UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SOLOMON MR HTUN,

Petitioner,

v.

MIGUEL VERGARA, Field Office Director of Enforcement and Removal Operations, San Antonio Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD BLANCHE, U.S. Attorney General; WARDEN OF SOUTH TEXAS ICE PROCESSING CENTER,

Respondents.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, SOLOMON MR HTUN, with A number [redacted], is a native and citizen of Burma. He has been detained at the South Texas Ice Processing Center since approximately May 15, 2026, during the pendency of his removal proceedings. Petitioner received a bond hearing on June 5, 2026, but the hearing did not provide a constitutionally meaningful custody determination. Bond was denied based on alleged flight-risk concerns related to disputed "false pretenses" regarding Petitioner's intent when he entered the United States, even though Petitioner entered legally with a valid F-1 student visa and Form I-94. Petitioner remains in ongoing removal proceedings before the Immigration Court, with an Individual Hearing scheduled for July 16, 2026. Respondents continue to deprive him of liberty without a constitutionally adequate showing that detention is necessary to prevent flight or danger to the community, or that less restrictive alternatives would be insufficient.

2. Petitioner has significant ties to the United States, including more than two and a half years of residence, lawful employment, and close family members, including two cousins and one aunt who are United States citizens. Petitioner also has no criminal history. Although Petitioner was denied bond, the Immigration Judge's decision rested on concerns regarding Petitioner's intent at the time of his lawful admission to the United States rather than on any finding that he was a flight risk or posed a danger to the community. These facts are directly relevant to custody.

3. Civil immigration detention is constitutionally permissible only when it remains reasonably related to its limited purposes, which are ensuring appearance at immigration proceedings and protecting the community. Those purposes do not justify continued detention

without review. Petitioner's is not a flight risk nor a danger to the community. Any legitimate government interest can be met through less restrictive alternatives.

4. When detention continues after a custody hearing that fails to provide meaningful review or meaningful consideration of less restrictive alternatives, the detention becomes arbitrary, excessive, and punitive in violation of the Due Process Clause. At a minimum, due process requires a constitutionally adequate custody hearing at which the Government bears the burden of proving that continued detention is necessary. That determination must meaningfully consider Petitioner's pending removal proceedings, family ties, length of residence, work history, lack of criminal history, lawful entry documents, and the availability of less restrictive alternatives.

JURISDICTION

5. Petitioner is detained in civil immigration custody during the pendency of his removal proceedings. Petitioner challenges the constitutionality of his continued detention following a bond hearing that failed to provide a meaningful individualized custody determination.

6. Petitioner is detained at the South Texas Ice Processing Center in Pearsall, Texas, within the Western District of Texas, San Antonio Division. He has been continuously detained since approximately May 15, 2026, without receiving a meaningful procedural review requiring the Government to justify his continued detention.

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. Petitioner does not seek review of his removal proceedings or ask this Court to decide his immigration case. Instead, he challenges the legality

and constitutionality of his ongoing civil detention, which continues without individualized procedural safeguards in violation of the Due Process Clause of the Fifth Amendment.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution. This Court is authorized to grant habeas relief pursuant to 28 U.S.C. § 2241.

9. Habeas corpus is the proper vehicle to challenge unlawful civil immigration detention, including continued detention that violates constitutional due process protections. Petitioner therefore properly invokes this Court's jurisdiction to remedy his unlawful detention and to vindicate his rights under the Fifth Amendment.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of Texas, because Petitioner is detained at the South Texas Ice Processing Center in Pearsall, Texas, which is within the jurisdiction of this District.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to his claims occurred in this district, and no real property is involved in this action.

PARTIES

12. Petitioner, SOLOMON MR HTUN, is a citizen of Burma. He has been detained since May 15, 2026, and is currently detained at the South Texas Ice Processing Center in Pearsall, Texas. He is in the custody, and under the direct control, of Respondents and their agents.

13. Respondent, MIGUEL VERGARA, is the Director of the San Antonio Field Office of ICE's Enforcement and Removal Operations division. As such, MIGUEL VERGARA, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

14. Respondent, MARKWAYNE MULLIN, is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

15. Respondent, THE DEPARTMENT OF HOMELAND SECURITY (DHS), is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. DHS oversees ICE and the detention of noncitizens. DHS is a legal custodian of Petitioner.

16. Respondent, TODD BLANCHE, is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

17. Respondent, WARDEN OF THE SOUTH TEXAS ICE PROCESSING CENTER, has immediate physical custody of Petitioner. He is sued in his official capacity.

STATEMENT OF FACTS

18. Petitioner Solomon Mr Htun, A-Number [redacted], is a native and citizen of Burma. Petitioner entered the United States on or about December 12, 2023, through Houston, Texas, after being lawfully admitted with an F-1 student visa and an accompanying Form I-94.

