

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Ramon Salazar-Rodriguez

Petitioner,

v.

Bobby Thompson et al.

Respondents

Civil Action No. 5:26-CV-01151-JKP

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITIONER'S ANSWER

1. Petitioner, Ramon Salazar-Rodriguez, files this answer to Respondent's response filed on March 9, 2026.

2. Respondent's position in their response is essentially this; The 5th Circuit decision in Buenrostro puts to bed all statutory and procedural due process claims related to the instant Petition for Habeas Corpus. It does not. They further argue that the Matthews Test, when applied to this case, will bring this Court to the conclusion that no procedural due process right has been violated. Finally, they argue in their response that the Petitioner is simply using a procedural due process argument to reargue his statutory argument. He is not. He is simply doing so to ask the Court to decide an issue which was simply not addressed in Buenrostro-Mendez: Whether holding

a non-citizen without a means of being released from detention violates his rights to procedural due process under the United States Constitution.

3. Buenrostro-Mendez only addressed a statutory claim based upon varying interpretations of 8 U.S.C. § 1225 versus § 1226. See 2026 WL 323330, at *1. It did not address and does not preclude consideration of constitutional and other claims asserted by petitioners seeking relief from alleged unlawful detention. In *Bonilla Conforme*, 2026 WL 381110, at *2. The El Paso court also noted that, because its “many immigration habeas decisions finding due process violations have been based on the *Mathews v. Edlridge* test and principles of procedural due process, not on *Zadvydas* . . . Buenrostro-Mendez does not preclude [the petitioner’s] procedural due process claim.” *Id.*

4. In addition to those cited above, an abundance of recent decisions in the Western District of Texas evidence that it is prevue of this Court to rule on whether or not the Petitioner’s prolonged detention in his violation of his constitutional due process rights. In *Longoria Mendoza v. Noem*, 5:26-CV-0728, (*W.D. Tex. Feb. 26, 2026*), the District Court granted the Petition for Habeas Corpus after reviewing a set of facts and argument nearly identical to that of the instant case and released the petitioner.

5. Your Honor, in your decision, stated: “The Court, furthermore, “is persuaded to follow other district courts that have declined to order Respondents to conduct a bond hearing when Respondents maintain that 8 U.S.C. § 1226 is inapplicable to Petitioner’s detention.” *Cruz-Reyes*, 2026 WL 332315, at *5. Moreover, “due process concerns weigh heavily in favor of granting immediate release.” *Id.* at *6. When a noncitizen “has demonstrated a profound liberty interest in his freedom from civil detention and a concrete, ongoing deprivation of that liberty

without any process provided by Respondents to justify his detention . . . immediate release is appropriate.” Id.

6. Given the government’s position that Petitioner does not merit a custody redetermination hearing based on the holding in Buenrostro, the only remedy available to This court is his immediate release from detention. As such, the petitioner prays that the Court order grant his Petition for Habeas Corpus and order his immediate release.

DATED this 16th Day of March, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John F. Waldron', with a horizontal line extending to the right.

John F. Waldron, Attorney at Law
3201 Cherry Ridge, Suite A-109
San Antonio, Texas 78230
(210) 838-1704
(210) 521-5755 Fax
jwaldron@jfwlawfirm.com
Counsel for Petitioner