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

RAMI FAYEZ YOUSSEF,
[redacted],
Petitioner,

v.

ROSE THOMPSON Warden, Karnes County Immigration Processing Center; MIGUEL VERGARA, Field Office Director, ICE ERO San Antonio Field Office; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and TODD BLANCHE, Attorney General of the United States,

Respondents.

Case No. 5:26-cv-04187

PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner Rami Fayez Youssef ([redacted]) is a native and citizen of Egypt who came to the United States to seek asylum [redacted] Petitioner was apprehended

by the Department of Homeland Security ("DHS"), briefly detained at the Eloy Federal Contract Facility in Eloy, Arizona, and thereafter transferred to the Folkston ICE Processing Center in Folkston, Georgia. On or about November 21, 2024, Petitioner was released from ICE custody on conditional release pending the adjudication of his claims for relief. See Exhibit A, Proof of Release from ICE Custody (Folkston).

Following his release, Petitioner abided by every condition of his release. He pursued his application for asylum and withholding of removal, submitting to biometrics collection on April 18, 2025 in furtherance of his Form I-589. See Exhibit B, USCIS Form I-797C, Notice of Action (Biometrics). He maintained a fixed residence in North Richland Hills, Texas, and has no criminal convictions of any kind.

Despite his compliance, Petitioner was re-detained by ICE. He was provided no individualized, written notice stating the reasons his release was being revoked, and he has been afforded no bond hearing. He is presently confined at the Karnes County Immigration Processing Center in Karnes City, Texas. See Exhibit C, ICE Detainee Locator Results. Petitioner is not subject to a final order of removal; his removal proceedings remain pending before the Immigration Court in Pearsall, Texas. See Exhibit D, EOIR Automated Case Information.

Under DHS's 2025 detention policy and the Board of Immigration Appeals' decisions in Matter of Q. Li and Matter of Yajure Hurtado, Immigration Judges no longer exercise jurisdiction to redetermine custody for individuals like Petitioner, who are treated by the government as "applicants for admission" detained under 8 U.S.C. § 1225(b). As a result, Petitioner has been categorically denied access to any bond hearing, notwithstanding his strong community ties, his year of demonstrated compliance with conditions of release, and his complete absence of any criminal record.

Mr. Youssef respectfully requests that this Court: (a) declare that his prolonged detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment and order that he be afforded such a hearing or released; (b) declare that he has a constitutional and regulatory right to receive individualized notice of the reasons his release was revoked, without which he must be re-released under the same conditions he peaceably observed; and (c) declare that Respondents' conduct is arbitrary and capricious under the Administrative Procedure Act.

JURISDICTION AND VENUE

Petitioner is currently in the physical custody of Respondents at the Karnes County Immigration Processing Center in Karnes City, Karnes County, Texas.

This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–2202 (Declaratory Judgment Act), 5 U.S.C. § 702 (Administrative Procedure Act), and Article I, Section 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is presently in custody under color of the authority of the United States and challenges his custody as in violation of the Constitution and laws of the United States.

Federal district courts have jurisdiction under § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. See, e.g., Zadvydas v. Davis, 533 U.S. 678 (2001); Demore v. Kim, 538 U.S. 510 (2003). The Supreme Court has repeatedly upheld such jurisdiction, most recently in Jennings v. Rodriguez, 583 U.S. 281, 292–96 (2018).

Venue is proper in the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d), because Petitioner is detained within this District and Division at

the Karnes County Immigration Processing Center. See 28 U.S.C. § 124(d)(4) (Karnes County lies within the San Antonio Division).

PARTIES

Petitioner Rami Fayez Youssef is a native and citizen of Egypt unlawfully detained at the Karnes County Immigration Processing Center in Karnes City, Texas. He is not subject to a final order of removal; his removal proceedings remain pending before the Immigration Court in Pearsall, Texas. See Exhibit D. Under DHS's 2025 policy and the BIA's decision in Matter of Yajure Hurtado, Immigration Judges no longer have jurisdiction to redetermine custody for individuals like Petitioner. As a result, he has been categorically denied access to a bond hearing.

Respondent ROSE THOMPSON is the Warden of the Karnes County Immigration Processing Center and controls the facility where Petitioner is confined under the authority of ICE. The Warden has direct physical custody of Petitioner and is his immediate custodian. The Warden is sued in his or her official capacity.

Respondent MIGUEL VERGARA is the Field Office Director for U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), San Antonio Field Office, with oversight authority over the facility and operations through which Petitioner is detained. The Field Office Director is sued in his or her official capacity.

Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement. He is a legal custodian of Petitioner and possesses the authority to effectuate his release. Mr. Venturella is sued in his official capacity.

Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), under whose authority and oversight ICE operates. As Secretary, Mr. Mullin is responsible for delegating authority to and overseeing the operations of ICE and for ensuring that

the agency functions in compliance with the Constitution, the laws of the United States, and applicable regulations. Petitioner is detained as a result of policies promulgated and enforced under Respondent Mullin's authority. Respondent Mullin is a legal custodian of Petitioner with authority to effectuate his release. He is sued in his official capacity.

