

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

1. Jorge LOREDO TREJO,

Petitioner,

v.

1. Marcello VILLEGAS, Warden of the Bluebonnet Detention Facility;
 2. Todd LYONS, Acting Director of Immigration and Customs Enforcement;
 3. Daren MARGOLIN, EOIR Director, U.S. Department of Justice;
 4. Kristi NOEM, Secretary, U.S. Department of Homeland Security;
 5. Pamela BONDI, U.S. Attorney General;
- In their official capacities,

Respondents.

Case No. 1:26-cv-94

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Jorge Loredó Trejo, is in the physical custody of Respondents in the Northern District of Texas.
2. Petitioner was released from ICE custody in 2022 on his own recognizance and has complied with the conditions of his release ever since.
3. Without notice of any violations or an opportunity to respond, Respondents suddenly detained Petitioner on February 24, 2026, at a regularly scheduled check-in appointment.
4. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released immediately.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is believed to be in Anson, Texas, at the time of this filing.
6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
7. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Petitioner currently is detained.
9. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
11. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

12. Petitioner, Jorge Loredó Trejo, is a citizen of Mexico who was detained by Respondents on February 24, 2026, during a routine ICE check-in. Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas.
13. Respondent Marcello Villegas is employed by Bluebonnet Detention Facility as Warden of the facility where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
14. Respondent Todd Lyons is the Acting Director of DHS' Immigration and Customs Enforcement. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
15. Respondent Daren Margolin is the Director of the U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which contains the immigration court system. He is sued in his official capacity.
16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
17. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for

Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

LEGAL FRAMEWORK

18. Respondents possess statutory authority under the Immigration and Nationality Act to detain noncitizens at various stages of immigration proceedings, including under 8 U.S.C. §§ 1225, 1226, and 1231. That statutory authority, however, does not eliminate constitutional due process constraints or excuse noncompliance with binding agency regulations.
19. The Supreme Court has recognized that civil immigration detention implicates a core liberty interest protected by the Due Process Clause and is constitutionally permissible only so long as it bears a reasonable relationship to its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
20. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release reflects an agency determination that continued detention is not justified under the governing statutory framework. Courts have recognized that such a release creates a constitutionally protected liberty interest in remaining at liberty, such that any subsequent re-detention constitutes a new and distinct deprivation of liberty rather than a mere continuation of prior custody. Because re-detention revokes an existing liberty interest, the government may not lawfully re-detain a previously released noncitizen absent constitutionally adequate procedural

safeguards, including notice, an opportunity to be heard, and a justification grounded in materially changed circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196–97 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1142–45 (9th Cir. 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968–70 (N.D. Cal. 2019).

21. Several district courts have recognized that the sudden re-detention of a previously released noncitizen without prior notice, explanation, or an individualized custody determination raises serious procedural due process concerns. Courts have explained that re-detention after an initial release constitutes a new and significant deprivation of liberty, not merely a continuation of prior custody, and therefore requires meaningful procedural safeguards. At a minimum, due process requires the government to provide a reasoned explanation for re-detention and to make an individualized determination grounded in legitimate regulatory purposes such as flight risk or dangerousness. Where the government has previously determined that release was appropriate, the absence of any identified material change in relevant circumstances heightens the risk of erroneous deprivation and supports a finding that re-detention is arbitrary. *See, e.g., Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163–65 (W.D.N.Y. 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Valdez v. Joyce*, 803 F. Supp. 3d 213 (S.D.N.Y. 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 484–86 (S.D.N.Y. 2025).

22. In addition to constitutional constraints, the government's authority to detain and re-detain noncitizens is circumscribed by binding regulations governing custody determinations. Agencies are required to follow their own regulations, and failure to comply with mandatory procedural requirements renders agency action unlawful. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954). Where the government revokes a previously granted release without adherence to its own procedural safeguards or without an individualized custody determination, such action may independently violate due process. The Fifth Circuit has recognized that an agency acts arbitrarily when it disregards its own precedents or regulatory requirements without providing a reasoned explanation. See *Galvez-Vergara v. Gonzales*, 484 F.3d 798, 802 (5th Cir. 2007).
23. Importantly, courts adjudicating re-detention challenges recognize that procedural due process imposes independent limits on the government's authority to revoke a previously granted release. Where the government re-detains a noncitizen after a period of liberty, re-detention without notice, explanation, and an individualized justification violates due process without requiring resolution of the precise statutory provision the government invokes to justify detention. See *Valdez*, 803 F. Supp. 3d 213; *Lopez Benitez*, 795 F. Supp. 3d at 484–86.
24. Where immigration detention violates constitutional due process or governing regulations, habeas corpus is an appropriate vehicle to remedy unlawful executive detention. Habeas relief is equitable and may include an order

directing release or requiring constitutionally adequate procedures. The Supreme Court has explained that “[h]abeas is at its core a remedy for unlawful executive detention,” and that “[t]he typical remedy for such detention is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 536 (2004) (plurality); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

