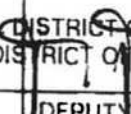


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RECEIVED

MAR 10 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

IN RE:
CASIANO MARTINEZ, IRWIN DUSTIN., PRO-SE.


Petitioner,

SA26CA0911

v.

SOUTH TEXAS DETENTION FACILITY (PEARSALL),
566 Veterans Drive
Pearsall, Texas 78061
Respondents

ATTN: U.S. DISTRICT JUDGE

CASE NO. SA26CA0911 OG

**AMENDMENT -PETITION FOR WRIT OF HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241.**

My name **Irwin Dustin Casiano Martinez**, pro-se writ of habeas corpus, 
 who is unlawfully detained by Immigration and Customs Enforcement (ICE) at
South Texas Detention Facility, 566 Veterans Drive, Pearsall, Texas 78061.

This Petition seeks the immediate release of Irwin Dustin Casiano Martinez from detention as her continued detention violates his rights under the United States Constitution, Immigration Laws, and International Law. Respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and in support thereof states as follows:

I. INTRODUCTION

Petitioner Irwin Dustin Casiano Martinez is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the South Texas Detention Complex, located at 566 Veterans Drive, Pearsall, Texas 78061.

Petitioner's detention is unlawful and violates his constitutional rights to due process under the Fifth Amendment of the United States Constitution.

Petitioners seek immediate release from custody or, in the alternative, a bond hearing before an Immigration Judge with the burden placed on the government to prove by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which provides federal courts with jurisdiction to issue writs of habeas corpus to persons held in custody in violation of the Constitution or laws of the United States.

Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained within this judicial district at the South Texas Detention Complex in Pearsall, Texas.

Respondents are proper parties because they have custody and control over Petitioner and the authority to release him.

III. PARTIES

Petitioner Ascencio Sanchez, Yanet wife of Irwin Dustin Casiano Martinez and mother of his child, [REDACTED], brings this action on his behalf. Under habeas corpus law, a next friend or close relative may file on behalf of detained person.

Petitioner **Irwin Dustin Casiano Martinez** is a national of Mexico, currently detained by ICE at the South Texas Detention Complex in Pearsall, Texas.

Respondent Warden of South Texas Detention Complex is the custodian of Petitioner and is sued in his official capacity.

IV. STATEMENT OF FACTS

A. Petitioner's Immigration History

Petitioner Irwin Dustin Casiano Martinez entered the United States on May 22, 2018, without be processing.

On January 15, 2026, Petitioner timely filed an application for asylum with U.S. San Antonio Immigration Court when he was detained.

Petitioner's asylum application remains pending before Immigration Court in Pearsall, TX with Judge: Robert R. McKee.

The petitioner sought immigration help on three occasions with lawyers in San Antonio, and their responses were always that he could not obtain any immigration documents because he was not processed at the border and did not qualify for anything; therefore, he never filed for asylum with USCIS or the Immigration Court.

Petitioner has maintained lawful work authorization under ITIN number issued by IRS and has been working legally in the United States to support himself and his family.

B. Petitioner's Family Ties and Community Connections

Petitioner is married and has **one (1) minor child** who reside in the United States.

Petitioner's wife is **Yanet Ascencio Sanchez**: asylum applicant.

Petitioner's children are : U.S. citizens.,

Petitioner is the primary financial provider for his family, and his detention has caused severe financial hardship and emotional distress to his wife and children.

Petitioners have established significant ties to the community, including employment, church membership, community involvement, etc..

C. Arrest and Detention

On November 14, 2025, Petitioner was arrested by the Kyle Police Department for a minor violation, specifically remove a price to another item in a store.

This violation is a minor civil infraction and does not constitute a crime of moral turpitude or an aggravated felony under immigration law.

Petitioners have **no criminal record** and has never been convicted of any crime.

Following his arrest by local police, Petitioner was transferred to ICE custody and is currently detained at the South Texas Detention Complex in Pearsall, Texas.

