IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GUILLERMO LANDAVERDE RESENDIZ Petitioner, v. **MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity, **WARDEN**, South Texas ICE Processing Center, in his/her official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity Respondents.	Case No.: **5:26-cv-4130**

PETITION FOR WRIT OF HABEAS CORPUS

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GUILLERMO LANDAVERDE RESENDIZ Petitioner, v. **MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity, **WARDEN**, South Texas ICE Processing Center, in his/her official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity Respondents.	Case No.: **5:26-cv-4130**

INTRODUCTION

1. **Guillermo Landaverde Resendiz** ("Petitioner")(A# [redacted] is a Mexican citizen. ***(See Exhibit A).***
2. The Petitioner last entered the United States on or about 2009. Petitioner entered without inspection and was not apprehended.
3. The Petitioner's extensive family ties include his three U.S. Citizen children, and Legal Permanent Resident mother who he cares for. Additionally, his extended family consists of aunts, uncles and cousins. ***(See Exhibits B).***

4. The Petitioner has a pending VAWA application based on his marriage to a U.S. citizen spouse, from whom he suffered abuse. Petitioner previously had an I-130 petition pending. ***(See Exhibits B).***On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on May 20, 2026.
5. The Petitioner was driving when he was pulled over by a State Trooper. The trooper told the Petitioner he was being stopped because the trailer and vehicle taillights were non-functioning. The trooper requested documentation, and the petitioner provided his driver's license. The trooper then questioned the Petitioner regarding his immigration status, and Immigration and Customs Enforcement (ICE) subsequently arrived and detained him.
6. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to South Texas ICE Processing Center located in Pearsall, TX where he is currently being detained.
7. In order to vindicate Petitioner's constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure his continued freedom.
8. Petitioner kindly requests that this court find his detention to be unlawful and order ICE to release him.

JURISDICTION

9. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
10. Venue is proper because Petitioner is currently detained at South Texas ICE Processing Center located in Pearsall, TX. Therefore, the petitioner remains detained within the District of Texas.

PARTIES & FACTS ALLEGED

11. The Petitioner **Guillermo Landaverde Resendiz** is a native and citizen of Mexico.
12. Respondent Miguel Vergara is the Field Office Director for the San Antonio Field Office, Immigration and Customs Enforcement.

13. Respondent Warden for South Texas ICE Processing Center.

14. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.

15. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.

16. Respondent Todd Blanche is the Acting U.S. Attorney General.

17. All Respondents are named in their official capacities.

18. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on May 20, 2026.

19. The Petitioner was driving when he was pulled over by a State Trooper. The trooper told the Petitioner he was being stopped because the trailer and vehicle taillights were non-functioning. The trooper requested documentation, and the petitioner provided his driver's license. The trooper then questioned the Petitioner regarding his immigration status, and Immigration and Customs Enforcement (ICE) subsequently arrived and detained him.

20. On information and belief, Petitioner is currently in custody in the District of Texas, and one or more of the Respondents is his immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

21. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".

22. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent" *Zadvydas v. Davis, 553 U.S. 693 (2001).*

23. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates his due process rights.

24. On information and belief, Petitioner is currently being detained at the South Texas ICE Processing Center located in Pearsall, TX without cause and in violation of his constitutional rights to due process of law.

COUNT TWO
Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond

25. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States whom are subject to the ground of inadmissibility, most relevant, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

26. Nonetheless, the Board of Immigration Appeal, under the Department of Justice, issued a decision on September 5th, 2025, binding on all Immigration Judges, thus rendering the Petitioner ineligible for release on Bond. *Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).*

27. Moreover, Petitioner falls under the class membership of the Class Action suit, *Guerrero-Orellana v. Hyde et al.* and she additionally asserts that she should be released upon this consideration as well. *(See Guerrero-Orellana v. Hyde et al. opinion – Case 1:25-cv-12664-PBS Doc 112 12/19/25).*

COUNT THREE
Violation of the Bond Regulations, 8 C.F.R. § 236.1, 1236.1 and 1003.19 Unlawful Denial of Release on Bond

28. In 1997, following enactment of IIRIRA, EOIR and the Immigration and Naturalization Service issued an interim rule interpreting its detention provisions. Under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies clarified that "despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, individuals

who entered without inspection are eligible for custody redetermination hearings under 8 U.S.C. § 1226 and its implementing regulations.

29. Application of 8 U.S.C. § 1225(b)(2) to Petitioner, who is bond-eligible, unlawfully mandates his continued detention in contravention of 8 C.F.R. § 236.1, 1236.1, and 1003.19.

COUNT FOUR
Violation of the Maldonado Bautista v. Noem (5:25-cv-01873-SSS-BFM) Final Judgement

30. The Petitioner, qualifies as a member of the Certified Bond Eligible Class, as defined in the Judgement, the Bond Eligible Class is defined as "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(l), or§ 1231 at the time the Department of Homeland Security makes an initial custody determination."
31. The U.S. District Court declared that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under§ 1225(b)(2).
32. The Respondents have consistently denied the Petitioner the access to a Bond Hearing, as stipulated by the final judgement, as they continue to misclassify the Petitioner as detained pursuant to U.S.C. § 1225(b)(2).

PRAYER FOR RELIEF

Wherefore, Petitioner, **Guillermo Landaverde Resendiz** respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Order that Petitioner shall NOT be transferred outside the District of Texas;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

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

5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately. At the time of release, Respondent must return all of Petitioner's documents and possessions and shall not impose any additional restrictions on him as a condition of his release.

6) Order the Petitioner's counsel, Margie S. Lazo be notified by phone at **617-418-5442** and by email at **lazomargie.law@gmail.com** of the exact location and exact time of Petitioner's release if ordered Immediate release.

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

Respectfully submitted,

Guillermo Landaverde Resendiz
Petitioner

Dated: July 1, 2026

By: ***/s/ Margie S. Lazo***
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Margie S. Lazo, represent **Guillermo Landaverde Resendiz**, 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.

/s/ Margie S. Lazo Dated: July 1, 2026

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