UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MOUNISH KUKATLA,
Petitioner,

v.

DAVID VENTURELLA and WARDEN, SOUTH TEXAS ICE PROCESSING CENTER,
Respondents.

No. 5:26-CV-04191-OLG

Federal Respondents' Response to Petition for Writ of Habeas Corpus

Pursuant to this Court's Order issued on July 7, 2026, ECF No. 3, Respondents file this response to Petitioner's petitioner for a writ of habeas corpus, ECF No. 1. Any allegations that are not specifically admitted herein are denied. Petitioner is not entitled to the relief sought. Petitioner is lawfully detained under 8 U.S.C. § 1226(a). Petitioner's entire argument relies on the claim that Petitioner is detained with no opportunity to meaningfully challenge his detention. *See generally* ECF No. 1. This claim is incorrect. Petitioner is detained under 8 U.S.C. § 1226(a) and has a statutory right to a bond hearing if he wishes to request one. *See* Ex. A (Notice to Appear). Petitioner has requested a bond hearing and has a bond hearing scheduled for July 15, 2026. *See* Ex. B (Custody Redetermination Hearing). Petitioner's request for habeas relief should be denied as he has administratively remedies available that he has not exhausted.

STATEMENT OF FACTS

Petitioner is a native and citizen of India who was admitted on a visa on or about December 2, 2015. ECF No. at 4-5 ¶¶ 1-2 Petitioner is charged with overstaying his visa, making him removable from the United States but not an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Ex. A at 1. Petitioner was detained by immigration

authorities for the first time on or about May 11, 2026, following an arrest for public intoxication. ECF No. 1 at 2. Petitioner was placed in removal proceedings and served with a notice to appear charging him as removable under 8 U.S.C. § 1227(a)(1)(B). Petitioner has a bond hearing scheduled for July 15, 2026. Ex. B (Notice of Bond Hearing). Petitioner filed an earlier bond hearing request, but this request was withdrawn in May 2026. Ex. C (Order of the Immigration Judge). Petitioner is currently in full removal proceedings and has an individual hearing scheduled for July 20, 2026. *See* EOIR automated case information system (last accessed on Jul. 14, 2026) https://acis.eoir.justice.gov/en/caseInformation.

DUE PROCESS CLAIM

As the Petitioner challenges his detention, he bears the burden of proving that he is "in custody in violation of the Constitution or laws and treaties of the United States. *Villanueva v. Tate*, 801 F. Supp. 3d 689, 696 (S.D. Tex. 2025) (quoting 28 U.S.C. § 2241(c)(3)). He cannot meet this burden.

Petitioner has been provided the appropriate due process protections given by Congress to aliens detained under 8 U.S.C. § 1226. Petitioner was scheduled for a bond hearing when he initially requested one, but Petitioner withdrew his bond request. *See* Ex. C. Petitioner has once again been scheduled for a bond hearing for July 15, 2026. *See* Ex. B. Additionally, if Petitioner is not satisfied with the outcome of the custody redetermination hearing that he receives, he has administrative remedies available to challenge the immigration judge's determination, including appeal to the Board of Immigration Appeals.

Petitioner has not established a cognizable due process claim under *Demore v. Kim*, 538 U.S. 510 (2003), as the length of pre-removal-order detention alone does not constitute a due process violation, he remains detained pursuant to removal proceedings, and he has not

demonstrated that detention no longer serves the immigration purpose under which § 1226 was enacted into law. Therefore, Respondents respectfully request that the Court deny the petition on the merits.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

"A person seeking habeas relief must first exhaust available administrative remedies." *Hinojosa v. Horn*, 896 F. 3d 305, 314 (5th Cir. 2018) (per curiam) (citing *United States v. Cleto*, 956 F.2d 83, 84 (5th Cir. 1992) (per curiam)). Exhaustion has been a long-standing prerequisite to habeas relief. *Id.*

There are approximately 3.74 million cases pending in immigration court. *See*, https://www.justice.gov/eoir/pr/eoir-announces-significant-immigration-court-milestones (Sept. 4, 2025). Federal district courts are not intended nor equipped to be the reviewing court for all immigration bond determinations or decisions related to the institution of removal proceedings. 8 U.S.C. § 1226(e) (district courts do not have jurisdiction to review discretionary decisions made by immigration judges regarding the detention or release of any alien or the grant, revocation, or denial of bond or parole). "Challenges to removal proceedings, the government's evidence, and the merits of asylum claims are properly addressed to the immigration court and should be administratively exhausted before presenting in district court. *Hinojosa*, 896 F. 3d at 314; *see Cortez v. Lynch*, No. 1:25-CV-822, 2026 WL 82039 (S.D. Ohio Jan. 12, 2026) (McFarland, J.) (declining to review Petitioner's detention-based claims due to his failure to exhaust administrative remedies); *Tecum Pastor v. Dir. of Detroit Field Off.*, No. 4:25-CV-02761, 2025 WL 3746495 (N.D. Ohio Dec. 24, 2025) (Calabrese, J.) (holding that Petitioner must first pursue challenge before BIA for exhaustion and that such exhaustion is not futile); *Bartolon v. Bondi*, No. 1:25-CV-747, 2025 WL 3674604 (S.D. Ohio Dec. 18, 2025) (McFarland, J.) (holding that Petitioner's

failure to exhaust claims with BIA precluded judicial review of habeas claims); *Garibay-Robledo v. Noem*, No. 1:25-CV-177-H, 2025 WL 3264482 (N.D. Tex. Sept. 15, 2025), *reconsideration denied*, No. 1:25-CV-177-H, 2025 WL 3264478 (N.D. Tex. Oct. 24, 2025) (Hendrix, J.) (holding that Petitioner does not demonstrate grounds for excusing exhaustion and must first advance his request for relief to BIA).

Petitioner has the ability to seek bond before the immigration court. Petitioner must first seek relief with the immigration court and the BIA, fully exhausting administrative remedies before coming to this Court.

CONCLUSION

Respondents do not believe habeas relief is appropriate in this case as Petitioner has statutory relief available to challenge her detention through a bond hearing under 8 U.S.C. § 1226.

Respectfully submitted,

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