UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MANUEL SEGUNDO ZHUNIO UYAGUARI, *Petitioner*,	§	
	§	CIVIL ACTION NO. 5:26-cv-00398
v.	§	
WARDEN RIO GRANDE PROCESSING CENTER, *et al.*, *Respondents*.	§	

RESPONSE TO THE PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR SUMMARY JUDGMENT

The Government[1] hereby responds to Manuel Segundo Zhunio Uyaguari's ("Petitioner") Petition for Writ of Habeas Corpus and respectfully requests that this Court deny his petition under 28 U.S.C. § 2241 and grant summary judgment for the Government under Federal Rule of Civil Procedure 56.

The Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This conclusion is required under controlling precedent. The Fifth Circuit Court of Appeals recently held that aliens, like the Petitioner, who entered the United States illegally and who are not "clearly and beyond a doubt entitled to be admitted," "shall be detained" under 8 U.S.C. § 1225(b)(2)(A), until the conclusion of their removal proceedings. *Buenrostro v. Bondi*, No. 25-20496, ---- F.4th ---- 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026). Accordingly, this Court should deny this habeas petition and grant summary judgment for the Government.

[1] The proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

STATEMENT OF JURISDICTION

The Court has jurisdiction to review this habeas petition as it challenges the lawfulness of the Petitioner's detention. *See* 28 U.S.C. § 2241.

BACKGROUND

Petitioner is a native and citizen of Ecuador. Dkt. 1 at ¶¶ 2, 16, 22; **Gov. Ex. 1 – Notice to Appear**. Petitioner entered the U.S. without inspection in 2007. Dkt. 1 at ¶¶ 3, 23; **Gov. Ex. 1**. In July 2025, the U.S. Department of Homeland Security ("DHS") apprehended Petitioner and subsequently served him with a Notice to Appear ("NTA") charging him with removability pursuant to Immigration and Nationality Act ("INA") section 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. Dkt. 1 at ¶ 24-25; **Gov. Ex. 1**. In the NTA, the examining immigration official denied Petitioner admission into the United States, explained the basis for charging Petitioner with being subject to removal, and ordered Petitioner to appear in immigration court. **Gov. Ex. 1**.

Petitioner is currently detained at the Rio Grande Detention Center in Laredo, Texas. Dkt. 1 at ¶¶ 2, 14, 16, 24. On November 10, 2025, an Immigration Judge ordered Petitioner removed to Honduras pursuant to the U.S.-Honduras Asylum Cooperative Agreement. *Id.* at ¶ 27. Petitioner filed a timely appeal, which is currently pending. *Id.* at ¶ 28.

ARGUMENT

A. PETITIONER IS SUBJECT TO MANDATORY DETENTION PURSUANT TO THE FIFTH CIRCUIT'S DECISION IN *BUENROSTRO V. BONDI.*

Petitioner's habeas petition must be denied because, based on recent Fifth Circuit precedent, he falls under the plain language of the mandatory detention provision in 8 U.S.C. § 1225(b)(2). In *Buenrostro*, the Fifth Circuit Court of Appeals held that aliens like Petitioner fall

squarely within the ambit of § 1225(b)(2). *Buenrostro v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026). The *Buenrostro* decision involved two consolidated cases. The aliens in *Buenrostro* had both entered the United States illegally. 2026 WL 323330 at *3. The aliens had evaded immigration enforcement officials for many years (decades in the case of one of the aliens). *Id.* When ICE encountered the aliens in 2025, they were served NTAs, charging them with violating 8 U.S.C. § 1182(a)(6)(A)(i). *Id.* The aliens were then detained under 8 U.S.C. § 1225(b)(2). *Id.* The Fifth Circuit held that the Government correctly applied the mandatory detention provision of 8 U.S.C. § 1225(b)(2) to the aliens because they were "applicants for admission"; who were "seeking admission;" and, who were "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2). *Id.* In so holding, the Fifth Circuit rejected the arguments that many district courts had relied upon in granting habeas relief.

