legal authority and control over Petitioner's civil immigration detention and release decisions.
20. **Respondent Warden:** Warden, Limestone County Detention Center, sued in official capacity as Petitioner's immediate custodian.

VI. STATEMENT OF FACTS

A. Entry, NTA, Release on Recognizance, TPS Grant, and Prior Proceedings Dismissal

21. Petitioner is a Venezuelan national who entered the United States in 2023. After entry, DHS issued an NTA. Petitioner was released on his own recognizance and complied with the conditions imposed.

22. Petitioner later applied for TPS and was **granted TPS** under Venezuela's TPS designation (2023).

23. Following TPS approval, the Immigration Court dismissed the removal proceedings filed under INA § 240 because Petitioner had TPS status (and/or because DHS/OPLA moved/consented to dismissal in light of TPS approval).

B. Timely TPS Renewal / Re-Registration and USCIS-Recognized Continuity Through October 2, 2026

24. Petitioner timely re-registered/renewed TPS after **January 17, 2025**, and before the **February 4, 2025**, cutoff date.

25. Because of the timing and classification of his re-registration/renewal, Petitioner falls within the category of Venezuelan TPS registrants for whom USCIS recognized continued TPS-related validity through **October 2, 2026**. (See USCIS Official Notices Posted on their web site at:

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>

C. NTPSA Membership and DHS Party-Bound Obligations from Final Federal Adjudication

26. Petitioner is a member of the **National TPS Alliance (NTPSA)**.

27. After the final federal court rulings at *National TPS Alliance v. Noem*, No. 25-5724 (9th Cir. Jan. 28, 2026)) and consistent with DHS's role as a litigating party in that matter, DHS is bound by the resulting obligations as to covered individuals, including NTPSA members, requiring DHS to treat TPS continuity as operative for covered individuals. Petitioner seeks enforcement of those party-bound obligations against DHS, not the application of an out-of-circuit decision as "precedent."

D. Detention at ICE Annual Appointment, New NTA, and Current Proceedings

28. Petitioner complied with immigration obligations after entry and maintained contact with ICE as required.

29. On or about **December 11, 2025**, Petitioner was detained at his **ICE annual appointment**, despite his compliance history and TPS posture.

30. DHS subsequently issued a **new NTA** and initiated new removal proceedings. Petitioner is seeking asylum and related relief in those proceedings.

31. Petitioner does not challenge DHS's initiation of proceedings in this Petition. Petitioner challenges only the **lawfulness of detention** while TPS is operative and while Congress prohibits detention on the basis of immigration status.

VII. LEGAL FRAMEWORK AND ARGUMENT

A. Congress Prohibited Detention of a Person "Provided TPS" on the Basis of Immigration Status

32. The TPS statute contains an express detention bar: a person "provided temporary protected status" **shall not be detained** "on the basis of the alien's immigration status in the United States." INA § 244(d)(4), 8 U.S.C. § 1254a(d)(4).

33. The statute also prohibits removal during the period TPS is in effect. INA § 244(a)(1)(A), 8 U.S.C. § 1254a(a)(1)(A).

34. Where DHS must treat Petitioner as “provided TPS,” DHS cannot lawfully detain Petitioner on a status-based theory. Continued confinement violates the plain statutory command and is unlawful under § 2241.

B. This Case Is Materially Distinguishable from Buenrostro-Mendez

35. Respondents may argue that circuit law limits bond jurisdiction or forecloses certain statutory custody arguments. Petitioner does not ask this Court to order a statutory bond hearing as a substitute for or workaround to those limitations.

36. Petitioner invokes a different and independent statutory command: INA § 244(d)(4).

This provision restricts DHS’s detention authority by prohibiting detention on the basis of immigration status where TPS has been provided and remains operative.

37. Additionally, the TPS-continuity posture here is not offered as an out-of-circuit interpretive rule. It is offered as a **party-bound constraint** on DHS’s authority over this Petitioner as a covered litigant (including through NTPSA membership), which directly triggers Congress’s detention prohibition in INA § 244(d)(4).

C. Petitioner’s Detention Is Unlawful Under INA § 244(d)(4) as Applied Here

38. Petitioner was granted TPS. Petitioner timely renewed/re-registered within the government’s recognized window, and USCIS recognized continued TPS-related validity through October 2, 2026 for applicable registrants.

39. Petitioner is also an NTPSA member, and DHS—being a party to final federal adjudication governing TPS continuity for covered individuals—must adhere to party-bound obligations applicable to Petitioner.

40. Under these circumstances, DHS may not detain Petitioner on the basis of immigration status. Continued confinement is ultra vires, contrary to statute, and unlawful.

D. Due Process (Fifth Amendment)

41. Civil immigration detention must remain rationally related to legitimate, nonpunitive purposes and must be accompanied by constitutionally adequate procedures when detention is unreasonable, arbitrary, or not authorized by law.

42. Petitioner's detention violates due process because (a) it is unauthorized under INA § 244(d)(4), (b) it is arbitrary as applied to a person with TPS continuity and strong compliance history, and (c) less restrictive alternatives plainly suffice, particularly where Petitioner was detained while complying at an ICE appointment, and (d) it serves no legitimate purposes as TPS beneficiaries cannot be removed

43. Due Process forbids purposeless civil detention when removal cannot lawfully occur while TPS remains in effect. Civil detention must be reasonably related to a legitimate governmental purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must bear "a reasonable relation to the purpose for which the individual is committed" (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972))). When civil detention is not reasonably related to a permissible purpose, it becomes punitive and unconstitutional. *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992); *United States v. Salerno*, 481 U.S. 739, 747 (1987).