Petitioner has been detained since approximately **November 14, 2025**, without a bond hearing or determination of whether his continued detention is necessary.

ICE has not provided Petitioner with a bond hearing or an opportunity to demonstrate that he does not pose a flight risk or danger to the community.

V. LEGAL CLAIMS

COUNT I: PROLONGED DETENTION WITHOUT BOND HEARING VIOLATES DUE PROCESS

Petitioners incorporate by reference all preceding paragraphs.

The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

The Supreme Court has held that prolonged immigration detention without a bond hearing violates due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

In *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013), the Ninth Circuit held that immigration detainees held for more than six months are entitled to a bond hearing at which the government must prove by clear and convincing evidence that the detainee poses a flight risk or danger to the community.

Although *Rodriguez* is a Ninth Circuit case, its reasoning has been adopted by numerous district courts, including courts within the Fifth Circuit.

Petitioner has been detained for 3 months without a bond hearing.

Petitioner's continued detention without a bond hearing violates his constitutional right to due process under the Fifth Amendment.

Petitioner is entitled to a bond hearing before an Immigration Judge at which the government bears the burden of proving by clear and convincing evidence that Petitioner's detention is justified.

COUNT II: DETENTION IS NOT JUSTIFIED UNDER 8 U.S.C. § 1226

Petitioners incorporate by reference all preceding paragraphs.

Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes the detention of certain non-citizens pending removal proceedings.

Section 1226(a) provides that the Attorney General may release a non-citizen on bond or conditional parole.

Petitioner does not fall within the mandatory detention provisions of 8 U.S.C. § 1226© because:

- He has not been convicted of any crime enumerated in § 1226©.
- He has no criminal record whatsoever.
- His arrest was for a minor violation that does not constitute a removable offense.

Petitioner poses no flight risk because:

- o He has a pending asylum application and strong incentive to appear for all immigration proceedings.
- o He has significant family ties in the United States, including a wife and one minor children.
- o He has maintained continuous residence in the United States since May 22, 2018.
- o He possesses valid employment authorization and has been gainfully employed.

Petitioners pose no danger to the community because:

- o He has no criminal record.
- o His only contact with law enforcement was a minor traffic violation.
- o He has been a law-abiding member of the community.
- o There is no evidence suggesting he poses any threat to public safety.

Petitioner's continued detention is not justified under § 1226(a) and violates the statute's requirement that detention decisions be individualized and based on legitimate governmental interests.

COUNT III: DETENTION VIOLATES SUBSTANTIVE DUE PROCESS

Petitioner incorporates by reference all preceding paragraphs.

The Fifth Amendment protects against government action that "shocks the conscience" or violates fundamental principles of liberty and justice.

Detaining a person with no criminal record, strong family ties, valid work authorization, and a pending asylum application based solely on a minor violation shocks the conscience and violates substantive due process.

Petitioner's detention serves no legitimate governmental interest and is arbitrary and capricious.

Less restrictive alternatives to detention are available, including release on bond, electronic monitoring, or regular check-ins with ICE.

Petitioner's continued detention violates his substantive due process rights under the Fifth Amendment.

VI. PRAYER FOR RELIEF

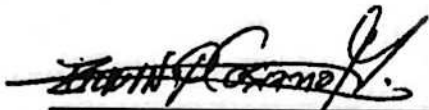
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody.
- B. In the alternative, order Respondents to provide Petitioner with a bond hearing before an Immigration Judge within seven (7) days, at which hearing the government shall bear the burden of proving by clear and convincing evidence that Petitioner poses a flight risk or danger to the community.
- C. Order that Petitioner be released on reasonable bond or on his own recognizance pending the outcome of his immigration proceedings;
- D. Declare that Petitioner's detention violates his rights under the Fifth Amendment to the United States Constitution and 8 U.S.C. § 1226(a);
- F. Grant such other and further relief as the Court deems just and proper.