First, the Fifth Circuit made clear that aliens who had been present illegally in the United States for many years remained "applicants for admission" who were "seeking admission." 2026 WL 323330 at *4. The court explained that "[w]hen a person applies for something, they are necessarily seeking it." *Id.* In so holding, the court rejected the reasoning that the phrase "seeking admission" in § 1225(b)(2)(A) uses the present tense and thus applies only to individuals "currently and actively seeking to be admitted to the United States when [they are] apprehended." *Id.* at *3. The Fifth Circuit held that "the everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'" *Id.* at *4.

Second, the Fifth Circuit rejected the argument that § 1225(b)(2)'s mandatory detention provision rendered portions of § 1226 superfluous. Section 1226 still applies to aliens who have previously been admitted, such as visa holders whose visas have expired or those aliens who were

erroneously admitted. 2026 WL 323330 at * 7. Similarly, the Laken Riley Act provisions of § 1226(c) still have effect, had effect even more so when it was passed: as the Executive at the time was declining to exercise its full enforcement authority under the INA. *Id.* Moreover, the *Buenrostro* court recognized that any redundancy in the statue "does not give this court a 'license to rewrite ... another portion of the statute contrary to its text.'" *Id.* at *5 (quoting *Barton v. Barr*, 590 U.S. 222, 239 (2020)).

Finally, the *Buenrostro* court, recognizing that the plain language of the INA controlled the analysis and outcome, rejected arguments based on the Executive's past interpretation and application of § 1225 and § 1226. 2026 WL 323330 at * 8. The court observed that the Government's interpretation and application of § 1225(b)(2) "better honors" the intent of Congress's amendments to the INA—the full enforcement of § 1225(b)(2)'s plain terms "put aliens seeking admission lawfully on equal footing with those who entered without inspection." *Id.* at 9.

Here, in all material respects, Petitioner's case cannot be distinguished from *Buenrostro*. The Petitioner is an alien present in the United States who entered the country unlawfully "without inspection." Dkt. 1 at ¶¶ 3, 23; **Gov. Ex. 1**. As the Fifth Circuit held, an alien "present in the United States who has not been admitted," is by definition "an applicant for admission" who is "seeking admission." 8 U.S.C. § 1225(a)(1); § 1225(b)(2). Petitioner was illegally present in the United States: he was not entitled to be admitted into the country. Thus, Petitioner is subject to mandatory detention. *See id.* § 1225(b)(2)(A) (instructing that "the alien *shall* be detained" in the case of "an alien seeking admission" who "is not clearly and beyond a doubt entitled to be admitted") (emphasis added).

The *Buenrostro* decision is binding precedent and requires that the Court deny this habeas petition.[2]

B. PETITIONER'S DETENTION DOES NOT VIOLATE PROCEDURAL DUE PROCESS

Petitioner's procedural due process claim is without merit. Procedural due process challenges the "adequacy of the[] procedures" for making determinations regarding the deprivation of life, liberty, or property. *See Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976). But here, the relevant statute requires detention, i.e., mandates detention without consideration of any factors, such as flight risk and dangerousness. 8 U.S.C. § 1225(b)(2)(A). A procedural due process theory is therefore wholly inapplicable here.

1. <u>It cannot be that the mandatory detention statute at issue violates procedural due process, as any attacks are necessarily substantive.</u>

Petitioner's request for a bond hearing would require a substantive inquiry into flight risk or dangerousness. However, 8 U.S.C. § 1225(b)(2)(A) mandates detention without any consideration of such factors. As such, Petitioner's due process claim is therefore necessarily a substantive due-process challenge, not a procedural one.

