**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF TEXAS**
**SAN ANTONIO DIVISION**

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| **Leonardo Josue Cueto**<br>Petitioner-Plaintiff,<br><br>v.<br><br>**David Venturella,**<br>Field Office Director<br>U.S. Immigration and Customs Enforcement;<br><br>**Facility Warden**<br>Karnes Immigration Processing Center<br><br>Respondents-Defendants | Civ. No. **5:26-cv-04192**<br><br>**DHS File Number:** [redacted] |

**PETITIONER'S REPLY TO FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Respondents' Response rests on a flawed premise: that because Congress has authorized Petitioner's detention under 8 U.S.C. § 1225(b), the Constitution imposes no meaningful limitations on the Executive's authority to continue that detention. That proposition is inconsistent with longstanding Supreme Court precedent recognizing that habeas corpus remains available to test the legality of executive detention and that the Due Process Clause imposes constitutional constraints even in the immigration context.

**I. Statutory Authority Does Not Eliminate Constitutional Review**

Petitioner does not dispute that Congress has authorized detention of certain arriving aliens under 8 U.S.C. § 1225(b). Rather, Petitioner challenges the constitutionality of his continued detention as applied to him. The Supreme Court has repeatedly recognized that executive detention, including immigration detention, remains subject to constitutional limitations. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Boumediene v. Bush*, 553 U.S. 723, 779-83 (2008); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). The existence of statutory authority does not foreclose judicial review of whether that detention comports with the Due Process Clause. Respondents therefore conflate two separate questions:

(1) whether Congress authorized detention; and

(2) whether Petitioner's continued detention satisfies constitutional due process.

Only the latter question is presented by this Petition.

**II. Jennings and Thuraissigiam Do Not Resolve Petitioner's Constitutional Claim**

Respondents principally rely upon *Jennings v. Rodriguez* and *Department of Homeland Security v. Thuraissigiam*. Neither decision resolves the constitutional question before this Court.

In *Jennings*, the Supreme Court rejected the Ninth Circuit's statutory interpretation of § 1225(b) but expressly declined to decide whether prolonged mandatory detention violates the Constitution. 583 U.S. 281 (2018).

Likewise, *Thuraissigiam* involved an alien apprehended shortly after an unlawful entry who sought expanded judicial review of a credible-fear determination under the expedited removal process. 591 U.S. 103 (2020). This case is materially different. Petitioner is not challenging the scope of review afforded in expedited removal proceedings. Instead, he challenges the constitutionality of his continued physical detention without an individualized determination that his confinement remains necessary. Nothing in *Thuraissigiam* holds that the Government may indefinitely detain an arriving alien free from constitutional scrutiny or meaningful habeas review.

**III. Mandatory Detention Does Not Excuse Constitutional Due Process**

Respondents repeatedly characterize Petitioner's detention as "mandatory." That description does not answer the constitutional question. Civil detention is constitutionally permissible only when it remains reasonably related to legitimate regulatory objectives and is not excessive in relation to those objectives. *United States v. Salerno*, 481 U.S. 739 (1987); *Foucha v. Louisiana*, 504 U.S. 71 (1992); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

The Government has never made an individualized determination that Petitioner presently poses a danger to the community or a meaningful risk of flight. Instead, Respondents rely solely upon Petitioner's statutory classification as an arriving alien. The Due Process Clause requires more than categorical detention where continued physical confinement no longer bears a reasonable relationship to its asserted regulatory purpose.

**IV. The Government's Reliance Upon Buenrostro Does Not Dispose of Petitioner's Constitutional Challenge**

Respondents cite *Buenrostro* for the proposition that arriving aliens are subject to mandatory detention under § 1225(b). Even assuming *Buenrostro* correctly interprets the statute, statutory interpretation does not resolve Petitioner's constitutional claims. The issue presented here is not whether § 1225(b) authorizes detention. The issue is whether Petitioner's continued detention, without any individualized constitutional safeguards, violates the Fifth Amendment. Statutory authority cannot supersede constitutional limitations.

**V. The Laken Riley Act Does Not Eliminate Constitutional Review**

Respondents also invoke the Laken Riley Act. That statute likewise addresses statutory authority for detention; it does not eliminate constitutional protections guaranteed by the Fifth Amendment. Moreover, Respondents acknowledge that Petitioner's theft charge was dismissed. They identify no evidence that Petitioner presents a current danger to the community or that continued detention is necessary to ensure his appearance at removal proceedings. Instead, Respondents ask this Court to presume dangerousness solely because an arrest occurred. An arrest—particularly one resulting in dismissal—is not equivalent to an individualized constitutional finding that continued detention is necessary.

**VI. Habeas Relief Remains Appropriate**

The Suspension Clause preserves the Judiciary's historic role in preventing unlawful executive detention. *St. Cyr*, 533 U.S. at 301; *Boumediene*, 553 U.S. at 779-83. Petitioner respectfully submits that Respondents have failed to answer the central constitutional question presented by this Petition: why continued detention remains necessary where no individualized determination has been made that Petitioner presently poses either a danger to the community or a meaningful risk of flight.

Instead, Respondents rely entirely upon statutory authority while overlooking the constitutional limitations that govern every exercise of executive detention. For those reasons, the Petition should be granted, and this Court should order Petitioner's immediate release or, at minimum, direct Respondents to provide a prompt constitutionally adequate individualized custody hearing before a neutral decisionmaker.

**VII. CONCLUSION**

For the foregoing reasons, Respondents have failed to demonstrate that Petitioner's continued detention comports with the requirements of the Fifth Amendment. Their Response relies almost exclusively on statutory authority authorizing detention under the Immigration and Nationality Act, yet it never addresses the central constitutional issue presented by this habeas action: whether Petitioner's continued civil detention, without a constitutionally adequate individualized determination that he poses a danger to the community or a risk of flight, satisfies the Due Process Clause. While Congress may authorize immigration detention in appropriate circumstances, such authority remains subject to constitutional limitations and meaningful judicial review through the writ of habeas corpus.

Accordingly, Petitioner respectfully requests that this Court reject Respondents' arguments, grant the Petition for Writ of Habeas Corpus, and order Petitioner's immediate release from ICE custody. In the alternative, Petitioner requests that the Court order Respondents to provide a prompt constitutionally adequate individualized custody hearing before a neutral decisionmaker at which the Government bears the burden of establishing, by clear and convincing evidence, that Petitioner's continued detention is necessary to serve a legitimate regulatory purpose. Petitioner further requests such other and further relief to which he may be justly entitled.

*/s/ Rodolfo Castillo*
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 07/20/2026 I electronically filed the foregoing Petitioner's Reply to Federal Respondents Response to 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
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Respectfully submitted,

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