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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MURAT ARZIK, *Petitioner,* v. WARDEN of the Karnes County Immigration Processing Center; FIELD OFFICE DIRECTOR, San Antonio Field Office, U.S. Immigration and Customs Enforcement; DAVID VENTURELLA, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States, *Respondents.*	:	Docket No. 5:26-cv-4171 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Murat Arzik ([redacted]), is a twenty-seven-year-old native and citizen of Turkey [redacted] who has been detained by Respondents at the Karnes County Immigration Processing Center in Karnes City, Texas, since on or about June 24, 2026, without ever receiving a bond hearing or any individualized custody review. Petitioner entered the United States in January 2023, was released by immigration authorities on his own recognizance, and for more than three years complied with every condition of the Alternatives to Detention program under which he was supervised — including electronic monitoring and regular reporting — before Respondents abruptly returned him to custody.

2. Petitioner is presently in removal proceedings before the Pearsall, Texas Immigration Court, where his application for asylum and related protection remains pending. No final order of removal has been entered. Petitioner is detained pending the conclusion of removal proceedings and is statutorily eligible for an individualized custody determination under 8 U.S.C. § 1226(a) as a noncitizen detained pending the conclusion of removal proceedings in which no final order has been entered. To the extent Respondents assert detention authority under 8 U.S.C. § 1225(b)(2)(A), continued detention without any individualized hearing also violates the Fifth Amendment's Due Process Clause.

3. On February 6, 2026, the Fifth Circuit held in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026), that as a matter of statutory interpretation, 8 U.S.C. § 1225(b)(2)(A) governs the detention of noncitizens present in the United States who entered without inspection, and that such persons are not eligible for bond hearings under 8 U.S.C. § 1226(a). *Buenrostro-Mendez* resolved that statutory question against detainees in Petitioner's position. The panel

addressed the petitioners' constitutional concerns only in the abstract, characterizing them as "wholly speculative" on the record before it. It did not adjudicate, and its holding does not foreclose, the as-applied constitutional question that controls here: whether, as applied to a noncitizen who has been detained without any individualized custody hearing while his removal proceedings and asylum application remain pending with no fixed endpoint, continued detention under § 1225(b)(2)(A) violates the Fifth Amendment's Due Process Clause. At least one district court within this Circuit has held that the as-applied due process claim survives *Buenrostro-Mendez*'s statutory holding. See *Rodriguez v. Bondi*, 2026 WL 523055 (W.D. Tex. Feb. 25, 2026).

4. This Petition seeks habeas relief on independent constitutional grounds. The Supreme Court has long held that "[f]reedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Due Process Clause protects "all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693. Petitioner is a "person" entitled to the protections of the Due Process Clause.

5. Petitioner's case for relief does not rest on the length of his detention alone; it rests on the categorical denial of any individualized custody determination. Petitioner fled Turkey after years of mistreatment on account of his Kurdish ethnicity and political association, and he has a pending application for asylum that provides a bona fide avenue of relief from removal. Following his release in 2023, he complied with every condition of supervised release for more than three years, without absconding or violating any term. His removal proceedings

remain pending with no final order. And he has been held without any individualized determination — ever — that his detention serves any governmental purpose.

6. Following *Buenrostro-Mendez*, district courts within the Fifth Circuit — including courts in this District and Division — have continued to grant habeas relief to civil immigration detainees on procedural and substantive due process grounds, applying the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), and the prolonged-civil-detention principles of *Zadvydas* and *Demore v. Kim*, 538 U.S. 510 (2003). Practitioners have observed that *Buenrostro-Mendez* "does not address, and therefore does not foreclose, the argument that an immigrant detained under 8 U.S.C. § 1225 is entitled to a bond hearing at the beginning of their case, or to release, as a matter of constitutional law."

7. Petitioner's removal is not foreordained. He has a pending application for asylum arising from persecution in Turkey, his proceedings remain pending with no final order, and he complied fully with supervised release for more than three years before his re-detention. The Constitution does not permit Respondents to detain him indefinitely while those proceedings unfold without ever justifying his detention before any neutral decision-maker.

