UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Leonardo Josue Cueto Petitioner-Plaintiff,	)	Civ.No:5:26-CV-4192
v.	)	**DHS File Number:** [redacted]
David Venturella, Field Office Director U.S. Immigration and Customs Enforcement;	)	
Facility Warden Karnes Immigration Processing Center	)	
Respondents-Defendants	)	

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

Petitioner Leonardo Josue Cueto is a native and citizen of Venezuela who lawfully entered the United States through the Brownsville, Texas Port of Entry on or about December 1, 2023, after presenting himself to United States Customs and Border Protection. Upon inspection, Petitioner was granted parole into the United States and issued a valid Form I-94 authorizing his presence through December 1, 2025.

Following his arrival, Petitioner established his life in the United States. He obtained lawful employment authorization, a Social Security number, and a valid driver's license, enabling him to work legally, support his family, and comply with all federal and state requirements. Petitioner has continuously complied with his immigration obligations and is presently pursuing protection in the

United States through applications for asylum, withholding of removal, and protection under the Convention Against Torture.

A. PETITION FOR RESIDENCY FILED

Petitioner is married to Zulemairy Rosa Correa, a United States citizen. His wife has filed an I-130 Petition for Alien Relative on his behalf, which USCIS accepted on May 12, 2025. She also filed a concurrent Form I-485, Application to Register Permanent Residence or Adjust Status, which USCIS continues to process. USCIS's online case status confirms that the adjustment application remains pending. These pending applications demonstrate Petitioner's legitimate pursuit of lawful permanent resident status through his marriage to a United States citizen.

B. PETITIONER'S SPOUSE PREGNANT

Petitioner's wife is currently approximately three months pregnant with their child. Her pregnancy has made Petitioner's continued detention particularly devastating for the family. She relies upon Petitioner for emotional support, financial assistance, transportation, and preparation for the birth of their child. His prolonged detention has imposed substantial hardship upon his United States citizen spouse during an especially vulnerable period.

On or about June 12, 2026, Petitioner was taken into ICE custody following an arrest in Bexar County, Texas, for an alleged theft offense. However, the criminal allegations were dismissed by the Bexar County Criminal District Attorney, and the state court entered an order dismissing the criminal case. Thus, Petitioner presently has no criminal conviction arising from the incident that led to his detention. Despite the dismissal of any criminal charges, ICE continues to detain Petitioner at the Karnes County Immigration Processing Center in Karnes City, Texas, pending removal proceedings. Petitioner's Master Calendar Hearing is scheduled for October 8, 2026, several months after his detention began.

Petitioner's continued civil detention serves no legitimate governmental purpose. He presents neither a danger to the community nor a meaningful risk of flight. He has significant family ties, a United States citizen spouse, a pending adjustment application based upon an approved immediate-relative petition, lawful employment history, valid government-issued identification, and active applications for humanitarian relief. The dismissal of the underlying criminal allegations further eliminates any basis for continued detention predicated upon dangerousness.

Despite the civil nature of immigration detention, the absence of any statutory mandate requiring detention, and the lack of any individualized custody determination consistent with due process, ICE continues to detain Petitioner at the **Karnes County Immigration Processing Center in Karnes City, Texas.** His continued confinement is arbitrary, punitive in effect, and in violation of the **Due Process Clause of the Fifth Amendment.** Petitioner therefore respectfully seeks immediate release from custody, or in the alternative, a constitutionally adequate bond hearing.

II. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. Jurisdiction is also proper under 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201–2202.
3. Venue lies in this District pursuant to 28 U.S.C. § 1391(e) and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise custody and control over him here.
4. Currently Petitioner is detained in this Court's jurisdiction.

III. PARTIES

1. Petitioner **Leonardo Josue Cueto** is a noncitizen, native and citizen of Venezuela, currently detained by ICE at **Karnes County Immigration Processing Center in Karnes City, Texas..**
2. Respondent **David Venturella** is the ICE Field Office Director.
3. Respondent **Warden of Karnes Immigration Processing Center** in Karnes City, Texas and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

1. Petitioner Leonardo Josue Cueto is a native and citizen of Venezuela.

2. Petitioner lawfully entered the United States on or about December 1, 2023, after presenting himself for inspection at the Brownsville, Texas Port of Entry and was granted parole into the United States.

