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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Roberto de Jesus Saravia Ulloa, **Petitioner,** v. **Kristi Noem**, Secretary of the United States Department of Homeland Security, in her official capacity; **Sirce Owen**, Acting Director of Executive Office for Immigration Review, in her official capacity; **Mario Garcia,** Warden of the Webb County Detention Center, in his official capacity, **Respondents**.	**Case No.** **Agency No.** [redacted] **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241**

INTRODUCTION

This case challenges the unconstitutional re-detention of Petitioner after the Department of Homeland Security ("DHS") had already exercised its discretion to release him from custody and permitted his liberty to persist through sustained compliance with immigration supervision.

Petitioner was arrested by DHS, released under supervision after a determination that he posed no danger or flight risk, and faithfully complied with all reporting and supervision requirements for an extended period. He committed no crimes, violated no conditions of release, and never failed to appear as directed.

Notwithstanding that compliance, DHS re-arrested and re-detained Petitioner without notice, without a warrant, without any intervening violation, and without any constitutionally required findings**.** That re-detention constitutes a new and unlawful deprivation of liberty.

This petition does **not** turn on statutory detention categories or discretionary bond authority. It turns on the Constitution. Once the government affirmatively releases a person and permits liberty to continue through compliance, it may not revoke that liberty arbitrarily or retroactively re-justify detention through relabeling or policy shifts**.**

Because no constitutionally sufficient immigration process exists to cure this violation, the only permissible habeas remedy is immediate release**,** restoring Petitioner to the same conditions of ICE supervision previously imposed.

JURISDICTION & CUSTODY

1. Petitioner Roberto de Jesus Saravia Ulloa, is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security.

2. Petitioner is currently detained at Webb County Detention Center and is under the direct control of Respondents and their agents.

3. This action arises under the Constitution of the United States and 8 U.S.C. § 1101 et seq.

4. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and the common law. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

5. Congress has preserved judicial review of challenges to immigration detention. *See Jennings v. Rodriguez*, 583 U.S. 122, 130-131 (2018) (holding that 8 U.S.C. §§ 1226(e) and 1252(b)(9) do not bar review of challenges to prolonged immigration detention).

6. 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.*

7. The Court has inherent power to release the petitioner pending review of his petition. *See Martin v. Solem*, 801 F.2d 324, 329 (8th Cir. 1986).

VENUE

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in this Court, the federal judicial district in which Petitioner is currently is in custody.

9. Venue is also properly in this Court pursuant to 18 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

PARTIES

10. Petitioner Roberto de Jesus Saravia Ulloa was born on [redacted] in Nueva Guadalupe, El Savador. Petitioner is currently detained by ICE at Webb County Detention Center. *See*, ICE Online Detainee Locator, filed herewith as Exhibit 1.

11. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent Noem is a legal custodian of Petitioner. Respondent Noem is sued in her official capacity.

12. Respondent DHS is a federal executive agency responsible for, among other things, enforcing federal immigration laws and overseeing lawful immigration to the United States. Respondent DHS is a legal custodian of Petitioner.

13. Respondent Mario Garcia is the Warden of the Webb County Detention Center. Respondent Garcia is a legal custodian of Petitioner. Respondent Garcia is sued in his official capacity.

14. Respondent Sirce Owen is the Acting Director of the Executive Office for Immigration Review (EOIR), a federal agency within the U.S. Department of Justice. Respondent EOIR is responsible for the administration of immigration courts, and acceptance of forms and petitions related to adjudication of immigration claims, as well as motions for bond. Respondent Sirce Owen is sued in her official capacity.

STATEMENT OF FACTS

15. Petitioner Roberto de Jesus Saravia Ulloa was born on [redacted] in Nueva Guadalupe, El Savador.

16. Petitioner fled persecution in El Salvador and presented himself to U.S. authorities at the southern border after securing an appointment through the CBP One application. *See*, Notice to Appear, filed herewith as Exhibit 2.