8. For the foregoing reasons, the Court should grant the writ of habeas corpus and order Respondents to release Petitioner from custody, or in the alternative, to provide him with a constitutionally adequate bond hearing before a neutral decision-maker at which the Government must justify his continued detention by clear and convincing evidence.

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.* 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). 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. This Court may also grant relief under the Administrative Procedure Act, 5 U.S.C. §§ 702, 704, and 706. Federal district courts have jurisdiction to entertain habeas claims by noncitizens challenging the lawfulness and constitutionality of their detention, and the jurisdiction-channeling provisions of 8 U.S.C. § 1252 do not strip this Court of jurisdiction over such claims. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999). To the extent 8 U.S.C. § 1252 were construed to bar review of Petitioner's claims, it would be unconstitutional as applied under the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, which preserves the writ of habeas corpus where no adequate and effective substitute exists. See *Boumediene v. Bush*, 553 U.S. 723 (2008).

VENUE

10. Venue is proper in this District and Division because Petitioner is detained at the Karnes County Immigration Processing Center, 409 Farm to Market Road 1144, Karnes City, Texas 78118, which is located in Karnes County — within the Western District of Texas, San Antonio Division. 28 U.S.C. § 124(d)(4). See 28 U.S.C. § 1391(e); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (habeas venue lies in the district of confinement). Venue is also proper because Respondents are officers, employees, or agencies of the United States.

PARTIES

11. Petitioner Murat Arzik is a native and citizen of Turkey. His alien registration number is [redacted]. He is currently detained at the Karnes County Immigration Processing Center, 409 Farm to Market Road 1144, Karnes City, Texas 78118.

12. Respondent Warden of the Karnes County Immigration Processing Center is sued in their official capacity. Respondent Warden is the immediate physical custodian of Petitioner.

13. Respondent Field Office Director of the San Antonio Field Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, is sued in their official capacity. The San Antonio Field Office's area of responsibility includes the Karnes County Immigration Processing Center, and it exercises operational authority over Petitioner's detention.

14. Respondent David Venturella is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). Respondent Venturella is a legal custodian of Petitioner and has authority to release him.

15. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

16. Respondent Todd Blanche is sued in his official capacity as Acting Attorney General of the United States. In that capacity, he has authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the

immigration courts and the Board of Immigration Appeals. Respondent Blanche is a legal custodian of Petitioner.

REQUIREMENTS UNDER 28 U.S.C. § 2243

17. Upon the filing of a habeas petition, the Court must 'forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.' 28 U.S.C. § 2243. The respondent must then make a return 'within three days unless for good cause additional time, not exceeding twenty days, is allowed.' *Id.*

18. The writ of habeas corpus has long been recognized as 'perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.' *Fay v. Noia*, 372 U.S. 391, 400 (1963). Because Petitioner is subjected to an ongoing deprivation of his physical liberty, Petitioner respectfully requests that the Court order Respondents to show cause within three days and set an expedited schedule for resolution of this Petition.

EXHAUSTION OF REMEDIES

19. Petitioner's claims that he has been denied a constitutionally adequate process to justify the intrusion on his liberty interest are not subject to any statutory exhaustion requirement. See *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *Howell v. INS*, 72 F.3d 288, 291 (2d Cir. 1995); *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014).

20. To the extent the Court considers prudential exhaustion, any available administrative remedy has been exhausted or would be futile. Neither the Immigration Judge nor

the Board of Immigration Appeals may adjudicate the constitutional due process claims Petitioner raises here, and under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), no immigration judge may even consider a bond request from a noncitizen in Petitioner's position.

21. Requiring exhaustion would also subject Petitioner to continued irreparable harm—each additional day of detention without any individualized custody determination—for which no adequate administrative remedy exists. Exhaustion should therefore not be required.

STATEMENT OF FACTS

22. Petitioner Murat Arzik is a native and citizen of Turkey [redacted] His alien registration number is [redacted]. He was born in 1998 in Batman, Turkey. See Ex. A, Declaration of Murat Arzik.

23. Petitioner entered the United States on or about January 28, 2023, at or near San Ysidro, California. That has been his only entry into the United States.