FACTS

25. Petitioner Jorge Loredó Trejo is a citizen of Mexico.
26. Petitioner last entered the United States in or around November or December 2012 without inspection. On November 28, 2022, the Department of Homeland Security issued a Notice to Appear initiating removal proceedings against him.
27. Following issuance of the Notice to Appear, Petitioner was released from immigration custody and permitted to remain at liberty while his removal proceedings were pending. He complied with his reporting obligations and attended routine ICE check-in appointments as required.
28. Petitioner’s next Master Calendar Hearing is scheduled for May 25, 2027, before Immigration Judge Charissa Dvorak in Dallas, Texas.
29. On February 24, 2026, during a regularly scheduled ICE check-in appointment, Respondents took Petitioner into custody. Petitioner had previously been compliant with all check-in requirements and had not been advised of any violations of his release conditions.

30. Petitioner remains detained at the Bluebonnet Detention Facility in Anson, Texas.
31. Petitioner is married to a United States citizen and is the primary financial support for his household, which includes U.S. citizen children.

CLAIMS FOR RELIEF

COUNT I

Violation of the Fifth Amendment Due Process Clause – Unlawful Re-Detention Without Process

32. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
33. The Fifth Amendment's Due Process Clause protects all persons from arbitrary deprivation of liberty.
34. Freedom from physical restraint lies at the core of the liberty protected by due process, including freedom from civil detention absent constitutionally adequate justification reasonably related to a legitimate regulatory purpose.
35. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release creates a constitutionally protected liberty interest in continued freedom from detention.
36. Where the government seeks to revoke that liberty interest and re-detain a previously released individual, procedural due process requires, at a minimum:
 - a. notice or a reasoned explanation of the grounds for re-detention;

b. meaningful opportunity to be heard before re-detention or, at a minimum, promptly thereafter; and

c. individualized custody determination grounded in legitimate detention purposes (such as flight risk or danger), including identification of *materially changed circumstances* where the government has previously determined release was appropriate.

37. Courts across the country have held that sudden re-detention of a previously released noncitizen without notice, explanation, or an individualized custody determination violates procedural due process, without requiring resolution of the precise statutory detention provision invoked by the government.

38. Here, Respondents re-detained Petitioner after a period of liberty previously granted by the government, without providing notice of any alleged violation, without identifying any material change in circumstances, and without affording Petitioner any meaningful opportunity to be heard in connection with the deprivation of liberty.

39. Respondents' re-detention of Petitioner therefore constitutes an arbitrary and unconstitutional deprivation of liberty in violation of the Fifth Amendment.

40. Petitioner is entitled to habeas relief ordering his release from custody or, in the alternative, requiring Respondents to provide constitutionally adequate process governing any continued detention.

COUNT II

Unlawful Revocation of Release in Violation of Governing Regulations

41. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
42. When the Department of Homeland Security releases a noncitizen from custody pursuant to its statutory and regulatory detention authority, that release is governed by binding regulations and established custody procedures that constrain the government's discretion to revoke release.
43. Under well-established administrative law principles, an agency is required to follow its own binding regulations and procedures, and agency action taken in violation of those requirements is unlawful. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954); *Galvez-Vergara v. Gonzales*, 484 F.3d 798, 802 (5th Cir. 2007).
44. Respondents revoked Petitioner's previously granted release and re-detained him without adhering to the procedural safeguards governing revocation of release and without providing a reasoned explanation consistent with its governing standards.
45. Respondents' failure to comply with their own binding regulations renders Petitioner's re-detention unlawful and independently supports habeas relief.
46. Petitioner is entitled to habeas relief ordering his release or reinstatement of prior conditions of release consistent with law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Northern District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five days;
- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 4th day of March 2026.

/S/ Elissa R Stiles
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jorge Loredó Trejo, and submit this verification on his 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 4th day of March 2026.

/S/ Elissa R Stiles
Elissa Stiles