3. Petitioner was arrested in Bexar County, Texas, on an allegation of theft. However, the criminal case was subsequently dismissed, and Petitioner has no criminal conviction arising from that incident.

4. Petitioner was taken into ICE custody on or about June 12, 2026.

5. Petitioner is currently detained at the Karnes Immigration Processing Center in Karnes City, Texas pending removal proceedings.

6. Petitioner intends to pursue applications for asylum, withholding of removal, and protection under the Convention Against Torture. He is also the beneficiary of a pending Form I-130 filed by his United States citizen spouse and has a pending Form I-485 Application to Register Permanent Residence or Adjust Status currently before USCIS.

7. Petitioner is married to a United States citizen, who is currently approximately three months pregnant with their child. Petitioner has significant family ties in the United

States, maintains valid employment authorization, possesses a valid driver's license and Social Security card, and provides emotional and financial support to his wife during her pregnancy. His continued detention imposes substantial hardship upon his family.

8. Petitioner has a scheduled Master Calendar Hearing before the Immigration Court on October 8, 2026, at 9:00 a.m.

9. Despite the civil nature of immigration detention, ICE continues to detain Petitioner without any individualized custody determination.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

Federal district courts have jurisdiction under 28 U.S.C. § 2241 to review whether a noncitizen is "in custody in violation of the Constitution or laws or treaties of the United States." *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Habeas jurisdiction extends to challenges to the **fact, duration, or legality of immigration detention**, including constitutional claims. *INS v. St. Cyr*, 533 U.S. 289, 290, 301 (2001).

Where, as here, a petitioner alleges that continued detention violates due process because it is arbitrary, punitive, or unsupported by any individualized findings, habeas jurisdiction is proper.

VI. ARGUMENT

A. Civil Immigration Detention Is Subject to Constitutional Due Process Limits

Immigration detention is civil, not criminal. As such, it is constitutionally permissible only if it serves a legitimate regulatory purpose and is accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

The Supreme Court has repeatedly emphasized that civil detention may not be imposed as punishment and may not continue where it becomes excessive in relation to its regulatory purpose. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *United States v. Salerno*, 481 U.S. 739, 747 (1987).

Even when Congress authorizes detention, "the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

B. Petitioner's Continued Detention Violates Substantive Due Process

Substantive due process forbids arbitrary civil detention that is not reasonably related to a legitimate governmental objective. *Zadvydas*, 533 U.S. at 690. The only permissible purposes of immigration detention are to prevent flight or to protect the community. *Demore*, 538 U.S. at 528.

Here, Petitioner's detention is unsupported by any individualized finding that it serves either purpose:

1. Petitioner has **no criminal convictions.** The only criminal charge that resulted in his detention was **dismissed** by the Bexar County Criminal District Attorney, and the state court dismissed the case.

2. Petitioner lawfully entered the United States on **December 1, 2023**, after presenting himself for inspection at the Brownsville Port of Entry and was granted parole by DHS

3. No adjudicator has ever found him to be a danger or a flight risk.

4. Petitioner has strong family ties in the United States, including his United States citizen spouse, who is pregnant with their child, and for whom he serves as the family's primary financial provider and caregiver.

5. Petitioner has a pending Master Calendar Hearing scheduled for October 8, 2026, demonstrating his incentive to appear and pursue relief.

6. Petitioner is subjected to detention without any meaningful individualized custody determination.

7. Petitioner intends to pursue applications for asylum, withholding of removal, and protection under the Convention Against Torture pursuant to INA § 208 and INA § 241(b)(3), demonstrating his intent to fully participate in his immigration proceedings.