Respondent Todd Blanche is the Attorney General of the United States. As the chief legal officer of the federal government, he is a legal custodian of Petitioner with ultimate supervisory authority over the enforcement of federal immigration laws and the adjudication of removal proceedings. Mr. Blanche is sued in his official capacity.

STATEMENT OF FACTS

Petitioner Rami Fayez Youssef is a native and citizen of Egypt, born [redacted]. He came to the United States seeking protection from persecution and applied for asylum and withholding of removal on Form I-589.

After his arrival, Petitioner was apprehended by DHS and detained, first at the Eloy Federal Contract Facility in Eloy, Arizona, and subsequently at the Folkston ICE Processing Center in Folkston, Georgia. See Exhibit A.

On or about November 21, 2024, ICE released Petitioner from custody on conditional release pending his immigration proceedings. Id. From his release until his re-detention, Petitioner complied with all conditions imposed upon him.

In furtherance of his asylum application, Petitioner appeared for and completed biometrics collection on April 18, 2025 at the USCIS Application Support Center in Fort Worth, Texas. See Exhibit B. He maintained a stable residence in North Richland Hills, Texas, and remained reachable to and compliant with the agency at all times.

Petitioner has no criminal convictions to counsel's knowledge. He has never been convicted of any crime that would subject him to mandatory detention under 8 U.S.C. § 1226(c). He is not subject to a final order of removal; his case remains pending before the Immigration Court, and no appeal to the Board of Immigration Appeals has yet been adjudicated. See Exhibit D.

Notwithstanding his compliance and the absence of any final order of removal, Petitioner was re-detained by ICE and is now held at the Karnes County Immigration Processing Center in Karnes City, Texas. See Exhibit C. At no time was Petitioner provided individualized, written notice stating the specific reasons his release was being revoked, nor was he afforded any hearing at which a neutral adjudicator could assess whether his continued detention is justified.

Historically, individuals like Petitioner were detained under 8 U.S.C. § 1226(a), which provides for release on bond or conditional parole and for custody redetermination by an Immigration Judge. After the BIA's decision in Matter of Q. Li, however, any noncitizen who entered without inspection was treated as an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A) and deemed ineligible for a bond hearing. That position was extended in Matter of Yajure Hurtado to noncitizens apprehended in the interior, regardless of where or when they entered.

As a consequence of this policy and the Fifth Circuit's decision in Buenrostro-Mendez v. Bondi, No. 25-20496 (5th Cir. Feb. 6, 2026), Immigration Judges decline to conduct custody redeterminations for individuals like Petitioner. He therefore remains categorically denied any opportunity to seek bond, despite strong community ties, a year of compliance with conditions of release, and the complete absence of any criminal record.

Importantly, the Fifth Circuit's decision in Buenrostro-Mendez does not preclude Petitioner's release on constitutional grounds. In Buenrostro-Mendez, the Fifth Circuit did not

consider whether a noncitizen detained under 8 U.S.C. § 1225 may be constitutionally entitled to a bond hearing, or to release on constitutional grounds. The decision leaves intact habeas corpus as a mechanism for challenging unlawful, prolonged detention.

Individuals released by ICE possess, as "persons" under the U.S. Constitution, procedural due process rights that protect them from arbitrary re-detention without notice or an opportunity to be heard. See U.S. Const. amend. V. Where ICE revokes an individual's release and re-detains him without providing specific, individualized reasons—rather than merely citing "changed circumstances" without evidence—it violates due process and its own regulations, warranting court-ordered re-release. See Roble v. Bondi, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453 (D. Minn. Aug. 25, 2025) (granting habeas where ICE re-detained the petitioner without proper notice or justification); Sarail A. v. Bondi, No. 25-CV-2144 (ECT/JFD), 2025 WL 2533673 (D. Minn. Sep. 3, 2025) (agencies must follow their own regulations regarding revocation of release and re-detention).

LEGAL FRAMEWORK

"Congress has granted federal district courts, 'within their respective jurisdictions,' the authority to hear applications for habeas corpus by any person who claims to be held 'in custody in violation of the Constitution or laws or treaties of the United States.'" Rasul v. Bush, 542 U.S. 466, 473 (2004) (quoting 28 U.S.C. § 2241(a), (c)(3)). The protections of habeas corpus extend to those in immigration detention. See INS v. St. Cyr, 533 U.S. 289, 305–06 (2001).

Petitioner offers three independent reasons why his detention is "in violation of the Constitution or laws . . . of the United States," 28 U.S.C. § 2241(c)(3). First, Petitioner's prolonged detention without any individualized bond hearing violates the Due Process Clause of the Fifth Amendment. Second, ICE re-detained Petitioner without providing adequate,

individualized notice of the reasons for revoking his release and without any meaningful opportunity to respond, in violation of due process and the agency's own regulations. Third, ICE's conduct is arbitrary and capricious under the Administrative Procedure Act, largely because it failed to follow its own regulations and offered no reasoned explanation for its action.

Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). The protections of the Due Process Clause extend to all persons within the United States, including noncitizens, regardless of immigration status. Id. at 693. While the government may detain noncitizens during removal proceedings, prolonged detention without an individualized hearing before a neutral decisionmaker raises serious constitutional concerns. Even where the immigration statutes have been construed not to require periodic bond hearings as a matter of statutory right, the Supreme Court has expressly left open —and remanded for consideration—the constitutional challenges to such detention. See Jennings v. Rodriguez, 583 U.S. 281, 313–14 (2018). Habeas corpus remains the vehicle for those as-applied constitutional claims.

Petitioner has been categorically denied any bond hearing because the government treats him as an "applicant for admission" detained under 8 U.S.C. § 1225(b), and because Immigration Judges decline to redetermine custody for such individuals following Matter of Q. Li, Matter of Yajure Hurtado, and Buenrostro-Mendez v. Bondi. The result is detention of potentially indefinite duration with no neutral forum to test its justification. That regime, as applied to a compliant asylum-seeker with no criminal record and no final order of removal, offends the Due Process Clause.

Separately, the essence of due process is notice and an opportunity to respond. See Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542 (1985); Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863) ("Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified."). When ICE revoked Petitioner's release and re-detained him, it provided no individualized statement of the reasons for doing so and afforded him no opportunity to respond. A notice that merely recites regulatory boilerplate—or no notice at all—does not satisfy the government's obligation to provide the "reasons" for revocation. See Sarail A. v. Bondi, No. 25-cv-2144 (ECT/JFD), ECF No. 9 at 5 (D. Minn. June 17, 2025) (recommending habeas relief where ICE provided only a notice parroting the regulatory text). Petitioner cannot meaningfully "respond to the reasons for revocation" if no such reasons have ever been stated.

It goes without saying that ICE, like all government agencies, must follow its own regulations. See United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954) (reversing dismissal of habeas petition where the petitioner alleged the agency failed to follow its own regulations). An agency action taken without observing the agency's own procedures, and without a reasoned explanation, is also arbitrary and capricious under the APA. See 5 U.S.C. § 706(2)(A). Because Petitioner is "in custody in violation of the . . . laws . . . of the United States," he is entitled to habeas relief. 28 U.S.C. § 2241(c)(3). As a remedy, Petitioner requests an individualized bond hearing or, in the alternative, his immediate release under the same conditions he previously observed.

CLAIMS FOR RELIEF

COUNT I
Violation of the Fifth Amendment — Due Process
(Prolonged Detention Without a Bond Hearing)

Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

Under the Fifth Amendment, no person shall be deprived of liberty without due process of law. Freedom from imprisonment and government custody lies at the core of the liberty protected by the Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). These protections extend to all persons within the United States, regardless of immigration status. Id. at 693.

Respondents' prolonged detention of Petitioner—without any individualized bond hearing before a neutral decisionmaker, and without a final order of removal—violates his right to due process under the Fifth Amendment.

COUNT II
Violation of the Fifth Amendment — Due Process
(Re-Detention Without Notice or Opportunity To Be Heard)

Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

Due process requires notice and an opportunity to be heard before a person is deprived of a significant liberty interest. Loudermill, 470 U.S. at 542; Baldwin, 68 U.S. at 233. ICE revoked Petitioner's release and re-detained him without providing any individualized, written notice of the reasons for the revocation and without affording him any opportunity to respond.

Respondents' re-detention of Petitioner without notice of the specific reasons for revoking his release, and without any opportunity to be heard, violates his right to due process under the Fifth Amendment and entitles him to re-release under the conditions he previously observed.

COUNT III
Violation of the Administrative Procedure Act

(Arbitrary and Capricious Agency Action; Failure To Follow Regulations)

Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

Under the APA, a reviewing court shall hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or taken without observance of procedure required by law. 5 U.S.C. § 706(2)(A), (D). Agencies must follow their own regulations. Accardi, 347 U.S. at 268.

Respondents' revocation of Petitioner's release and his continued detention—effected without the required notice of reasons, without an opportunity to respond, and without any reasoned explanation—are arbitrary, capricious, and contrary to law, and must be set aside.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Rami Fayez Youssef respectfully requests that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order Respondents to show cause why the writ should not be granted within three days, pursuant to 28 U.S.C. § 2243;

c. Declare that Petitioner's prolonged detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment, and order Respondents to provide Petitioner a bond hearing before a neutral decisionmaker or, in the alternative, order his immediate release under reasonable conditions of supervision;

d. Declare that Respondents' revocation of Petitioner's release without individualized notice of the reasons and without an opportunity to respond violates the Due Process Clause and the Administrative Procedure Act, and—if Respondents fail to provide such

individualized notice within a reasonable time—order Petitioner's immediate re-release under the same reasonable conditions he previously observed;

e. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

f. In the event the Court determines a genuine dispute of material fact exists regarding Petitioner's entitlement to habeas relief, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243;

g. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

h. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

i. Grant such further relief as this Court deems just and proper.

Dated: July 2, 2026

Respectfully submitted,

/s/ Lauren O'Neal
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VERIFICATION

I, Lauren O'Neal, counsel for Petitioner, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this Petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: July 2, 2026

/s/ Lauren O'Neal
Lauren O'Neal, Esq.