24. Petitioner seeks protection from removal to Turkey, where he fears persecution on account of [redacted] The factual basis for that fear is set out in Petitioner's sworn declaration. See Ex. A, Declaration of Murat Arzik.

25. Upon his entry, Petitioner was briefly detained by immigration authorities and, on or about January 31, 2023, was released from custody on an Order of Release on Recognizance (Form I-220A) and enrolled in ICE's Alternatives to Detention ("ATD") program, subject to electronic monitoring through the BI SmartLINK application and periodic reporting to ICE

Enforcement and Removal Operations. See Ex. B, Order of Release on Recognizance and ATD Enrollment.

26. The Department of Homeland Security initiated removal proceedings against Petitioner by issuance of a Notice to Appear (Form I-862) dated January 30, 2023, which classifies Petitioner as "an alien present in the United States who has not been admitted or paroled" and charges him as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act. Petitioner's case was placed on the docket of the Newark, New Jersey Immigration Court. See Ex. C, Notice to Appear (Form I-862). Following his June 24, 2026 transfer to immigration detention in Texas, Petitioner's removal proceedings are now pending before the Pearsall Immigration Court in Pearsall, Texas, where his next hearing — an individual merits hearing on his asylum application — is scheduled for July 15, 2026. See Ex. F, EOIR Automated Case Information.

27. Petitioner timely filed a Form I-589, Application for Asylum and for Withholding of Removal, on or about May 11, 2023, which remains pending before the Immigration Court. See Ex. D, Form I-589 Application for Asylum.

28. For more than three years following his release, Petitioner complied with every condition of his supervised release under the ATD program. He maintained electronic monitoring, reported as directed, and never absconded or violated any condition of his release.

29. On or about June 24, 2026, U.S. Immigration and Customs Enforcement took Petitioner back into custody and transferred him to the Karnes County Immigration Processing Center, 409 Farm to Market Road 1144, Karnes City, Texas 78118, where he has remained continuously detained since. See Ex. E, ICE Online Detainee Locator System Result.

30. Petitioner's removal proceedings remain pending. No final order of removal has been entered. Petitioner's application for asylum has not been adjudicated, and, although an individual merits hearing on that application is scheduled for July 15, 2026, Petitioner has never received a bond hearing or any individualized custody determination. See Ex. F, EOIR Automated Case Information.

31. Petitioner has no criminal history. He was released on his own recognizance in 2023 and complied with supervision for more than three years without incident.

32. From June 24, 2026, to the date of this Petition, Petitioner has been continuously detained in immigration custody at the Karnes County Immigration Processing Center. See Ex. E, ICE Online Detainee Locator System Result.

33. Petitioner has never received a bond hearing. Petitioner has never received any individualized custody review. Petitioner has never been afforded any procedural mechanism by which he could attempt to show, before any neutral decision-maker, that his continued detention is unjustified. Petitioner has not been informed of the specific statutory provision under which the Government asserts authority to detain him, and Respondents have made no individualized determination that any particular factor — flight risk, danger to the community, or otherwise — justifies his continued detention.

LEGAL FRAMEWORK

34. The INA prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the discretionary detention of noncitizens in standard removal proceedings before an immigration judge and provides for bond hearings at the

outset of detention. See 8 U.S.C. § 1226(a); 8 C.F.R. §§ 1003.19(a), 1236.1(d). Second, 8 U.S.C. § 1225(b) provides for the detention of noncitizens designated as "applicants for admission," including those subject to expedited removal under § 1225(b)(1) and other applicants under § 1225(b)(2). Third, 8 U.S.C. § 1231(a) provides for detention following a final order of removal.