Petitioner did not evade immigration authorities. He lawfully presented himself to United States Customs and Border Protection upon his arrival in December 2023, was inspected, granted parole, and has complied with the conditions of his release. On or about June 12, 2026, he was taken into ICE custody following his arrest on a theft allegation. Although that allegation was dismissed and no criminal conviction resulted, ICE nevertheless continues to detain him at the Karnes County Immigration Processing Center in Karnes City, Texas.

ICE's continued detention of Petitioner without any showing of necessity bears no reasonable relationship to a legitimate regulatory purpose. Detention under these circumstances is punitive in effect, not regulatory, and therefore violates substantive due process. *Foucha*, 504 U.S. at 80.

C. Arbitrary Executive Detention Without Judicial Review Violates Separation-of-Powers Principles

The writ of habeas corpus exists to prevent arbitrary executive detention. *St. Cyr*, 533 U.S. at 301. Where the Executive claims the authority to detain an individual indefinitely while disclaiming any obligation to provide a mechanism for review, habeas relief is essential.

ICE's position results in unbounded executive detention insulated from both administrative and judicial oversight. Such a regime is incompatible with fundamental constitutional principles. *Boumediene*, 553 U.S. at 783 ("The Framers viewed freedom from unlawful restraint as a

fundamental precept of liberty."). Absent meaningful judicial review, the Executive's detention power exceeds constitutional limits.

Neither **Jennings v. Rodriguez, 583 U.S. 281 (2018), Matter of Yajure Hurtado**, nor **Buenrostro-Mendez** held that detention authorized by statute is exempt from constitutional review or immune from habeas corpus review under **28 U.S.C. § 2241**. The Supreme Court has repeatedly recognized that even civil immigration detention is subject to constitutional limitations. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

D. The Government Cannot Carry Its Constitutional Burden"

This should become the centerpiece of the petition. Respondents will undoubtedly argue that Congress authorized detention under § 1225(b). Petitioner does not dispute that statutory authority may exist. The flaw in Respondents' position is that statutory authorization alone does not answer the constitutional question before this Court. Congress authorizes detention. The Constitution limits detention. Habeas exists to police that boundary.

Petitioner's challenge is therefore not a challenge to Congress's authority to authorize immigration detention. Rather, Petitioner challenges the constitutionality of his continued detention where Respondents cannot identify individualized evidence demonstrating that he presents either a danger to the community or a meaningful risk of flight despite his lawful parole into the United States, the dismissal of the only criminal charge arising from his arrest, his valid employment authorization, his pending applications for asylum, withholding of removal, and protection under the Convention Against Torture, his pending family-based immigration applications, his marriage to a United States citizen, and his wife's current pregnancy with their child.

E. Exhaustion Is Excused and Habeas Relief Is Required

Exhaustion in § 2241 proceedings is prudential and is excused where administrative remedies are unavailable or futile. Respondents may argue that Petitioner must seek a bond determination before the Immigration Court and appeal any adverse decision to the Board of Immigration Appeals ("BIA"). However, such remedies are not meaningfully available here. Upon information and belief, Respondents are treating Petitioner as subject to detention under 8 U.S.C. § 1225(b). In such circumstances, Immigration Judges in this jurisdiction have taken the position that they lack authority to conduct bond hearings unless directed by a federal court. Therefore, the Immigration Court is unlikely to exercise jurisdiction over Petitioner's custody. Under *Matter of Jonathan Javier Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges have concluded that they lack jurisdiction to redetermine custody for certain noncitizens classified under § 1225(b)(2). Because Petitioner was granted parole into the United States after presenting himself for inspection at a port of entry, Respondents may nevertheless continue to classify him under the detention provisions applicable to applicants for admission. Thus:

- The Immigration Court lacks authority to provide meaningful relief;
- Administrative remedies are functionally unavailable; and
- Exhaustion would be futile.

A detainee is not required to pursue remedies the agency itself asserts it lacks power to grant. Courts in this District routinely excuse exhaustion where Immigration Judges decline jurisdiction over custody determinations, rendering administrative remedies unavailable in practice.

