

and continues to detain him **without providing any constitutionally adequate custody review or individualized determination** justifying continued detention.

Petitioner **does not challenge the validity of his removal order**, does not seek review of removal proceedings, and does not request relief from removal. He challenges **only the legality of his continued detention under § 1231(a)**, which has become **arbitrary, unreasonable, and punitive in nature**.

Where, as here, detention extends beyond the statutory removal period and there is **no individualized finding that continued detention is necessary to effectuate removal**, such detention violates due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to **28 U.S.C. § 2241** because Petitioner is **in custody within this District** in violation of the Constitution and laws of the United States.

This Court also has jurisdiction under **28 U.S.C. § 1331**, as this action arises under the Constitution and federal law.

Venue is proper in this Court because Petitioner is detained at **Eden Detention Facility** located within the **Northern District**, and his immediate custodian is located within this District.

Petitioner does **not** challenge any order of removal, the decision to commence removal proceedings, or the execution of a removal order. He challenges **only the legal authority for his continued detention** and the denial of a constitutionally adequate custody review. Accordingly, **8 U.S.C. §§ 1252(g), 1252(b)(9), and 1225(b)(4)** do not bar this Court's jurisdiction.

Courts retain jurisdiction under **28 U.S.C. § 2241** to review the legality and constitutionality of post-final-order detention. Jurisdiction is not barred by **8 U.S.C. § 1252** where, as here, the petitioner challenges only continued physical confinement. *Zadvydas*, 533 U.S. at 688–89.

III. PARTIES

Petitioner is a native and citizen of Honduras currently detained by ICE at (unknown location)

Respondent Markwayne is the Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the immigration laws.

Respondent Todd Blanche is the Attorney General of the United States and is responsible for the conduct of immigration litigation.

Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for ICE custody and detention decisions nationwide.

Respondent Sylvester M. Ortega is the ICE Field Office Director with authority over Petitioner's detention.

Respondent warden of Eden Detention Facility is the Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

Petitioner is a Honduran national who **unlawfully entered the United States on March 30, 2010.**

Petitioner has resided in the United States for more than a decade and has developed significant community ties.

On or about December 8, 2025 , Petitioner was stopped by an ICE agent. There was **no allegation of any violations and no new criminal conduct**. Nevertheless, ICE arrested Petitioner at or immediately following that traffic stop.

Petitioner was taken into ICE custody. An ICE bond request was filed on his behalf that was left unanswered without adequately considering Petitioner's lack of incarceration, or absence of any criminal conduct.

A **final order of removal** was entered on March 20, 2026. ICE asserts detention authority under **8 U.S.C. § 1231(a)**.

The petitioner applied for a U Visa on September 29, 2021 and received a bona fide determination on December 11, 2024. Pursuant to the Bona Fide Determination dated December 11, 2024 Petitioner is a beneficiary of deferred action status and thus a lower priority for removal. See U.S. Citizenship and Immigration Services, "Bona Fide Determination Process" USCIS Policy Manual, 3 -Part C -Chapter 5 [https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5#:~:text=The%20Bona%20Fide%20Determination%20\(BFD\)%20process%20is,risk%20to%20national%20security%20or%20public%20safety**](https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5#:~:text=The%20Bona%20Fide%20Determination%20(BFD)%20process%20is,risk%20to%20national%20security%20or%20public%20safety**).

With his deferred action status based on his prima facie eligibility for a U Nonimmigrant Visa, Petitioner is not likely to be removed from the United State in the near future.

VI. ARGUMENT

A. Petitioner's Detention Is Governed by 8 U.S.C. § 1231(a)

Because Petitioner is subject to a final order of removal, ICE's detention authority arises, if at all, under **8 U.S.C. § 1231(a)**.

ICE has not effectuated Petitioner's removal and continues to detain him without any individualized custody determination demonstrating that continued detention is necessary to effectuate removal.

B. Continued Detention Without Adequate Process Violates Due Process

Although Petitioner remains within the statutory removal period, due process independently requires that detention be accompanied by a meaningful, individualized custody determination, which Respondents have failed to provide. Civil detention under § 1231(a)(6) is permissible only so long as it bears a reasonable relationship to the purpose of effectuating removal and is not excessive. *Zadvydas*, 533 U.S. at 690.

Here, ICE has not shown that removal is reasonably foreseeable, nor has it provided any **individualized custody determination** justifying continued detention.

ICE has identified **no facts** demonstrating that Petitioner poses a danger to the community or a flight risk. Continued detention without changed circumstances or meaningful procedural safeguards renders the detention **punitive rather than civil**, in violation of substantive and procedural due process.

C. ICE's Failure to Provide a Constitutionally Adequate Custody Review Renders Detention Unlawful

Due process requires **periodic, meaningful custody reviews** at which the government bears the burden of justifying continued detention.

ICE's internal review procedures, if any, are constitutionally inadequate where they lack neutrality, fail to provide a meaningful opportunity to be heard, and place no burden on the government.

Absent a constitutionally adequate custody review and a showing that detention is reasonably necessary to effectuate removal, continued detention violates the Fifth Amendment.

VII. IRREPARABLE HARM

Petitioner continues to suffer **irreparable harm** through prolonged civil detention, separation from family, and the ongoing deprivation of liberty without due process of law.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

Order Respondents to provide Petitioner with a prompt, constitutionally adequate custody review before a neutral decision maker at which the government bears the burden of demonstrating that continued detention is reasonably necessary to effectuate removal; and, where Respondents cannot meet that burden, order Petitioner's release under appropriate conditions of supervision.