35. On July 8, 2025, DHS issued an Interim Guidance memorandum reinterpreting the statutory scheme to assert that all noncitizens present in the United States who were not formally admitted are "applicants for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for any release except by parole. On September 5, 2025, the Board of Immigration Appeals adopted DHS's interpretation in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

36. On February 6, 2026, the Fifth Circuit, in a divided decision, affirmed the Government's statutory interpretation. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026) (Jones, J.; Douglas, J., dissenting). The Fifth Circuit's holding resolves the statutory question. While the panel touched on the petitioners' constitutional concerns, it did so only in the abstract, deeming them "wholly speculative" on the record before it; it did not adjudicate an as-applied Fifth Amendment challenge grounded in a specific detainee's circumstances, and its decision does not foreclose such a challenge. Both before and after *Buenrostro-Mendez*, district courts within this Circuit have ordered individualized bond hearings or release for civil immigration detainees. Courts in this District and Division have done so on as-applied Fifth Amendment grounds. See, e.g., *Mekhtievi v. Thompson*, No. SA-26-CA-00553-XR, ECF No. 9 (W.D. Tex. Mar. 16, 2026) (Rodriguez, J.) (granting habeas relief on procedural due process grounds post-*Buenrostro-Mendez* and ordering immediate release); *Tchana v. Thompson*, No. SA-26-CA-00612-XR, ECF No. 8 (W.D. Tex. Mar. 30, 2026) (Rodriguez, J.) (same); *Olmez v.*

Rodriguez, No. SA-26-CV-660-OLG, ECF No. 10 (W.D. Tex. Mar. 17, 2026) (Garcia, J.) (granting petition in part and ordering release of petitioner detained under § 1225(b)(2)(A)); *Garcia Ramos v. Thompson*, No. SA-26-CV-603-FB, ECF No. 9 (W.D. Tex. Feb. 28, 2026) (Biery, J.) (ordering bond hearing or release); *Gutierrez Rodriguez v. Noem*, No. 5:26-cv-01900-JKP, ECF No. 10 (W.D. Tex. June 15, 2026) (Pulliam, J.) (granting habeas relief and ordering release of a noncitizen detained at the Karnes County Immigration Processing Center); *Dadwal v. U.S. Immigration & Customs Enforcement*, No. 5:26-cv-02732-JKP, ECF No. 10 (W.D. Tex. June 29, 2026) (Pulliam, J.) (same); *Rodriguez v. Bondi*, 2026 WL 523055 (W.D. Tex., El Paso Div., Feb. 25, 2026); *Perdomo-Casana v. Lyons*, 2026 WL 607267 (W.D. Tex. Mar. 4, 2026) (collecting post-*Buenrostro-Mendez* authority); *Bonilla Chicas v. Warden*, 2026 WL 539475 (S.D. Tex. Feb. 20, 2026).

37. Petitioner does not contest the statutory rule announced in *Buenrostro-Mendez* for purposes of this Petition. Petitioner preserves his statutory claim for further appellate review. The Petition is grounded in independent constitutional principles that *Buenrostro-Mendez* left untouched.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Due Process Clause — Civil Detention Without Any Individualized Hearing

38. The allegations in the foregoing paragraphs are realleged and incorporated herein.

39. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. The Due Process Clause's protections extend to all persons within the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

40. "Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. The Supreme Court has repeatedly recognized that prolonged civil detention raises grave constitutional concerns. See *id.*; *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (remanding for consideration of constitutional challenge).

41. Even where a detention statute does not by its terms require periodic bond hearings, the Constitution may. *Jennings* left open precisely that question and remanded for the courts of appeals to consider it in the first instance. Since *Jennings*, numerous federal courts have held that prolonged civil detention without an individualized hearing violates the Fifth Amendment. See, e.g., *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203 (3d Cir. 2020); *Reid v. Donelan*, 17 F.4th 1 (1st Cir. 2021) ("the Due Process Clause imposes some form of 'reasonableness' limitation upon the duration of detention in this context").

42. Petitioner has been detained since June 24, 2026 without any individualized hearing and — absent relief — will remain detained without any such hearing throughout the pendency of his removal proceedings. Although an individual merits hearing on his asylum application is scheduled for July 15, 2026, that hearing will resolve his eligibility for relief, not

the lawfulness of his custody, and his detention may continue indefinitely thereafter — including through any administrative appeal — without any individualized custody determination. The constitutional defect here is not measured by days already elapsed alone; it is the categorical denial of any individualized custody determination, coupled with the prospect of continued and indefinite detention as proceedings run their course. Federal courts have recognized that detention without any individualized hearing can become constitutionally suspect, and have declined to fix any bright-line durational threshold below which due process is satisfied. See, e.g., *German Santos*, 965 F.3d at 211–12; *Black*, 103 F.4th at 151 (rejecting any bright-line durational threshold and adopting case-by-case *Mathews* balancing).