F. Release Is the Appropriate Habeas Remedy

Where detention violates the Constitution, release is the appropriate remedy. *Zadvydas*, 533 U.S. at 699; *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Courts possess broad equitable authority under § 2241 to order release from unlawful custody.

Because Petitioner's continued detention violates substantive and procedural due process, the writ should issue and Petitioner should be released forthwith.

VII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

1. Petitioner incorporates all preceding paragraphs.
2. Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

1. A declaration is warranted that Petitioner's continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Grant this Petition** for Writ of Habeas Corpus;
2. **Order** Respondents to **immediately release** Petitioner **from ICE custody**; or
3. **Declare** that Petitioner's continued detention **violates the Constitution;**
4. **Prevent any future unconstitutional detention; and**
5. **Grant any other relief** the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner

Texas Bar No. 24000489
Rudy Castillo Law Firm
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com

IX. SIGNATURE & VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 07/01/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

Exhibit A – ICE Online Detainee Locator System printout reflecting Petitioner Leonardo Josue Cueto's current detention at the Karnes County Immigration Processing Center in Karnes City, Texas.

Exhibit B – EOIR Automated Case Information printout reflecting Petitioner's pending removal proceedings and upcoming Master Calendar Hearing scheduled for October 8, 2026, before Immigration Judge Suzette Smikle.

Exhibit C – Notice to Appear (Form I-862) reflecting Petitioner's parole application at the Brownsville, Texas Port of Entry on December 1, 2023, and the initiation of removal proceedings.

Exhibit D – Certified Bexar County Order dismissing the criminal theft charge that resulted in Petitioner's arrest and subsequent ICE detention.

Exhibit E – Certified Marriage Certificate establishing Petitioner's marriage to United States citizen Zuleimary Rosa Correa, including U.S. Birth Certificate

Exhibit F – Medical records confirming that Petitioner's United States citizen spouse is pregnant and receiving ongoing prenatal care, including her estimated due date and scheduled prenatal appointments.

Exhibit G – USCIS Receipt Notices for Petitioner's pending Form I-130, Petition for Alien Relative, and Form I-485, Application to Register Permanent Residence or Adjust Status.

Exhibit H – Petitioner's Form I-94 evidencing parole into the United States through the Brownsville, Texas Port of Entry on December 1, 2023.

Exhibit I – Petitioner's Employment Authorization Document (EAD).

Exhibit J– Petitioner's Texas Driver License and Social Security Card demonstrating lawful employment authorization and community ties.

Exhibit K – Attorney Declaration.

Exhibit A

Official Website of the Department of Homeland Security

Report

Main Menu

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Facility Page

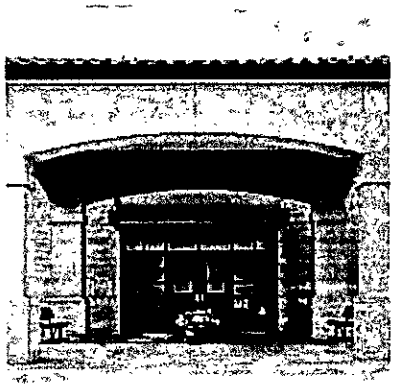
Detention Information For:

LEONARDO JOSUE CUETO
Country of Birth: Venezuela
A-Number: [redacted]

Current Detention Facility:

KARNES COUNTY IMMIGRATION PROCESSING CENTER
409 FM 1144
NA
KARNES CITY, TX 78118
Visitor Information: (830) 254-2000

MORE INFORMATION >



ERO Office Information

Exhibit B

An official website of the United States government
Here's how you know

EOIR Automated Case Information

Court Closures Today July 1, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Home > **CUETO, LEONARDO JOSUE (**[redacted]**)**

Automated Case Information

Name: CUETO, LEONARDO JOSUE | A-Number: [redacted] **|**
Docket Date: 3/17/2024

Next Hearing Information

Your upcoming **MASTER** hearing is on **October 8, 2026** at **9:00 AM**.