17. On or about November 12, 2025, Petitioner was issued a Notice to Appear ("NTA"). *Id.* The Notice to Appear in this case was issued and signed by a U.S. Customs and Border Protection ("CBP") officer, reflecting that Petitioner was processed by CBP at or near the time of his entry into the United States. *Id*.

18. Because he was an arriving alien without a valid visa or entry document, he was charged under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act. *Id.*

19. Following his entry into the United States, Petitioner was placed on the non-detained docket. He was ordered to appear before an immigration judge at the Dallas Immigration Court at 1100 Commerce St, Ste 1060, Dallas, TX 75242 for an initial master calendar hearing on October 11, 2028. *Id*.

20. He resided with his family at an address in Arlington, Texas, and filed his initial application for asylum in February 2024 while at liberty.

21. Petitioner was redetained on November 25, 2025, just eight days after the U.S.-Ecuador ACA was published in the Federal Register on November 17, 2025. *See* Notice to EOIR: Alien Address and Motion to Pretermit, filed herewith as Exhibits 3 and 4.

22. Following his redetention, DHS filed a motion to pretermit his application for asylum, statutory withholding of removal, and protection under the Convention Against Torture. *See* Motion to Pretermit filed herewith as Exhibit 4. The government argued that because he is an "arriving alien" who entered after November 19, 2019, he is barred from applying for protection in the United States and must instead be removed to one of the ACA countries to pursue his claims there. *Id*.

23. Petitioner was first held at the Prairieland Detention Center in Alvarado, Texas, before being transferred to the Webb County Detention Center in Laredo, Texas, in early December 2025. *See* Notice to EOIR: Alien Address, filed herewith as Exhibit 3. As of early 2026, he remains in custody at the Webb County Detention Center. *See* ICE Online Detainee Locator Printout, filed herewith as Exhibit 1.

24. On January 26, 2026, an immigration judge in Laredo granted the government's motion to pretermit and ordered Petitioner removed to Honduras, with Guatemala

and Ecuador designated as alternative countries. *See* Order of the Immigration Judge, filed herewith as Exhibit 5.

25. Petitioner appealed the decision of the Immigration Judge on February 25, 2026, which remains pending before the Board of Immigration Appeals. *See* Appeal Payment Receipt filed herewith as Exhibit 6.

26. Petitioner has no criminal history. *See* Declaration of Counsel in Support of Petition for Writ of Habeas Corpus, filed herewith as Exhibit 7.

27. To date, Petitioner has not been provided with any explanation or legal justification for his rearrest and continued detention. Nor has the government identified any violation of release conditions, failure to report, or other basis that would justify his re-detention.

28. Despite his full compliance, DHS re-arrested Petitioner during a routine reporting appointment, without advance notice, without a warrant, and without identifying any changed circumstance or violation justifying his detention.

29. Petitioner was not served with any notice of revocation, afforded no opportunity to contest his seizure, and provided no individualized determination or justification for his re-detention.

30. DHS now continues to detain Petitioner notwithstanding its prior decision to release him and Petitioner's reliance on that grant of liberty**.**

LEGAL FRAMEWORK

31. The length of time that a petitioner has been living in the United States is a constitutionally relevant consideration, because "once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United

States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). It is therefore reasonable to read these statutes "against [that] backdrop." *See Hewitt v. United States*, 605 U.S. —, 145 S. Ct. 2165, 2173 (2025).

32. Due process thus requires "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

33. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.; Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

34. Once the government affirmatively releases a person from custody and permits liberty to persist, that liberty interest may not be withdrawn without constitutionally sufficient justification and process. Arbitrary civil detention is impermissible. *Zadvydas v. Davis* at 690-93, 699.

35. Habeas relief is appropriate where detention violates the Constitution and no lawful mechanism exists to cure the violation. *Boumediene v. Bush*, 553 U.S. 723 (2008).