43. The constitutional infirmity here is independent of the statutory provision invoked. Whether Petitioner's detention is described as authorized by § 1225(b)(2)(A) or by § 1226(a), the Constitution requires that civil detention be supported by an individualized determination that detention serves a legitimate, non-punitive purpose. See *Zadvydas*, 533 U.S. at 690–91. "[A] statute permitting indefinite detention of an alien would raise a serious constitutional problem." *Id.* at 690.

44. The Fifth Circuit's decision in *Buenrostro-Mendez* does not foreclose this constitutional claim. As courts in this Circuit have repeatedly recognized post-*Buenrostro-Mendez*, that decision "only addressed a statutory claim" and "did not address and does not preclude consideration of constitutional and other claims asserted by petitioners seeking relief from alleged unlawful detention." Courts in this District and Division have granted relief on this constitutional ground post-*Buenrostro-Mendez*. See, e.g., *Mekhtievi v. Thompson*, No. SA-26-CA-00553-XR, ECF No. 9 (W.D. Tex. Mar. 16, 2026) (Rodriguez, J.); *Tchana v. Thompson*, No. SA-26-CA-00612-XR, ECF No. 8 (W.D. Tex. Mar. 30, 2026) (Rodriguez, J.); *Olmez v.*

Rodriguez, No. SA-26-CV-660-OLG, ECF No. 10 (W.D. Tex. Mar. 17, 2026) (Garcia, J.); *Garcia Ramos v. Thompson*, No. SA-26-CV-603-FB, ECF No. 9 (W.D. Tex. Feb. 28, 2026) (Biery, J.). *Gutierrez Rodriguez v. Noem*, No. 5:26-cv-01900-JKP, ECF No. 10 (W.D. Tex. June 15, 2026) (Pulliam, J.) (granting habeas relief and ordering release of a noncitizen detained at the Karnes County Immigration Processing Center); *Dadwal v. U.S. Immigration & Customs Enforcement*, No. 5:26-cv-02732-JKP, ECF No. 10 (W.D. Tex. June 29, 2026) (Pulliam, J.) (same).

45. Petitioner's removal is not foreordained. He has a pending application for asylum arising from persecution in Turkey on account of [redacted] and his proceedings remain pending with no final order. His more than three years of full compliance with supervised release confirm that his continued detention serves no legitimate governmental purpose. The Constitution does not permit Respondents to detain him indefinitely while those proceedings unfold without ever justifying his detention before any neutral decision-maker.

46. As a remedy, the Court should order Petitioner's immediate release on appropriate conditions of supervision, or, in the alternative, order an immigration judge to hold a constitutionally adequate bond hearing within seven days at which the Government bears the burden of proving by clear and convincing evidence that Petitioner's continued detention is justified by flight risk or danger to the community.

COUNT TWO

Violation of the Fifth Amendment Due Process Clause — *Mathews v. Eldridge* Procedural Due Process

47. The allegations in the foregoing paragraphs are realleged and incorporated herein.

48. In *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), the Supreme Court established the framework for evaluating procedural due process claims. The *Mathews* balancing test weighs (1) the private interest at stake; (2) the risk of erroneous deprivation under existing procedures and the probable value of additional safeguards; and (3) the Government's interest, including fiscal and administrative burdens. *Id.* at 335. All three factors weigh decisively in Petitioner's favor.

49. First, the private interest at stake — Petitioner's physical liberty — is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (O'Connor, J., plurality). Petitioner has been detained since June 24, 2026 without any hearing, and faces continued detention of indefinite duration throughout his removal proceedings. The Government's detention has caused, and absent relief will continue to cause, an ongoing deprivation of Petitioner's most fundamental liberty interest, with no individualized determination that the deprivation serves any governmental purpose.