Following his entry, Petitioner sought protection in the United States through the asylum process and remains eligible to pursue asylum relief. Petitioner is single and has no children. He has two cousins and one aunt who are United States citizens. Prior to his detention, Petitioner worked as a delivery driver for DoorDash pursuant to a valid Employment Authorization Document and Social Security number. Petitioner has no criminal history. On May 15, 2026, Petitioner was taken into custody by U.S. Immigration and Customs Enforcement ("ICE") at the airport in St. Thomas, U.S. Virgin Islands, and remains detained at the South Texas ICE Processing Center. On June 5, 2026, an Immigration Judge denied Petitioner bond based on a finding that he presented a flight risk, citing concerns regarding whether Petitioner entered the United States under false pretenses by obtaining admission on an F-1 student visa despite allegedly intending to pursue other immigration objectives. Petitioner disputes that characterization and maintains that he was lawfully admitted to the United States with a valid F-1 student visa. Petitioner has never been ordered removed, his asylum proceedings remain pending before the Immigration Court, and he is scheduled for an Individual Hearing on July 16, 2026. Petitioner has not previously filed a petition for a writ of habeas corpus.

LEGAL FRAMEWORK

19. Habeas corpus is the proper vehicle to challenge unlawful civil immigration detention that violates constitutional limits. See 28 U.S.C. § 2241. A federal court may grant habeas relief where a person is held in custody in violation of the Constitution or laws of the United States.

20. Civil immigration detention is nonpunitive and may be used only for limited regulatory purposes, including ensuring appearance during immigration proceedings and

protecting the community. Even where detention is authorized by statute, the Due Process Clause prohibits detention that becomes arbitrary, excessive, or unrelated to its civil purpose.

21. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court recognized that freedom from physical restraint is at the core of the liberty protected by the Due Process Clause and that immigration detention must remain reasonably related to its lawful purpose. Although *Zadvydas* addressed post-removal-order detention, its reasoning confirms that civil detention cannot continue without meaningful justification.

22. The Supreme Court has also recognized that continued immigration detention must remain tied to its legitimate purpose. See *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring). When detention continues without meaningful review, due process requires an individualized determination that detention remains necessary.

23. Petitioner does not ask this Court to review his removal order, reopen his immigration proceedings, or create a statutory bond right under the INA. Petitioner raises an independent constitutional challenge to his continued detention without a meaningful individualized custody determination.

24. *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020), does not bar Petitioner's claim. *Thuraissigiam* addressed habeas review for a noncitizen seeking additional review of an expedited removal order and additional asylum-screening procedures. Petitioner does not seek that relief. He challenges only his continued detention without meaningful custody review.

25. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026), likewise does not resolve Petitioner's due process claim. Buenrostro-Mendez addressed whether 8 U.S.C. § 1225 creates a statutory entitlement to a bond hearing or release. Petitioner does not rely on a statutory

entitlement theory under § 1225. Instead, he asks this Court to enforce the Constitution's independent limits on continued civil detention.

26. Recent district court decisions addressing detention under § 1225 do not eliminate Petitioner's independent constitutional claim. See, e.g., *Makhmudov v. Noem*, No. 1:26-CV-00024 (S.D. Tex. Mar. 31, 2026); *Zuniga v. Lyons*, No. 1:25-CV-221-H, 2025 WL 3755126, at *8 (N.D. Tex. Dec. 29, 2025); *Guzman-Diaz v. Noem*, No. 3:25-CV-3008-X-BN, 2026 WL 309938, at *8 (N.D. Tex. Feb. 5, 2026); *Giron v. Noem*, No. 4:26-CV-00086, 2026 WL 252370, at *2 (S.D. Tex. Jan. 28, 2026). To the extent those decisions rejected statutory bond arguments. They do not answer the separate constitutional question whether the Fifth Amendment permits continued civil detention without meaningful individualized review.

27. Courts evaluating constitutional challenges to immigration detention consider whether detention remains reasonably related to its civil purpose. Relevant factors include the length of detention, the procedures provided, whether a neutral decisionmaker has reviewed custody, whether the Government has shown danger to the community or flight risk, the petitioner's family and community ties, the status of the immigration proceedings, and whether less restrictive alternatives would be sufficient.

28. Recent decisions support due process review for individuals detained under § 1225(b)(2) when custody review is not constitutionally meaningful. In *Bonilla Chicas v. Warden*, No. 5:26-CV-00131, 2026 WL 539475, at *6, *11 (S.D. Tex. Feb. 20, 2026), the court found that continued ICE detention of a person with established United States ties violated due process where ICE failed to provide an individualized assessment. Likewise, in *Strunin v. Garcia,* No. 5:26-CV-00106, 2026 WL 958952, at *8 (S.D. Tex. Mar. 3, 2026), the court held that due process requires meaningful individualized review before the Government may continue

detaining a person with established United States ties, even where the Government treats the person as subject to detention under § 1225(b)(2).

