UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MANUEL SEGUNDO ZHUNIO UYAGUARI Petitioner, v. WARDEN, RIO GRANDE PROCESSING CENTER; MIGUEL VERGARA, Director of Harlingen Field Office, U.S. Immigration and Customs Enforcement; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and, PAMELA BONDI, United States Attorney General, in their official capacities, Respondents.	Case No. 5:26-cv-398 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Manuel Segundo Zhunio Uyaguari, by and through undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the U.S. Department of Homeland Security (DHS) and its agents.
2. Petitioner is an Ecuadorian national, currently detained by Respondents at Rio Grande Processing Center, located at 1001 San Rio Blvd., Laredo, Texas, within the Laredo Division of the Southern District of Texas.
3. Petitioner last entered the United States in July 2021 by crossing the southern border. At the time of the entry, he was not apprehended by immigration officials.

4. After arriving in the United States, Petitioner resided in Massachusetts until he was arrested by DHS agents in Maine in July 2025. Upon taking him into custody, DHS placed him in full removal proceedings under section 240 of the Immigration and Nationality Act (INA). His removal proceedings currently remain pending.
5. On October 21, 2025, Petitioner filed an application for asylum, withholding of removal, and protection under the Convention Against Torture with the Immigration Court. Subsequently, on November 18, an Immigration Judge pretermitted the asylum application based on the U.S-Honduras Asylum Cooperative Agreement and ordered him removed to Honduras. Petitioner timely appealed the Immigration Judge's decision to the Board of Immigration Appeals (BIA) on December 17.
6. Although nearly three months have elapsed since Petitioner's timely appeal was filed, the BIA has not set a briefing schedule. At this time, the completion of Petitioner's removal proceedings, and thus his release, is not reasonably foreseeable.
7. Petitioner now faces prolonged and potentially indefinite civil detention without any meaningful opportunity for an individualized determination of whether his continued confinement is necessary or lawful. DHS has not conducted any neutral, individualized assessment of Petitioner's danger to the community, risk of flight, or suitability for less restrictive alternatives to detention.
8. Petitioner has no criminal convictions, no history of violence, and no pending criminal charges. His continued detention is not based on any individualized finding that confinement is necessary to serve a legitimate governmental purpose.

9. Petitioner's continued detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment of the United States Constitution.

10. Accordingly, Petitioner seeks habeas relief ordering his immediate release from DHS custody, or alternatively, an order directing Respondents to provide him with a prompt, constitutionally adequate, and individualized custody determination before a neutral decisionmaker with authority to order release.

JURISDICTION

11. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

13. This Court may grant relief under the habeas corpus statutes, 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

14. Venue is proper because Petitioner is detained at the Rio Grande Processing Center in Laredo, Texas, which is within the jurisdiction of this District. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

15. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States acting in their official capacities, and because a substantial part of the events or omissions giving rise to her claims occurred in this

District. 28 U.S.C. § 1391(e).

PARTIES

16. Petitioner **Manuel Segundo Zhunio Uyaguari** is a citizen and national of Ecuador who has been in immigration detention since July 2025. Petitioner is currently detained at the Rio Grande Processing Center in Laredo, Texas. He is in the custody, and under the direct control, of Respondents and their agents.

17. Respondent **Warden of the Rio Grande Processing Center** has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Warden of the Rio Grande Processing Center has immediate physical custody of Petitioner.

18. Respondent **Miguel Vergara** is sued in his official capacity as the Director of the Harlingen Field Office of U.S. Immigration and Customs Enforcement. Respondent Vergara is a legal custodian of Petitioner and has authority to release him.

19. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority over ICE detention policies, including the authority to release Petitioner from custody.

20. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent

Noem is a legal custodian of Petitioner.

21. Respondent **Pamela Bondi** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

22. Petitioner is a 41-year-old citizen of Ecuador. He fled Ecuador for the United States in 2021 in search of protection from persecution. Indeed, Petitioner suffered serious harm in Ecuador [redacted]

23. Petitioner last entered the United States in July 2021 by crossing the southern border without being apprehended by immigration officials. He then traveled to Massachusetts where he resided until he was detained by DHS in July 2025. In Massachusetts, he worked as a construction worker for nearly four years.