50. Second, the risk of erroneous deprivation is extraordinarily high. Petitioner has been held under a categorical, unreviewed Government position that admits no individualized exception. Under that position, neither ICE officers nor immigration judges may consider whether Petitioner is a flight risk, whether he poses any danger, whether he has community ties, the length and nature of his presence in the United States, his years of compliant supervised release, or whether any release condition could mitigate any concern. The probable value of even a single individualized bond hearing is therefore extremely high — it would be the only

opportunity for any neutral decision-maker to evaluate Petitioner's continued detention against any individualized factor.

51. Third, the Government's interest does not outweigh Petitioner's liberty interest. The Government's generalized concerns about appearance at removal proceedings and public safety would be squarely addressed at an individualized bond hearing. The administrative burden of conducting such a hearing is minimal, as immigration judges conducted them routinely until the recent reinterpretation of the statute. Continued detention without any individualized review of a noncitizen like Petitioner — who has a bona fide pending asylum claim, no criminal history, and more than three years of compliant supervised release — serves no legitimate governmental purpose.

52. Applying the *Mathews* factors, district courts in this Circuit and across the country have ordered individualized bond hearings or release where noncitizens like Petitioner are detained under § 1225(b)(2)(A) without any individualized hearing. Petitioner respectfully submits that his circumstances — a bona fide pending application for asylum, more than three years of compliant supervised release, no criminal history, and the categorical denial of any individualized custody hearing of any kind — present a compelling *Mathews* case for relief.

COUNT THREE

Violation of the Administrative Procedure Act — Arbitrary and Capricious Agency Action (5 U.S.C. § 706(2))

53. The allegations in the foregoing paragraphs are realleged and incorporated herein.

54. The Administrative Procedure Act requires a reviewing court to 'hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.' 5 U.S.C. § 706(2)(A). An agency must examine the relevant considerations and articulate a rational connection between the facts found and the choice made. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).

55. In continuing to detain Petitioner without any individualized custody determination, Respondents have acted arbitrarily and capriciously. They have categorically refused to consider Petitioner's more than three years of full compliance with the Alternatives to Detention program, his lack of any criminal history, his bona fide pending application for asylum, or whether any condition of release would address any asserted governmental concern.

56. By adopting a blanket position that admits no individualized exception, Respondents have substituted a categorical rule for the individualized determination that civil detention requires, and have failed to articulate any reasoned, evidence-based explanation particular to Petitioner for why his continued confinement serves the only legitimate purposes of civil immigration detention—ensuring appearance at future proceedings and protecting public safety.

57. Respondents' continued detention of Petitioner is therefore arbitrary, capricious, an abuse of discretion, and not in accordance with law, and must be set aside under 5 U.S.C. § 706(2)(A). This claim challenges the manner in which Respondents have exercised their detention authority—without any individualized custody determination—and does not depend on the statutory question resolved in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026).

58. Petitioner is entitled to habeas relief remedying this unlawful agency action. The Court should order Petitioner's immediate release on appropriate conditions of supervision or, in the alternative, order Respondents to provide a constitutionally adequate, individualized custody determination consistent with the Administrative Procedure Act and the Fifth Amendment.

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 directing Respondents to show cause, within three (3) days, why this Petition should not be granted;

(3) Enjoin Respondents from transferring Petitioner during the pendency of the instant action;

(4) Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1226(a); the Administrative Procedure Act, 5 U.S.C. § 706(2); and/or the Fifth Amendment to the U.S. Constitution;

(5) Order Petitioner immediately released from detention, or, in the alternative, order Respondents to provide an individualized bond hearing before an Immigration Judge within seven (7) days of this Court's order, at which the government shall bear the burden of proof;

(6) Grant Equal Access to Justice Act ("EAJA") fees and costs; and

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

Respectfully submitted,

Dated: July 2nd, 2026

/s/ Muhammed Gulen
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Muhammed Gulen, am counsel for Petitioner in this matter. Because Petitioner is detained at the Karnes County Immigration Processing Center and immediate relief is sought, counsel submits this verification on his behalf pursuant to 28 U.S.C. § 2242. 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, information, and belief, based on the documentary record and information obtained from Petitioner's family and from immigration counsel.

Dated this 2nd day of July, 2026.

/s/ Muhammed Gulen
Muhammed Gulen, Esq.
Counsel for Petitioner