Multiple Supreme Court cases illustrate this point. In *Connecticut Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003), the statute at issue required sex offenders to register with the State so that their information could be published on a sex-offender registry. *Id.* at 4–5. John Doe, who had previously been convicted of a sex offense, claimed that the statute violated his procedural-due process rights by requiring him to register without a "hearing to

[2] The *Buenrostro* decision is a published decision and precedential authority even though the mandate has yet to issue. *See, e.g., Martin v. Singletary*, 965 F.2d 944, 945 n.1 (11th Cir. 1992) (explaining that even a stay in the issuance of a mandate does not impact the precedential value of published opinions); *Acute Care Ambul. Serv., L.L.C. v. Azar II*, No. 7:20-CV-00217, 2020 WL 7640206, at *13 (S.D. Tex. Dec. 3, 2020) (rejecting the argument that a Fifth Circuit decision is not controlling because "the mandate has yet to issue, and thus not properly relied upon as precedent.").

determine whether" he was "'currently dangerous.'" *Id.* at 4 (citation omitted); *see id.* at 8. The Court rejected Doe's claim, holding that "[p]laintiffs who assert a right to a hearing under the Due Process Clause must show that the facts they seek to establish in that hearing are relevant under the statutory scheme." *Id.* at 8; *see id.* at 4 ("[D]ue process does not require the opportunity to prove a fact that is not material to the State's statutory scheme"). But what Doe sought to establish—that he was "not currently dangerous"—was "of no consequence" under the statute, which required him to register based on his prior conviction alone. *Id.* at 7. The Supreme Court explained that because "any hearing on current dangerousness" would be "a bootless exercise" under the statute's "substantive rule of law," Doe's procedural-due-process claim failed, and any claim that he was entitled to such a hearing "'must ultimately be analyzed' in terms of substantive, not procedural, due process." *Id.* at 7–8 (citation omitted). The Supreme Court has been steadfast in applying this rationale. *See, e.g.*, *Reno v. Flores*, 507 U.S. 292, 308, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993) (holding that a challenge to a regulation on the ground that it failed to require a determination of a detainee's "interests" was "just [a] 'substantive due process' argument recast in 'procedural due process' terms"); *Michael H. v. Gerald D.*, 491 U.S. 110, 119–21, 109 S.Ct. 2333, 105 L.Ed.2d 91 (1989) (treating a request for an "evidentiary hearing" on an issue that the statutory scheme deemed "irrelevant" as a "substantive due process" claim). The Fifth Circuit has extended this rationale. In *Duarte v. City of Lewisville, Texas*, 858 F.3d 348 (5th Cir. 2017), a plaintiff challenged an ordinance prohibiting him from residing within 1,500 feet of "where children commonly gather." *Id.* at 351. He argued that the ordinance did not give him adequate procedural protection since he was not a danger; however, the Fifth Circuit ruled that because "the fact that the plaintiff seeks to prove is of no consequence under the Ordinance," the Ordinance does not violate procedural due process. *Id.* at 352 (cleaned up).

This case parallels quite symmetrically with the above cases, including *Connecticut Dep't of Pub. Safety*, 538 U.S. 1. Just as in *Connecticut Dep't of Pub. Safety* the statute *required* state sex offender registry, the statute here *requires* detention. And just as a hearing into the subject's "dangerousness" was irrelevant there, it is irrelevant here, for the same reason. If, hypothetically, 8 U.S.C. § 1225(b)(2)(A) were to state that aliens like Petitioner "may be detained," then Petitioner might have a colorable procedural due process claim. However, the statute clearly states that aliens like Petitioner "shall be detained," without a requirement to make "an inquiry into whether the alien poses a flight risk or a danger to society." Therefore, procedural due process "does not entitle him to a hearing to establish a fact that is not material under the [applicable] statute." *Id.* at 7. Petitioner's only recourse, then, is to show that the mandatory detention provision is itself unlawful, as a matter of "*substantive* rule of law." *Id.*

