

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

1. Luis Francisco RODARTE
VALLES,

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-99

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Luis Francisco Rodarte Valles is in the physical custody of Respondents at the Bluebonnet Detention Facility in Anson, Texas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention and have refused to provide him an individualized custody review.
2. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released immediately—or, alternatively, that Respondents provide a bond hearing where they bear the burden of proof within five days.

JURISDICTION

3. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas.
4. 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).
5. 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

6. 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.
7. 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

8. 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.*
9. 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

10. Petitioner, Luis Rodarte Valles, is a citizen of Mexico who has been in immigration detention since approximately November 2025. After taking custody of Petitioner, ICE did not set bond. Petitioner applied for an immigration bond from an immigration judge, but the judge is subject to the binding decision of the BIA in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
11. 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.
12. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As such, Lyons is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
13. Respondent Daren Margolin is the Director of U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which includes the immigration court system. He is sued in his official capacity.
14. 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.

15. 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

16. “‘It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.’” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
17. The three-factor balancing test of *Mathew v. Eldridge* is employed to determine whether civil immigration detention indeed violates procedural due process. *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893 (1976). *See Parada-Hernandez v. Johnson*, No. 3:25-cv-2729-K-BN, 2025 LX 595948, at *10 (N.D. Tex. Oct. 29, 2025); *Perez v. Noem*, No. 1:25-cv-00181, 2025 U.S. Dist. LEXIS 272512, at *3 (S.D. Tex. Aug. 26, 2025); *Lala Barros v. Noem*, No. EP-25-CV-488-KC, 2025 LX 532732, at *9 (W.D. Tex. Nov. 10, 2025). The factors to be considered are: “(1) ‘the private interest that will be affected by the official action’; (2) ‘the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute

procedural safeguards’; and (3) ‘the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.’” *Parada-Hernandez*, No. 3:25-cv-2729-K-BN, at *10 (quoting *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)).

18. The first *Mathews* factor, the private interest affected by the action, involves the Petitioner’s physical liberty and interest in being physically unrestrained and separated from family, friends, and community.
19. The second *Mathew* factor is the risk of erroneous deprivation of the interest in question along with the value of any other safeguards used. This Court has noted that the risk of erroneous deprivation is high in a noncitizen case: “Without a bond hearing, [the petitioner] will likely remain in custody.” *Parada-Hernandez*, at *12.
20. Finally, the government’s interest must be considered as the third *Mathews* factor. To be sure, the governmental Respondents have an interest in continuing to prosecute removal proceedings against a noncitizen and ensure his presence at these removal hearings. However, the government should provide support for its position that a petitioner would abscond. As the Western District of Texas noted significantly while weighing this *Mathews* factor for a nonimmigrant, “[Respondents] have failed to even articulate an individualized reason for which [the petitioner] should be detained.” *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 U.S. Dist. LEXIS 195616, at *38 (W.D. Tex. Oct. 1, 2025). Similarly,

Southern District of Texas has noted as significant in a noncitizen's habeas case, while weighing the third *Mathews* factor, "Respondents have proffered no evidence showing that Petitioner is a flight risk or a danger to the community." *Cruz-Reyes v. Bondi*, No. 5:26-CV-60, 2026 U.S. Dist. LEXIS 27758, at *20 (S.D. Tex. Feb. 3, 2026).

21. While the Fifth Circuit recently issued its highly publicized noncitizen decision in *Buenrostro-Mendez*, that decision only foreclosed statutory arguments for noncitizens who entered the country without authorization who believe they are detained under 8 U.S.C. §1226. *See generally, Buenrostro-Mendez v. Bondi*, -- F.4th --, No. 25-20496, 2026 WL 323330, *2 (5th Cir. Feb. 6, 2026).
22. Notably, the Fifth Circuit did not address any other bases of claims for habeas that could apply to noncitizens.¹ Accordingly, the holding of *Buenrostro-Mendez* is narrowly limited to statutory arguments as to whether Sections 1225 or 1226 apply to noncitizens who entered the country unlawfully and does not affect, in any manner, other bases for noncitizen habeas actions.
23. In a recent decision (post *Buenrostro-Mendez*) by the Western District of Texas, that court granted a very similar noncitizen habeas case on the basis of due process alone. *Hassen v. Noem*, No. EP-26-CV-00048-DB, 2026 LX 42398

¹ "Indeed, the Government's counsel stated it bluntly during oral argument: 'We have one issue before the Court now: the statutory question. . . . There's not, in other words, a due process claim here.' Oral Argument, *Buenrostro-Mendez v. Bondi*, No. 25-20496, at 44:56–45:11 (5th Cir. Feb. 3, 2026), available at https://www.ca5.uscourts.gov/OralArgRecordings/25/25-20496_2-3-2026.mp3." *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC, *3 (W.D. Tex. Feb. 9, 2026).