29. Other courts have reached similar conclusions where detained individuals had significant United States ties, no meaningful custody review, and no individualized finding that detention was necessary. See *Vieira v. De Anda-Ybarra*, 806 F. Supp. 3d 690, 697-701 (W.D. Tex. 2025); *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 681-87 (W.D. Tex. 2025); *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 WL 2976923, at *7-8 (W.D. Tex. Oct. 21, 2025); *Marceau v. Noem*, No. 26-CV-237-KC, 2026 WL 368953 (W.D. Tex. Feb. 9, 2026); *Clemente Ceballos v. Garite*, No. 26-CV-312, 2026 WL 446509 (W.D. Tex. Feb. 10, 2026); *Torres v. Hermosillo*, No. 2:25-CV-02687, 2026 WL 145715, at *5 (W.D. Wash. Jan. 20, 2026); *Rincon v. Hyde*, No. 25-CV-12633-BEM, 2025 WL 3122784, at *5-7 (D. Mass. Nov. 7, 2025); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 147, 151 (W.D.N.Y. 2025); *Olaya Rodriguez v. Bondi*, No. 25-CV-791, 2025 WL 2490670, at *3 (E.D. Va. June 24, 2025).

30. Those principles apply in this case. Petitioner lawfully entered the United States on an F-1 student visa, has maintained lawful employment, has close family members in the United States, and has no criminal history. His asylum proceedings remain pending before the Immigration Court. Although an Immigration Judge denied bond based on concerns regarding Petitioner's intent at the time of entry, Petitioner disputes that characterization and maintains that he lawfully entered the United States pursuant to a valid F-1 student visa. These facts directly bear on danger to the community, risk of flight, and whether continued detention remains necessary.

31. Yet Respondents have continued to detain Petitioner notwithstanding the denial of bond, which was based on concerns regarding Petitioner's intent at the time of his lawful

admission rather than any finding that he was a flight risk or posed a danger to the community. No tribunal has meaningfully considered Petitioner's lawful employment, family ties, lack of criminal history, or whether less restrictive alternatives to detention would adequately serve the Government's interests.

32. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), due process requires consideration of the private interest affected, the risk of erroneous deprivation without additional safeguards, and the Government's interest. Petitioner's private interest is fundamental because he is deprived of physical liberty. The risk of erroneous deprivation is substantial because no neutral decisionmaker has evaluated whether detention remains necessary. The Government's interests in ensuring appearance and protecting the community do not justify continued detention without individualized findings, especially where Petitioner has strong ties to the United States and has no criminal history.

33. Accordingly, due process requires Petitioner's release or, at minimum, a constitutionally adequate custody hearing before a neutral decisionmaker. At that hearing, Respondents must bear the burden of proving by clear and convincing evidence that continued detention is necessary because Petitioner presents a danger to the community or a flight risk, and that no less restrictive alternatives can reasonably serve the Government's interests.

CLAIMS FOR RELIEF

Violation of Fifth Amendment Right to Due Process

34. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

35. The Due Process Clause of the Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law. This protection applies to noncitizens in civil immigration detention.

36. Petitioner, SOLOMON MR HTUN, a native and citizen of Burma, has been detained at the South Texas Ice Processing Center in Pearsall, Texas, since approximately May 15, 2026. His case remains pending before the immigration court.

37. Respondents continue to detain Petitioner without providing a meaningful individualized custody determination before a neutral decisionmaker. No tribunal has required the Government to prove that Petitioner is a danger to the community, that he presents a flight risk, or that no less restrictive alternatives would be sufficient.

38. Petitioner has lived in the United States for more than two and a half years, lawfully entered the United States on an F-1 student visa and an accompanying Form I-94, maintained lawful employment prior to his detention, has close family members in the United States, has no criminal history, and his asylum proceedings remain pending before the Immigration Court. These facts directly undermine any claim that continued detention is necessary to ensure his appearance at proceedings or to protect the community.

39. Civil immigration detention is lawful only so long as it remains reasonably related to its nonpunitive purposes. Although Petitioner received a bond hearing, his continued detention has become arbitrary, excessive, and punitive in violation of the Due Process Clause. Petitioner has been lawfully admitted to the United States, has no criminal history, has maintained lawful employment, and has significant ties to the United States. Under these circumstances, continued detention is no longer reasonably related to its asserted purposes and less restrictive alternatives to detention have not been shown to be inadequate.

40. By continuing to detain Petitioner without meaningful procedural safeguards, Respondents have violated Petitioner's right to due process under the Fifth Amendment.

41. Petitioner is therefore entitled to immediate release or, in the alternative, a constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is necessary and that no less restrictive alternatives can reasonably serve the Government's interests.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Declare that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment;

(3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(4) In the alternative, order Respondents to provide an immediate individualized bond or custody hearing with the burden on the Government to justify continued detention;

(5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

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

DATED this 2nd day of July 2026.

Respectfully,

Lorena Villal

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on July 2, 2026, I filed Petitioner's Petition for Writ of Habeas Corpus using the Court's CM/ECF system, which will send notice to all counsel of record.

DATED this 2nd day of July 2026.

Respectfully,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Lorena Villalon, represent Petitioner, Solomon Mr Htun, and submit this verification on his behalf. Prior to drafting this Petition, I reviewed the relevant facts, immigration history, detention history, criminal history, and supporting information with Petitioner. Based on that review, I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and the documents submitted in support thereof are true and correct to the best of my knowledge.

DATED this 2nd day of July 2026.

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