24. In July 2025, while traveling by car to a worksite in Maine, Petitioner was stopped by U.S. Customs and Border Protection (CBP) agents and taken into custody. DHS later transferred Petitioner to the Port Isabel Detention Center in Los Fresnos, Texas, and again to the Rio Grande Processing Center in Laredo, Texas where he is presently housed.

25. After taking him into custody, DHS served Petitioner a Notice of Appear and placed him in INA section 240 proceedings. He has remained in continuous civil immigration detention since then while his removal proceedings are ongoing.

26. On October 21, 2025, Petitioner, through counsel, filed an application for asylum, withholding of removal, and protection under the Convention Against Torture with the Immigration Court. The Court, in turn, scheduled a merits hearing on the asylum application for November 18.

27. On November 10, DHS moved the Immigration Court to pretermit Petitioner's asylum application based on the U.S.-Honduras Asylum Cooperative Agreement (ACA). 90 Fed. Reg. 30076 (July 8, 2025). While Petitioner, through counsel, objected to DHS' motion to pretermit, the Immigration Judge nonetheless granted DHS' request, pretermitted his asylum case, and ordered Petitioner removed to Honduras, a country where he has never been to in his entire life.

28. On December 17, Petitioner timely appealed the Immigration Judge's order to the BIA. The appeal is currently pending. Although nearly three months have elapsed since the BIA received Petitioner's notice of appeal, no briefing schedule has been set as of the filing of this Petition. If the BIA denies Petitioner's appeal, he intends to file a Petitioner for Review at the United States Court of Appeals for the Fifth Circuit.

29. At no time since his detention has Petitioner been afforded an opportunity to challenge DHS' decision to detain him before a neutral decisionmaker. While Petitioner has not sought release through a bond hearing in the Immigration Court, any such request would have been futile. *See Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025); *Buenrostro-Mendez v. Bondi*, — F.4th —, 2026 WL 323330 (5th Cir. Feb. 6, 2026). The Immigration Court lacks jurisdiction to adjudicate the constitutional claims raised by Petitioner here.

30. Upon information and belief, Petitioner has no criminal history both in the United States and anywhere else in the world.

LEGAL FRAMEWORK

31. For nearly 30 years, both practice and precedent clearly established that noncitizens who, like Petitioner, had been detained in the interior of the United States were subject to 8 U.S.C. § 1226(a), and were entitled to a bond hearing to determine whether their continued confinement was warranted.

32. On July 8, 2025, the DHS issued its "Interim Guidance Regarding Detention Authority for Applicants for Admission" (the "Interim Guidance"), reversing this long-held understanding of the statutory scheme. The substance of this novel policy was that any noncitizen arrested in the United States (including those who had resided in this country for years), and charged with being inadmissible as an "applicant for admission", was to be treated as subject to mandatory detention under 8 U.S.C. §1225(b)(2)(A) and ineligible for the due process protections provided under 8 U.S.C. §1226(a), including the right to a bond hearing.

33. On September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216, the BIA issued a decision which adopted the rationale of the DHS "Interim Guidance," concluding that all noncitizens who are present in the United States without having been lawfully admitted "are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." *Id.* at 220. On this basis, the BIA required the Immigration Court to deny a bond hearing to all persons such as Petitioner.

34. In *Buenrostro-Mendez v. Bondi*, — F.4th —, 2026 WL 323330 (5th Cir. Feb. 6, 2026), the Fifth Circuit held that noncitizens present in the United States who have not been admitted are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without eligibility for bond hearings.[1] However, the Fifth Circuit decision rested solely on the Court's construction of the statutes and did not address the constitutional arguments for a bond hearing.

Procedural Due Process Requires that Petitioner be Afforded a Bond Hearing

35. As a person residing in the United States, Petitioner enjoys the protections of the Fifth Amendment's Due Process Clause: "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *see Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) ("[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law"); *cf. Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 139-40 (2020) (holding noncitizens due process rights were limited where the person was not residing in the United States, but rather had been arrested 25 yards into U.S. territory, apparently moments after he crossed the border while he was still "on the threshold").