2. Even construing the claim as procedural in nature, it would still fail.

The above analysis makes clear that the relevant detention scheme does not violate procedural due process, as a challenge to the lack of a bond hearing to determine flight risk and dangerousness is not a procedural due process claim at all. But in any event, even *arguendo* it were construed as procedural in nature, the claim would still be unavailing under *Demore v. Kim*, 538 U.S. 510, 123 S.Ct. 1708, 155 L.Ed.2d 724 (2003), which addressed whether 8 U.S.C. § 1226(c) violated due process. That provision, like 8 U.S.C. § 1225(b)(2)(A) here, *requires* detention for a specific subset of aliens. *See* 8 U.S.C. § 1226(c) (instructing that aliens who are removable for having committed a specific set of crimes "shall" be detained during their removal proceedings). The Supreme Court found that this "statutory framework that permits [the detainee's] detention without bail," which made no allowances for consideration of bond, did not violate due process. *Demore*, 538 U.S. at 511. Rather, it ratified such practice as "a constitutionally permissible part of [the removal] process." *Id.* at 531. That holding applies with

equal force here to 8 U.S.C. § 1225(b)(2)(A), which also mandates detention. It is for this reason that on this issue, multiple judges in the Houston Division alone have categorically denied procedural due process claims, citing *Demore*. *See*, *e.g.*, *Avila v. Tate*, 4:25-CV-05919, Dkt. No. 9 (S.D. Tex. 2026) (Hanen, J.) (rejecting the procedural due process claim as "precluded, at this juncture, by *Demore*"); *Giron v. Noem*, No. 4:26-CV-00086, 2026 WL 252370, at *2 (S.D. Tex. Jan. 28, 2026) (Eskridge, J.) (same); *Jimenez v. Bradford*, 4:25-CV-05853, Dkt. No. 19 (S.D. Tex. 2026) (Lake, J.) (same).

Moreover, as explained by Judge Hendrix, procedural due process in this context extends only as far as those rights which "Congress has provided by statute." *See Zuniga v. Lyons*, No. 1:25-CV-00221, 2025 WL 3755126, at *8 (N.D. Tex. Dec. 29, 2025) (quoting *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140, 140 S.Ct. 1959, 207 L.Ed.2d 427 (2020)). Even construing Petitioner's "procedural" due process claim here as procedural, it would fail for the same reason the claim is not procedural at all: "No part of the statute 'says anything whatsoever about bond hearings.'" *Id.* (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 297, 138 S.Ct. 830, 200 L.Ed.2d 122 (2018)).

3. The *Mathews* test is inapplicable here.

As the foregoing illustrates, Petitioner's reliance on *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), is misplaced. *See* Dkt. 1 at ¶ 39. As it is well-taken, *Mathews* articulates a three-part balancing test for analyzing procedural due process claims, which considers "(A) the private interest affected; (B) the risk of erroneous deprivation of that interest through the procedures used; and (C) the governmental interest at stake." *Nelson v. Colorado*, 581 U.S. 128, 135, 137 S.Ct. 1249, 197 L.Ed.2d 611 (2017). But that test has no application in the realm of substantive due process; after all, *Mathews* asks only whether the "procedures" for any deprivation of substantive rights are adequate. 424 U.S. at 335.

Indeed, attempting to apply the *Mathews* factors here shows just how inapplicable they are, which only further confirms that there can be no procedural due process violation. The second *Mathews* factor considers "the risk of erroneous deprivation of that interest through the procedures used." *Nelson*, 581 U.S. at 135. Where, as here, the statute commands one result—mandatory detention—there necessarily cannot be a "risk of erroneous deprivation" from any purported lack of procedure. Here, more procedure—specifically, a statutorily irrelevant inquiry as to whether the alien is a danger or flight risk—cannot change what the Fifth Circuit has already expressly ruled is the only lawful outcome under the applicable statute: mandatory detention. *See Buenrostro*, 2026 WL 323330. Had 8 U.S.C. § 1225(b)(2)(A) instructed that bond may or must be considered, and based on factors like danger and flight risk, then perhaps the lack of a hearing to make those determinations would implicate procedural due process and create a "risk" of erroneous deprivation. But that is patently not the case here under the actual statutory text, pursuant to which notions of procedural due process, including application of the *Mathews* test, cannot maintain.