(W.D. Tex. Feb. 9, 2026). The court explicitly held, “*Buenrosto-Mendez* does not change this case’s outcome on procedural due process grounds.” *Id.* at *5 n.1. In so deciding, the court agreed with an earlier case in the same district finding the applicability of Sections 1225 versus 1226 “inconsequential for purposes of its [due process] analysis.” *Id.* at *3 (internal citations omitted). Regardless of which detention statute applied to the petitioner, the court found a writ of habeas corpus appropriate under the Due Process Clause, reasoning that “noncitizens who have ‘established connections’ in the United States by virtue of living in the country for a substantial period acquire a liberty interest in being free from government detention without due process of law.” *Id.*

24. *Hassen* is not the only Texas decision to grant a noncitizen habeas on due process grounds alone after the *Buenrostro* decision. *See Ceballos v. Garite*, No. EP-26-CV-00312-DB, 2026 LX 71436 (W.D. Tex. Feb. 10, 2026) (habeas for Mexican national granted on procedural due process grounds); *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026) (habeas for noncitizen denied in part on statutory grounds after *Buenrosto-Mendez* but granted in part on procedural due process grounds).
25. Accordingly, if Petitioner’s detention violates due process, this habeas corpus petition must be granted.
26. Moreover, while Petitioner contends that release is the proper relief, if the Court were to issue a bond hearing, the requirements of that hearing would also need to comply with procedural due process.

27. Courts have found that due process requires the government to bear the burden of proving, at any bond hearing, that the noncitizen is a danger, flight risk, or threat to national security. *See L.G. v. Choate*, 744 F. Supp. 3d 1172 (D. Colo. 2024) (ordering bond hearing for petitioner under 8 U.S.C. § 1226(a), holding that DHS must bear the burden to prove by clear and convincing evidence that petitioner was a flight risk or a danger to the community); *Ochoa v. Noem*, No. 1:25-cv-00881-JB-LF, 2025 U.S. Dist. LEXIS 220632 (D.N.M. Nov. 7, 2025) (citing *Choate*, holding that under a *Mathews* analysis, the civil immigration detainee's liberty interest outweighs the government's interest in his detention, ordering individualized bond hearing in which DHS bears the burden of proof); *Vizguerra-Ramirez v. Baltazar*, Civil Action No. 25-cv-00881-NYW, 2025 U.S. Dist. LEXIS 261067 (D. Colo. Dec. 17, 2025) (granting petitioner's prolonged detention claim, ordering immigration court to conduct burden-shifted hearing at which DHS must prove petitioner is a danger or a flight risk).²

FACTS

28. Petitioner has resided in the United States since approximately 2004 and lives in Del City, Oklahoma.
29. In approximately November 2025, ICE took custody of Petitioner in Oklahoma. Petitioner is now detained at the Bluebonnet Detention Facility in Anson, Texas.

² See also *Brito v. Barr*, 415 F. Supp. 3d 258, 263 (D. Mass. 2019). In this class action challenge, the court held that placing the burden of proof on the noncitizen in bond hearings violated due process and the APA.

30. Petitioner has resided in the United States for more than twenty years and lives with his wife and four United States citizen children, all of whom are minors. Petitioner's criminal history consists of a single shoplifting offense to which he entered a no contest plea. Aside from that offense, Petitioner has no known history of violence or other criminal conduct. In light of his long residence and strong family ties in the United States, Petitioner presents neither a flight risk nor a danger to the community.
31. Following Petitioner's arrest and transfer to the Bluebonnet Detention Facility, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.
32. Petitioner requested an immigration bond, but the Immigration Judge declined to exercise jurisdiction or take any action on the application for bond, since immigration judges are subject to the binding precedent that those who entered the country without admission or parole are ineligible for a bond hearing. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
33. As a result, Petitioner remains in detention. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process

34. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
35. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
36. Petitioner has a fundamental interest in liberty and being free from official restraint.
37. Under the *Mathews v. Eldridge* balancing test, Petitioner’s private interest in his physical liberty is a substantial one, which is at risk of erroneous deprivation since Respondents continue to refuse to give him any kind of individualized hearing at which they bear the burden of proving the necessity of detention. The government’s interest in ensuring Petitioner attends appointments and hearings related to removal proceedings or potential removal is not outweighed by the severe deprivation of liberty suffered by the Petitioner.
38. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process. *See Ceballos v. Garite*, No. EP-26-CV-00312-DB, 2026 LX 71436 (W.D. Tex. Feb. 10, 2026); *Cumbe Lema v. De Anda-Ybarra*, EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026).

COUNT II

Violation of the Administrative Procedure Act

39. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
40. The Administrative Procedure Act (APA), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and it must provide an adequate explanation for its actions consistent with statutory authority. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).
41. The Department of Homeland Security and ICE acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification and failed to consider the totality of his immigration history. Petitioner's criminal history consists of a single 2015 shoplifting offense in Piedmont, Oklahoma, and he has no record of violence or other misconduct. Nothing in his record establishes that he presents a danger to the community or a flight risk.
42. Despite these facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or

evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient.

43. By instituting an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
44. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Its failure to consider Petitioner's limited criminal history consisting of a single 2015 shoplifting offense in Piedmont, Oklahoma, with which he complied with all court-mandated orders, his more than twenty years of residence in the United States, his family ties to his wife and four United States citizen children, or his pursuit of relief in the form of cancellation of removal constitutes arbitrary and capricious decision-making.
45. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement does not advance either purpose.

46. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).
47. Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative direct DHS to provide a constitutionally adequate and reasonable custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

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 immediately—or, in the alternative, provide Petitioner with a bond hearing where DHS bears the burden of proof by clear and convincing evidence 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
Elissa Stiles
OK Bar No. 34030
Rivas & Associates
PO Box 470348, Tulsa OK 74147
918-419-0166 T | 918-513-6724 F
estiles@rivasassociates.com
Attorney for Petitioner

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

I represent Petitioner, Luis Rodarte Valles, 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