Respectfully submitted,

Michael B Piri

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EXHIBIT B

2/21/26, 12:47 PM

Piri Law Firm Mail - ICE BOND/ PAROLE Request / UVISA/ MORALES CRUZ /104



Johanna Hurtado <johanna@michaelpiri.com>

ICE BOND/ PAROLE Request / UVISA/ MORALES CRUZ /104

1 message

Andra Racovitan <andra@michaelpiri.com>

Sat, Feb 21, 2026 at 12:16 PM

To: DAL Detained Docket Unit <DALDETAINEDDOCKETUNIT@ice.dhs.gov>, "Dallas.Outreach"

<Dallas.Outreach@ice.dhs.gov>, OPLA Dallas Duty Attorney <OPLADallasDutyAttorney@ice.dhs.gov>

Cc: Michael Piri <michael@michaelpiri.com>, Andrea Avila <Andrea@michaelpiri.com>, Johanna Hurtado <johanna@michaelpiri.com>

NAME: MORALES CRUZ, JESUS EVENOR

A: [REDACTED]

COUNTRY OF CITIZENSHIP: HONDURAS

DETENTION FACILITY: EDEN Detention Center

ATTN ERO/ DETENTION WARDEN PHILLIP VALDEZ,

ATTN ICE AGENT, CASTRO

My name is **Maria Andra Racovitan**, I'm an immigration attorney and I work with **The Piri Law Firm, PLLC**. Our office represents **Mr. Jesus E. Morales Cruz** in connection with his immigration process. (See attached my G28).

We received your contact information from **Officer Escalantes** today during our call with the Eden Detention Facility while attempting to obtain the appropriate point of contact. (see attached a screenshot of our outgoing phone call to Eden Detention Facility).

We respectfully submit this request for the client's release on parole or, in the alternative, on bond.

Mr. Cruz entered the United States on **March 30, 2010**, and has resided in this country for nearly **16 years**. He was detained in Abilene, Texas on **December 8, 2025**.

Importantly, **Mr. Cruz has no criminal record** (see attached criminal record check). He is the beneficiary of a pending U-Visa petition. On **December 11, 2024**, USCIS issued a **Bona Fide Determination Notice**, confirming that his petition has been preliminarily reviewed and deemed **bona fide** (see attached USCIS notice). This determination reflects USCIS's finding that he has established prima facie eligibility for U-nonimmigrant status.

Mr. Cruz has strong equities warranting release:

- Long-term residence in the United States
- Pending U-Visa with Bona Fide Determination
- Tax compliance and evidence of lawful earnings
- Community ties and stable address
- No indication of danger to the community
- He is not a flight risk
- Has demonstrated compliance with prior legal obligations, including filing of taxes (see attached tax filing compliance) and
- A clear incentive to pursue his pending U-Visa application through USCIS.

Given his pending immigration relief and positive equities, continued detention is not warranted. We respectfully request that ICE exercise its discretion and set a reasonable bond to allow Mr. Morales Cruz to reunite with his family and continue pursuing lawful status. In the alternative we ask that he would be released on his own recognizance.

2/21/26, 12:47 PM

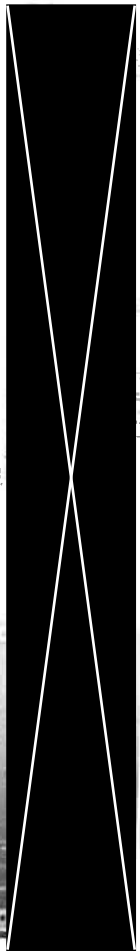
Piri Law Firm Mail - ICE BOND/ PAROLE Request / UVISA/ MORALES CRUZ /104

Please advise if any additional documentation is required. We anticipate a response.

Sincerely,

Andra Racovitan, Esq.
The Piri Law Firm, PLLC
T: (833) 600 - 0029

6 attachments



IMG_7463.jpeg
237K

IMG_7464.jpeg
267K

IMG_7451.jpeg
217K

 G- 28 Jesus Morales .pdf
954K

 U-Visa Bonafide.pdf
162K

 TAXES JESUS MORALES.pdf
5828K

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Attorney for Respondent

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

MORALES CRUZ, JESUS,

Petitioner,

V.

CIVIL ACTION NO.

MARKWAYNE MULLIN,, Secretary of Homeland Security; TODD BLANCHE,U.S Attorney General; TODD M.LYONS, Acting Director of Immigration and Customs Enforcement;ROBERT CERNA and MARCELO VILLEGAS warden of EDEN DETENTION FACILITY

Respondents.

ORDER GRANTING PETITIONER'S HABEAS PETITION

Upon consideration of Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, the submissions of the parties, the Court finds that:

1. Petitioner's Petition for Writ of Habeas Corpus is **GRANTED**.
2. Respondents shall release Petitioner from custody within (14) days of the date of this Order, unless Respondents demonstrate that the Petitioner's removal is significantly likely in the reasonably foreseeable future.
3. Any release shall be subject to reasonable conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3).

4. Respondents shall file a written status report with the Court within fourteen (14) days of the date of this Order confirming compliance with this Order.
5. The Court retains jurisdiction to enforce this Order and ensure compliance with its terms.

SO ORDERED this ____ day of _____, 2026.

Judge Presiding