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

DANILO ENRIQUE MARRUGO ORTEGA,	)	
Petitioner,	)	
v.	)	**Civ. No.**
TODD BLANCHE, **Acting United States Attorney General;**	)	
TODD LYONS, **Acting Director of Immigration and Customs Enforcement**	)	
MARKWAYNE MULLIN, **Secretary of Homeland Security;**	)	
SYLVESTER M. ORTEGA, **San Antonio Acting Field Office Director For Detention and Removal, U.S. Immigration and Customs Enforcement; and,**	)	
ROSE THOMSON, **Karnes County Immigrant Processing Center;**	)	
in their official capacities;	)	
Respondents.	)	

PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner DANILO ENRIQUE MARRUGO ORTEGA (A# [redacted] files this petition for a writ of habeas requesting the Court's intervention because Respondents are wrongfully detaining him. Petitioner has been residing in the United States about 2 years. On October 1, 2024, he applied for admission at a port of entry. He was detained by border patrol

and paroled into the United States. A Notice to Appear dated October 1, 2024, calassified Pettioner as an "arriving alien" and placed him into removal proceedings under § 240 of the INA codified at *.U.S.C. 1229a; charged him as a subject to removal under INA 212 (a)(7)(A)(i)(I).. They served this int to him in Person on October 1, 2024. He was re-arrested in JUNE 27, 2026 at a traffic stop and ICE was called. No charges were filed. He has no criminal history. Shortly after his detention, agents of the Department of Homeland Security placed him in the Karnes County Immigration Processing Center. His case is currently pending.

Petitioner cannot ask to be released on bond as he is an arriving alien who entered about 2 years ago. Respondent's detention or petitioner and violates Mr. MARRUGO ORTEGA'S rights under the Due Process Clause, the INA, and the Administrative Procedure Act (APA). Petitioner seeks a writ from this Court ordering his release or in the alternative, that Respondents afford him a bond hearing.

CUSTODY

1. Petitioner is in the physical custody of Respondent SYLVESTER ORTEGA, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement ("ICE"), DHS, and Respondent ROSE THOMSON, Warden of the KARNES OUNTY IMMIGRATION PROCESSING CENTER in Karnes City, Texas. At the time of the filing of this petition, Petitioner is detained at the Karnes County Immigration Processing Center. GEO Group which owns and operates this facility, contracts with the DHS to detain noncitizens, such as Petitioner, pending their removal proceedings. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

2. The Court also has jurisdiction over this petition under 28 U.S.C. §§ 2241(c)(1) and (c)(3), Art. I, § 9, C1. 2 of the United States Constitution ("Suspension Clause").

3. Venue properly lies within the Western District of Texas because all of the events or omissions giving rise to this action occurred in the district. 28 U.S.C. § 1391(e)(1)(B).

4. No petition for habeas corpus has previously been filed in any court to review Petitioner's case.

PARTIES

5. DANILO ENRIQUE MARRUGO ORTEGA is a national and citizen of VENEZUELA. He is currently detained at the Karnes County Immigration Processing center located at 409 FM 1144, Karnes City, TX 78118.

6. Respondent TODD BLANCHE is the Attorney General of the United States and the most senior official in the United States Department of Justice ("DOJ"). He has the authority to interpret the immigration laws and adjudicate removal cases. 8 U.S.C. § 1103(g). The Attorney General delegates this responsibility to the Executive Office for Immigration Review ("EOIR"), which administrates the immigration courts and the Board of Immigration Appeals ("BIA" or "Board"). Respondent is named in his official capacity. Respondent's address is 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

7. Respondent TODD LYONS is Acting Director of Immigration and Customs Enforcement. Respondent's address is 500 12th St SW Washington, DC 20536

8. Respondent MARKWAYNE MULLIN is the Secretary of the U.S. Department of Homeland Security ("DHS"), an agency of the United States. Respondent is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). The Secretary is a legal

custodian of the Plaintiff-Petitioner. Respondent is named in her official capacity. Her address is Department of Homeland Security, 207 Martin Luther King Jr. Ave., SE, Washington, D.C. 20528.

9. Respondent SYLVESTER ORTEGA is the Field Office Director for Detention and Removal (ERO), ICE, DHS, for the San Antonio ERO Office. He is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Texas. Pursuant to Respondent's orders, Petitioner remains detained. Respondent is sued in his official capacity. Respondent can be served with process at U.S. Immigration and Customs Enforcement, Office of the Principal Legal Advisory, 500 12th St., SW, Mail Stop 5900, Washington, DC 20536-5900.

10. Respondent ROSE THOMSON is the Warden of the ER. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Texas. Respondent is named in his official capacity. Respondent Collins can be served with process at ZENBUSINESS INC., 5511 PARKCREST DR. SUITE 103,

AUSTIN, TX 78731.

FACTS

11. On or about October 1, 2024, Mr. MARRUGO ORTEGA arrived in the United States and was paroled and allowed into the United States.

12. He resides and works in Texas. He is single and has 4 children.

13. On or about June 27, 2026, ICE took custody of Mr. MARRUGO ORTEGA at a traffic stop, no charges were filed and he was transferred to the Karnes County Immigration Processing Center to be detained pending his removal proceedings.

14. Under the current regulations requesting a bond hearing before an immigration judge would be futile. Mr. MARRUGO ORTEGA was detained although he committed no crime.

15. Mr. MARRUGO ORTEGA removal case is pending since before he was detained. He has submitted an application for asylum. His case is pending.

16. Mr. MARRUGO ORTEGA remains detained. There continues to be no evidence in the record to indicate that Mr. MARRUGO ORTEGA is a flight risk, or that allowing him to be released would present a danger to public safety.

17. Mr. MARRUGO ORTEGA has no other remedy at law but to seek relief from this Court.

CAUSE OF ACTION

COUNT I
PROCEDURAL DUE PROCESS VIOLATION

18. Petitioner re-alleges and incorporates herein by reference every allegation set forth in the preceding paragraphs.

19. The Fifth Amendment prohibits the federal government from depriving any "person" of liberty without due process of law. Noncitizens physically present in the United States—even those classified as arriving aliens for immigration purposes—are "persons" protected by the Fifth Amendment.

20. The individual has now been physically present in the United States for nearly two years.

21. Continued detention without any opportunity to demonstrate that detention is unnecessary is fundamentally inconsistent with procedural due process.

22. The government should bear the burden of showing that detention is necessary because the person presents either: a danger to the community; or a flight risk.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Issue an Order declaring that Mr. MARRUGO ORTEGA is detained under 8 U.S.C. § 1226(a);
2. Issue an Order declaring that application of 8 U.S.C. § 1225(b)(2) to Mr. MARRUGO ORTEGA violates his due process rights;
3. Issue an order instructing Respondents to release Petitioner.
4. Grant any other relief which this Court deems just and proper.

Dated: July 2, 2026

Respectfully submitted,

/s/ Juan Angel Gomez

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ATTORNEY FOR PLAINTIFF-PETITIONER

VERIFICATION OF COUNSEL

I, Juan Angel Gomez, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Juan Angel Gomez
Juan Angel Gomez