E. Suspension Clause

44. The Suspension Clause protects the writ of habeas corpus as the mechanism to test the legality of executive confinement. Any reading of the INA that would foreclose

meaningful judicial review of custody in circumstances like these would raise grave constitutional concerns.

45. Habeas relief under § 2241 is therefore appropriate and necessary.

VIII. CLAIMS FOR RELIEF

COUNT ONE

UNLAWFUL DETENTION IN VIOLATION OF INA § 244(d)(4), 8 U.S.C. § 1254a(d)(4)

46. Petitioner realleges and incorporates all prior paragraphs.

47. Petitioner has been provided TPS and must be treated as under TPS continuity for purposes of the detention bar.

48. INA § 244(d)(4) prohibits detention of a TPS beneficiary on the basis of immigration status.

49. Respondents' continued detention of Petitioner violates INA § 244(d)(4) and is unlawful.

COUNT TWO

FIFTH AMENDMENT DUE PROCESS (AS-APPLIED)

50. Petitioner realleges and incorporates all prior paragraphs.

51. Petitioner's detention is arbitrary, unreasonable, and not authorized by law as applied, violating the Fifth Amendment's Due Process Clause.

52. Continued detention without lawful authority and without meaningful consideration of less restrictive alternatives violates due process.

COUNT THREE

SUSPENSION CLAUSE

53. Petitioner realleges and incorporates all prior paragraphs.
54. To the extent any provision is construed to foreclose meaningful judicial review of Petitioner's unlawful detention, such construction would violate the Suspension Clause. Habeas relief must remain available to test the legality of executive confinement.

IX. PRAYER FOR RELIEF

- A. Assume jurisdiction over this matter;
- B. Issue an **Order to Show Cause**. With the Order to Show Cause, Petitioner respectfully requests an immediate **administrative stay/status quo order** prohibiting Respondents from transferring Petitioner or changing the controlling field office while this § 2241 petition is pending, except for emergency medical necessity. Petitioner further requests that the Court direct the manner of notice and service for Respondents and, in the interim, authorizes notice to Respondents through the United States Attorney's Office by electronic means.
- C. Declare that Petitioner's detention is unlawful under the INA and the Constitution;
- D. **Grant a writ of habeas corpus** ordering Respondents to **immediately release** Petitioner under reasonable conditions of supervision (ATD, reporting, etc.);
- E. In the alternative, order Respondents to provide a prompt, constitutionally adequate **individualized custody hearing** at which:
- a. The government bears the burden to justify continued detention.
 - b. less restrictive alternatives must be considered; and

- c. detention may continue only upon a specific, individualized showing that no less restrictive alternative can reasonably ensure appearance and public safety;
- F. Award reasonable attorney's fees and costs under EAJA, 5 U.S.C. § 504 and 28 U.S.C. § 2412, as applicable;
- G. Grant such other relief as the Court deems just and proper.

Respectfully submitted, this February 18th, 2026.

/s/ William B. Shipley

WILLIAM B. SHIPLEY, ESQ.

IMMIGRATION GENERAL SERVICES LLC

20 N. WACKER DRIVE SUITE 1000

CHICAGO, IL 60606

PH.: 312-719-1179

EMAIL: WILLIAM@IMMIGRATIONGENERALESERVICES.COM

NEW YORK ATTORNEY REGISTRATION #5223227

COUNSEL FOR PETITIONER DANIEL ALEJANDRO OFANTO ROMERO

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF (28 U.S.C. § 2242)

I submit this verification on behalf of Petitioner because I am counsel and/or an authorized representative. I have discussed the events described in this Petition with Petitioner and/or reviewed documents provided by Petitioner. I verify that the statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted, this February 18th, 2026.

/s/ William B. Shipley

WILLIAM B. SHIPLEY, ESQ.

CERTIFICATE OF NOTICE

I certify that on 02/18/2026, undersigned counsel provided electronic notice of this Petition and the requested administrative stay/status quo order to Respondents' counsel and agencies by email to the following:

- Anne Marie Cordova anne.marie.cordova@usdoj.gov, caseview.ecf@usdoj.gov, erica.banda@usdoj.gov, stephanie.karam@usdoj.gov
- Barbara Falcon barbara.falcon@usdoj.gov, caseview.ecf@usdoj.gov
- Christina Laura Playton christina.playton@usdoj.gov, alexis.huckoby@usdoj.gov, CaseView.ECF@usdoj.gov, charles.reuss@usdoj.gov, usatxw.ecfsacriminal@usdoj.gov
- Lacy L. McAndrew lacy.mcandrew@usdoj.gov, CaseView.ECF@usdoj.gov, erica.banda@usdoj.gov, nita.brooke@usdoj.gov, stephanie.karam@usdoj.gov, usatxw.civil.immigration.notices@usdoj.gov
- Mary F. Kruger mary.kruger@usdoj.gov, caseview.ecf@usdoj.gov, erica.banda@usdoj.gov, fabiola.pongratz@usdoj.gov, nita.brooke@usdoj.gov, stephanie.rico@usdoj.gov, usatxw.civil.immigration.notices@usdoj.gov

/s/ William B. Shipley

WILLIAM B. SHIPLEY, ESQ.

EXHIBIT LIST

- **Exhibit “A”:** Proof of custody / ICE detainee locator printout
- **Exhibit “B”:** TPS approval notice (Venezuela TPS, 2023 designation)
- **Exhibit “C”:** EOIR order / proof of dismissal of prior § 240 proceedings due to TPS approval
- **Exhibit “D”:** TPS renewal / re-registration proof showing filed after Jan. 17, 2025 and before Feb. 4, 2025
- **Exhibit “E”:** USCIS notices/materials reflecting continued TPS validity through Oct. 2, 2026 (as applicable)
- **Exhibit “F”:** NTPSA membership proof