36. It is well-settled that "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). The Due Process Clause specifically forbids the Government to

[1] Petitioners in that case have been granted until April 20, 2026 to file a petition for a rehearing in the Fifth Circuit.

"deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. Const. Amend. V.

37. Of the liberties protected by the Fifth Amendment, none is greater than the right to be free: "[f]reedom 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*, 533 U.S. 678 at 690.

38. The Supreme Court has thus "repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); *see also Salerno*, 481 U.S. at 750–51 (upholding pretrial detention of individuals charged with a crime for a limited period, where the government—after first demonstrating probable cause—is required to convince a neutral decisionmaker, in a "full-blown adversary hearing" with numerous procedural safeguards, by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person, *i.e.,* that the "arrestee presents an identified and articulable threat to an individual or the community"); *Foucha v. Louisiana,* 504 U.S. 71, 81–83 (1992) (same for civil commitment for mental illness).

39. In *Bonilla Chicas v. Warden et al.*, — F.Supp.3d —, 2026 WL 539475 (S.D. Tex. Feb. 20, 2026), this Court considered whether a non-citizen who had been detained under § 1225(b) had a constitutional right to an individualized detention hearing, even though the statute itself afforded no such opportunity. Applying the test articulated in *Mathews v. Eldridge,* the Court found that the petitioner's private interest (freedom from detention) was a compelling one, that the government's interest (avoiding the

administrative burden of providing a hearing) was relatively minimal, and that the risk of erroneous deprivation in the absence of a hearing was very high, such that detaining the petitioner without a bond hearing violated his due process rights under the Fifth Amendment. *Id. at* *10–11. *See also Cobarrubias Lopez v. Rio Grande Center, et al.*, 2026 WL 571210, at *2 (S.D. Tex. Mar. 2, 2026) (collecting cases); *Betancourth v. Tate, et al.*, — F.Supp.3d —, 2026 WL 638482 (S.D. Tex. Mar. 6, 2026); *Salvador Rodriguez v. Frink, et al.*, — F.Supp.3d —, 2026 WL 709487 (S.D. Tex. Mar. 13, 2026); *Tenemasa-Lema v. Hyde*, — F.Supp.3d —, 2025 WL 3280555 (D. Mass. Nov. 25, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Padilla Molina v. DeLeon*, 2025 WL 3718728 (E.D.N.Y. Dec. 23, 2025). The same conclusion—that a noncitizen who has resided in the country for some period before being detained is entitled as a matter of due process to a hearing to determine whether further detention is warranted and regardless of whether detention is imposed under Section 1226(a) or under Section 1225(b))—applies here with equal force.

40. Petitioner was arrested inside the United States, far from any border or port of entry and after an extended period of residence in this country. In these circumstances, and without regard to which statute applies, Petitioner's detention cannot lawfully continue if he is not granted the constitutionally required safeguard of an individualized detention hearing.

Substantive Due Process Requires that Petitioner be Afforded a Bond Hearing

41. Beyond the procedural protections afforded by the Fifth Amendment, "[t]he Due Process Clause contains a substantive component that bars certain arbitrary, wrongful

government actions regardless of the fairness of the procedures used to implement them." *Zinermon v. Burch,* 494 U.S. 113, 125 (1990) (internal quotation marks omitted).

42. "In the substantive due process analysis, it is the State's affirmative act of restraining the individual's freedom to act on his own behalf—through incarceration, institutionalization, or other similar restraint of personal liberty—which is the 'deprivation of liberty' triggering the protections of the Due Process Clause. . . ." *DeShaney v. Winnebago County Dept. of Social Services,* 489 U.S. 189, 200 (1989). *See also Foucha v. Louisiana,* 504 U.S. 71, 80 (1992) (freedom from bodily restraint "has always been at the core of the liberty interest protected by the Due Process Clause."). And "[t]he institutionalization of an adult by the government triggers heightened, substantive due process scrutiny." *Reno v. Flores,* 507 U.S. 292, 316 (1993) (O'Connor, J., concurring).