C. PETITIONER'S DETENTION DOES NOT VIOLATE SUBSTANTIVE DUE PROCESS

The mandatory detention provision of 8 U.S.C. § 1225(b)(2) does not violate substantive due process. Substantive due process "bars outright 'certain government actions regardless of the fairness of the procedures used to implement them.'" *Brennan v. Stewart*, 834 F.2d 1248, 1255 (5th Cir. 1988) (quoting *Daniels v. Williams*, 474 U.S. 327, 331, 106 S.Ct. 662, 88 L.Ed.2d 662 (1986). Substantive due process extends to "only 'those fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition.'" *Dep't of State v. Muñoz*, 602 U.S. 899, 910, 144 S.Ct. 1812, 219 L.Ed.2d 507 (2024) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720–21, 117 S.Ct. 2258, 138 L.Ed.2d 772 (1997)).

Detention without a bond determination pending removal proceedings is not unconstitutional. This issue has been repeatedly addressed by Supreme Court precedent. As a threshold matter, while "the Fifth Amendment entitles aliens to due process of law in deportation proceeding," *Reno v. Flores*, 507 U.S. 292, 306, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993), in light of Congress's "broad power over naturalization and immigration," it "regularly makes rules that would be unacceptable if applied to citizens," *Mathews v. Diaz*, 426 U.S. 67, 79–80, 96 S.Ct. 1883, 48 L.Ed.2d 478 (1976). And applying this principle specifically in the context of detention during removal proceedings, the Supreme Court has held, time and time again, that such detention does not run afoul of the detainee's constitutional rights. *See*, *e.g.*, *Carlson v. Landon*, 342 U.S. 524, 538, 72 S.Ct. 525, 96 L.Ed. 547 (1952) ("Detention is necessary a part of th[e] deportation procedure."); *Wong Wing v. United States*, 163 U.S. 228, 235, 16 S.Ct. 977, 41 L.Ed. 140 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation."); *Demore*, 538 U.S. at 523 (observing that, as a matter of fundamental rights, "prior to 1907 there was no provision permitting bail for any aliens during the pendency of their deportation proceedings"). It is against this backdrop, and this controlling precedent, that the Supreme Court stated in no mistakable terms that "[d]etention during removal proceedings is a constitutionally permissible part of [the deportation] process." *Demore*, 538 U.S. at 531.

Accordingly, any substantive due process claim challenging Petitioner's detention pending removal proceedings fails. *See*, *e.g.*, *Sanchez v. Smith*, No. 4:25-CV-05384, 2025 WL 3687914, at *2 (S.D. Tex. Dec. 19, 2025) (Eskridge, J.) (rejecting the claim that detention pending removal violates substantive due process); *Zuniga v. Lyons*, No. 1:25-CV-00221, 2025 WL 3755126, at *8 (N.D. Tex. Dec. 29, 2025) (Hendrix, J.) (holding that "the notion that substantive due process

requires a bond hearing is untenable"); *Salazar-Gonzalez v. Noem*, 4:25-CV-04662, Dkt. No. 15 (S.D. Tex. Feb. 12, 2026) (Hanen, J.) (rejecting the due process claim in this context as "precluded" by Supreme Court precedent); *Jimenez v. Bradford*, 4:25-CV-05853, Dkt. No. 19 (S.D. Tex. 2026) (Lake, J.) (same).

D. PETITIONER IS NOT ENTITLED TO ATTORNEY'S FEES AND COSTS UNDER THE EQUAL ACCESS TO JUSTICE ACT.

Respondents note that the Equal Access to Justice Act does not authorize attorney's fees for successful 28 U.S.C. § 2241 motions. *Barco v. Witte*, 65 F.4th 782, 785 (5th Cir. 2023). Accordingly, Petitioner is not entitled to such relief.

CONCLUSION

For the foregoing reasons, the Court should deny Petitioner's request for habeas relief and grant the instant motion.

Dated: March 20, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on March 20, 2026, the foregoing was filed and served on all attorneys of record via the District's ECF system.

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