JUDGE
Smikle, Suzette

COURT ADDRESS
401 W PEACHTREE ST, STE 2600
ATLANTA, GA 30308

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
401 W PEACHTREE ST, STE 2600
ATLANTA, GA 30308

PHONE NUMBER
(404) 554-9400

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : [redacted] FIN #: [redacted]

SIGMA Event: [redacted] DOB: [redacted]

File No: [redacted]

In the Matter of: CUETO, LEONARDO JOSUE

Respondent: CUETO, Leonardo Josue currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

[x] You are an arriving alien.

[ ] You are an alien present in the United States who has not been admitted or paroled.

[ ] You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA;
3. On or about December 1, 2023 you applied for admission to the United States at the Brownsville, Texas Port of Entry.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

[ ] This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

[ ] Section 235(b)(1) order was vacated pursuant to: [ ] 8CFR 208.30 [ ] 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

401 W PEACHTREE ST NW STE 2600,
ATLANTA, GA, US 30308

(Complete Address of Immigration Court, including Room Number, if any)

on October 8, 2026 *(Date)* at 09:00 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

CASTILLO, Juan J

CBP OFFICER

(Signature and Title of Issuing Officer)

Digitally Acquired Signature

Date: December 1, 2023

BROWNSVILLE, TEXAS

(City and State)

Exhibit C

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

Date: _____

_____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 1, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- [X] in person [ ] by certified mail, returned receipt # _____ requested [ ] by regular mail
- [ ] Attached is a credible fear worksheet.
- [X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Digitally Acquired Signature

(Signature of Respondent if Personally Served)

CASTILLO, Juan J
CBP OFFICER

Digitally Acquired Signature

(Signature and Title of officer)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I862

Alien's Name	File Number [redacted]	Date
CUETO, LEONARDO JOSUE	SIGMA Event: [redacted]	December 1, 2023
	Event No: [redacted]	

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
CASTILLO, Juan J	CBP OFFICER

Digitally Acquired Signature

Exhibit K

ATTORNEY DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, **Rodolfo A. Castillo**, declare as follows:

1. I am an attorney licensed to practice law in the State of Texas and represent Petitioner, Leonardo Josue Cueto (A# [redacted]1), in the above-captioned matter.

2. The document attached as **Exhibit A** is a true and correct copy of the ICE Online Detainee Locator System printout reflecting Petitioner's current detention at the Karnes County Immigration Processing Center in Karnes City, Texas.

3. The document attached as **Exhibit B** is a true and correct copy of the EOIR Automated Case Information printout reflecting Petitioner's pending removal proceedings and upcoming Master Calendar Hearing.

4. The document attached as **Exhibit C** is a true and correct copy of Petitioner's Notice to Appear (Form I-862).

5. The document attached as **Exhibit D** is a true and correct copy of the certified Bexar County order dismissing the criminal charge against Petitioner.

6. The documents attached as **Exhibit E** are true and correct copies of Petitioner's certified marriage certificate and his spouse's United States birth certificate.

7. The documents attached as **Exhibit F** are true and correct copies of medical records relating to Petitioner's United States citizen spouse, confirming her pregnancy and ongoing prenatal care.

8. The documents attached as **Exhibit G** are true and correct copies of the USCIS receipt notices for Petitioner's pending Form I-130, Petition for Alien Relative, and Form I-485, Application to Register Permanent Residence or Adjust Status.

9. The document attached as **Exhibit H** is a true and correct copy of Petitioner's Form I-94 Arrival/Departure Record.

10. The document attached as **Exhibit I** is a true and correct copy of Petitioner's Employment Authorization Document.

11. The documents attached as Exhibit J are true and correct copies of Petitioner's Texas Driver License and Social Security card.

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge

Executed on **July 1, 2026.**

Respectfully submitted,

/s/ Rodolfo A. Castillo
Rodolfo A. Castillo
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 07/01/2026 I electronically filed the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Facility Warden,
Karnes Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

And

David Venturella
Field Office Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Respectfully submitted,

/s/ Rodolfo Castillo
Rodolfo Castillo
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