43. Because Petitioner is being denied a bond hearing, the government is not taking any steps to effectuate its substantive obligation to ensure that immigration detention bears a "reasonable relation" to its permissible purposes (*i.e.*, the prevention of flight and of danger to the community during the pendency of removal proceedings) and is not impermissibly punitive. *See Zadvydas*, 533 U.S. at 690 (detention, if not ordered in a criminal proceeding, is permissible only where a special justification "outweighs the individual's constitutionally protected interest in avoiding physical restraint," and only where detention is "subject to strong procedural protections") (recognizing prevention of flight and preventing danger to the community as special justifications); *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

44. Because Petitioner has not been afforded any procedural mechanism (such as a bond hearing) for determining the continuing need for confinement, Petitioner's detention is unlawful, regardless of what statute might apply to purportedly authorize such detention.

PETITIONER'S IMMEDIATE RELEASE IS WARRANTED

45. As the foregoing discussion and the claims which follow make clear, the denial of access to a bond hearing violates Petitioner's statutory and constitutional rights, rendering his detention unlawful. While some courts have ordered the holding of a bond hearing as a remedy for this illegal confinement, many others have determined that merely providing a prospective bond hearing would be inadequate to remedy the violation of a petitioner's fundamental liberty interests which has already occurred.

46. These courts have concluded instead that the most appropriate remedy is the detained individual's outright release. *See, e.g., Bonilla Chicas*, 2026 WL 539475, at *11–12 (ordering immediate release); *Cobarrubias Lopez*, 2026 WL 571210, at *2 (same); *Gonzalez v. Joyce*, 2025 WL 2961626, at *5 (S.D.N.Y. Oct. 19, 2025) (finding that "hearing is no substitute for the requirement that ICE engage in a 'deliberative process prior to, or contemporaneous with,' the initial decision to strip a person of the freedom that lies at the hart of the Due Process Clause" (citations omitted)); *Valdez v. Joyce*, 803 F. Supp. 3d 213, 219 (S.D.N.Y. 2025) (ordering immediate release based on the violation of petitioner's due process rights); *Kumar v. Wamsley*, 2026 WL 251798, at *6 (W.D. Wash. Jan. 30, 2026) (same); *Faqeri v. Scott*, 2026 WL 194475, at *5 (W.D. Wash. Jan. 26, 2026) (same).

47. Merely requiring Respondents to do now what they were obliged to do all along (i.e., provide Petitioner with a bond hearing) while Petitioner remains unjustly confined fails to account for the irreparable harm to which Petitioner already has been subjected. In these circumstances, the appropriate remedy is Petitioner's immediate release.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Procedural Due Process

48. Petitioner incorporates by reference the allegations contained in Paragraphs 1 through 47 as if fully set forth herein.

49. Petitioner was arrested inside the United States after an extended period of residence in this country. In these circumstances, the Fifth Amendment's Due Process Clause requires that Petitioner be immediately released from ICE custody, or in the alternative, be granted the safeguard of an individualized detention hearing.

50. Petitioner's continuing detention without recourse to such a hearing is therefore unlawful.

COUNT TWO
Violation of Fifth Amendment Right to Substantive Due Process

51. Petitioner incorporates by reference the allegations contained in Paragraphs 1 through 47 as if fully set forth herein.

52. Because Petitioner has not been afforded any procedural mechanism (such as a bond hearing) for determining the continuing need for confinement, Petitioner's detention violates the Fifth Amendment's substantive Due Process protections and is unlawful, regardless of what statute might apply to purportedly authorize such detention.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

(3) Order that Petitioner be released from detention during the pendency of his habeas proceedings under the Court's inherent Article III authority;

(4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

(5) Issue a Writ of Habeas Corpus ordering Respondents (a) to release Petitioner immediately, or alternatively, (b) to schedule a bond hearing before an immigration judge at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner presents a risk of flight or a danger to the community;

(6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Manuel Segundo Zhunio Uyaguari

By his attorney,

/s/ Yong Ho Song
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Manuel Segundo Zhunio Uyaguari, 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 15th day of March, 2026.

/s/ Yong Ho Song
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