VII. VERIFICATION

I, Yanet Ascencio Sanchez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 03 day of March, 2026.



Irwin Dustin Casiano Martinez

Pro-Se



Petitioner

SUPPORTING DOCUMENTS TO ATTACH:

1. ☐ ☐ Copy of asylum application receipt notice or other proof of pending asylum case
2. ☐ ☐ Proof of family ties (marriage certificate, children's birth certificates)
3. ☐ Proof of residence
4. ☐ Any correspondence from ICE regarding detention
5. ☐ Declaration from Petitioner providing detailed factual account
6. ☐ Declaration from spouse regarding family hardship
7. ☐ Any other relevant supporting documentation

FILING INSTRUCTIONS:

1. **File in U.S. District Court, Western District of Texas, San Antonio Division**
2. **Filing fee: \$5.00 (or file Application to Proceed In Forma Pauperis if indigent)**
3. **Serve copies on all respondents as listed in Certificate of Service**
4. **Request expedited hearing due to ongoing detention**
5. **Consider filing Motion for Temporary Restraining Order (TRO) if immediate release is sought**

CONTACT INFORMATION:

U.S. District Court, Western District of Texas
San Antonio Division
655 E. César E. Chávez Blvd.
San Antonio, TX 78206
Phone: (210) 244-5500

ICE San Antonio Field Office:
8940 Fourwinds Drive
San Antonio, TX 78239
Phone: (210) 283-4750

South Texas Detention Complex:
566 Veterans Drive
Pearsall, TX 78061

Phone: (830) 334-2939



Court Closures Today February 10, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > CASIANO-MARTINEZ, IRWIN DUSTIN



Automated Case Information

Name: CASIANO-MARTINEZ, IRWIN DUSTIN | **A-Number:**  | **Docket Date:** 11/17/2025

Next Hearing Information

Your upcoming **MASTER** hearing is on **March 19, 2026** at
9:00 AM.

JUDGE

Mckee, Robert R.

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER

(210) 368-5700



[< BACK TO RESULTS](#)

Facility Page

Detention Information For:

IRWIN DUSTIN CASIANO-MARTINEZ

Country of Birth: Mexico

A-Number:



Current Detention Facility:

SOUTH TEXAS DETENTION FACILITY

566 VETERANS DRIVE

NA

PEARSALL, TX 78061

Visitor Information: (830) 334-2939

[MORE INFORMATION >](#)

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - South Texas, TX Detention Facility

Phone Number: (210) 231-4505

[BACK TO SEARCH >](#)



Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate
Locator](#)

Verification of Birth Facts

that will appear on the Infant's Birth Certificate

This document verifies that



(Infant's Last Name)

was born


(Date of Birth)

at

02:55 PM

(Time of Birth)

as a

MALE

(Gender)

and was delivered

by

CLIVE POLON

(Delivering Physician)

This was a

SINGLE

(Type of Birth)

birth that was born

(If SINGLE, Last Name)

The mother's maiden name is

YANET ASCENCIO SANCHEZ

(Mother's Name Prior to First Marriage)

who was born


(Date of Birth)

in

MEXICO

(Mother's Place of Birth)

and currently lives

at


(Street Address of Birth Location)

which

IS

(City)

inside the city limits of

MAXWELL

(City of Residence)

HAYS

(County of Residence)

County,

TEXAS

(State of Residence)


(Zip Code)

The mother's mailing address is:

SAME

The father of



is

IRWIN DUSTIN CASIANO MARTINEZ

(Father's Name Prior to Last Marriage)

who was born


(Date of Birth)

in

MEXICO

(Father's Place of Birth)

I have reviewed the information above and agree that it is correct. The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine of up to \$10,000. (Health and Safety Code, Sec. 195, 1989)

Parent signature(s)





Date



VS-114 REV 5 05