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
Violation of Fifth Amendment – Substantive Due Process

36. Petitioner realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

37. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law," including noncitizens. U.S. Const. amend. V.

38. Substantive due process asks whether a person's life, liberty, or property is deprived without sufficient purpose. There is no question that Petitioner has been deprived of his liberty in this case.

39. DHS exercised its discretion to release Petitioner and imposed conditions of supervision, thereby authorizing her liberty.

40. Petitioner relied on that release and complied fully with all supervision requirements.

41. DHS thereafter re-detained Petitioner without notice, warrant, and without any finding that a violation of the release conditions or that a criminal activity occurred warranting the re-detention.

42. That re-detention constitutes a new seizure and a new deprivation of liberty, subject to constitutional scrutiny.

43. The government may not revoke liberty already granted based on retroactive relabeling, categorical theories, or administrative convenience.

44. Because no constitutionally sufficient immigration procedure exists to justify Petitioner's re-detention following release and compliance, continued custody is unlawful.

45. Petitioner's detention therefore violates the Due Process Clause of the Fifth Amendment.

HABEAS CORPUS REMEDY

46. Where detention is unconstitutional and cannot be cured through lawful process, release is the required remedy. Continued detention would compound the constitutional violation.

47. Restoring Petitioner to the last lawful custody status—release under ICE supervision—is the only remedy consistent with habeas principles.

YAHURE HURTADO DOES NOT AUTHORIZE RE-DETENTION AFTER RELASE

48. Respondents may argue that continued detention is authorized under Matter of *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That argument fails for a fundamental reason: *Yajure-Hurtado* addresses initial detention authority; it does not authorize the warrantless re-detention of a noncitizen who has already been released, has complied with all conditions of supervision, and has not violated any term of release.

49. Nothing in *Yajure-Hurtado* purports to extinguish the due-process protections that attach once DHS affirmatively grants liberty. Even assuming DHS may classify Petitioner as subject to § 1225 detention in the abstract, that classification cannot retroactively justify re-arrest without notice, without a revocation of release, and without constitutionally sufficient process. Applied in this posture, reliance on *Yajure-Hurtado* would permit arbitrary deprivation of liberty and therefore cannot sustain Petitioner's continued detention.

PRAYER FOR RELIEF

WHEREFORE Petitioner Roberto de Jesus Saravia Ulloa respectfully requests that the Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Order Respondents not to transfer Petitioner out of this District during the pendency

of these proceedings, to preserve jurisdiction;

3. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and order Respondents to immediately release Petitioner from custody and restore her to the same conditions of release previously imposed by DHS, including reporting requirements and ICE supervision as reflected in the administrative record;

4. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

5. Grant any further relief the Court deems just and proper.

Dated this 17th day of March, 2026.

By: */s/ Nera Shefer*
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Roberto de Jesus Saravia Ulloa 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 17th day of March, 2026.

By: */s/ Nera Shefer*
Nera Shefer, Esq.

LIST OF EXHIBITS	
Exhibit 1	ICE Online Detainee Locator
Exhibit 2	Notice to Appear
Exhibit 3	Notice to EOIR: Alien Address
Exhibit 4	DHS Motion to Pretermit
Exhibit 5	Order of the Immigration Judge Granting DHS Motion to Pretermit
Exhibit 6	BIA-Appeal Payment Receipt
Exhibit 7	Declaration of Counsel in Support of Petition for Writ of Habeas Corpus

CERTIFICATE OF SERVICE

I, Nera Shefer, hereby certify that on March 17, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was filed with the Clerk of the Court. Service will be effected upon Respondents in accordance with Rule 4 of the Federal Rules of Civil Procedure and any Order of this Court, including service upon the United States Attorney for the Western District of Texas and the Office of the Attorney General of the United States.

By: */s/ Nera Shefer*
Nera Shefer, Esq.