UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jose Marvin Villalobos Guevara Petitioner-Plaintiff,	))Civ.No: 5:26-cv-40193
	)
v.	)DHS File Number: [redacted]
	)
David Venturella, Acting ICE 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 **Jose Marvin Villalobos Guevara** is a native and citizen of **El Salvador** who has resided continuously in the United States since approximately **June 16, 2021.** During his time in the United States, Petitioner established significant family, employment, and community ties. He is the father of a **United States citizen son,** whose medical records reflect elevated lead levels in his blood and ongoing medical concerns. Petitioner also serves as the father figure and primary caregiver to his **United States citizen stepdaughter,** who suffers from **cerebral palsy,** and his partner is currently **eighteen (18) weeks pregnant** with their child.

Petitioner has **no criminal history whatsoever.** On or about **June 16, 2026,** Petitioner was taken into ICE custody in **Fredericksburg, Texas,** while traveling to work. Petitioner was **not driving the vehicle** but was merely a **passenger** in a vehicle driven by his coworker. He fully

cooperated with law enforcement and immigration officers, was not charged with or convicted of any criminal offense, and was thereafter transferred to the **Karnes County Immigration Processing Center** in Karnes City, Texas, where he remains detained. DHS subsequently initiated removal proceedings by serving Petitioner with a Notice to Appear charging him under **INA § 212(a)(6)(A)(i).**

Petitioner is **statutorily eligible to pursue asylum, withholding of removal, and protection under the Convention Against Torture** pursuant to **INA § 208, INA § 241(b)(3), and the regulations implementing the Convention Against Torture.** Petitioner fears returning to **El Salvador** and intends to fully pursue these forms of relief in his removal proceedings.

Petitioner is currently represented by counsel in his removal proceedings before the Immigration Court and intends to pursue **asylum, withholding of removal, and protection under the Convention Against Torture,** while pursuing any additional immigration relief for which he may become eligible. His active participation in these proceedings demonstrates his commitment to fully complying with the immigration process and appearing at all future hearings.

Despite the civil nature of immigration detention, the absence of any criminal history, Petitioner's strong family ties in the United States, his role as the primary financial and emotional support for his family, the serious medical needs of his United States citizen stepdaughter, his United States citizen son's medical condition, his partner's pregnancy, his eligibility to pursue humanitarian protection, and the lack of any individualized custody determination consistent with due process, ICE continues to detain Petitioner at the **Karnes County Immigration Processing Center**. 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 pursuant to:

   • 28 U.S.C. § 2241;

   • 28 U.S.C. § 1331;

   • 28 U.S.C. §§ 2201–2202; and

   • the Fifth Amendment to the United States Constitution.

2. Habeas jurisdiction exists because Petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).
3. Venue is proper in the Western District of Texas because Petitioner, Jose Marvin Villalobos Guevara, A# [redacted], is detained by U.S. Immigration and Customs Enforcement ("ICE") within this District and is currently confined at the Karnes County Immigration Processing Center, located at 409 FM 1144, Karnes City, Texas 78118.

III. PARTIES

1. Petitioner Jose Marvin Villalobos Guevara, A# [redacted], is a native and citizen of El Salvador currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Karnes County Immigration Processing Center in Karnes City, Texas.
2. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE") and is responsible for the administration of immigration detention policies and practices affecting Petitioner.
3. Respondent Warden of the Karnes County Immigration Processing Center is Petitioner's immediate custodian and is responsible for Petitioner's day-to-day physical confinement.
4. Each Respondent acts under color of federal law and is sued in his or her official capacity only

IV. FACTUAL BACKGROUND

1. Petitioner Jose Marvin Villalobos Guevara is a native and citizen of El Salvador.
2. Petitioner entered the United States without inspection on or about June 16, 2021, and has remained continuously present in the United States since that time.
3. Petitioner has never been convicted of any criminal offense and has no criminal history.
4. Petitioner has never previously been placed in removal proceedings, ordered removed, or granted voluntary departure.
5. Prior to his current detention, Petitioner had no known encounters with U.S. Customs and Border Protection ("CBP"), the United States Border Patrol, Immigration and Customs Enforcement ("ICE"), or any other immigration enforcement agency.
6. Petitioner is the father of a United States citizen son who has elevated lead levels in his blood and ongoing medical concerns. Petitioner also serves as the father figure and primary caregiver to his United States citizen stepdaughter, who suffers from cerebral palsy. In addition, Petitioner's partner is currently approximately eighteen (18) weeks pregnant with their child. Petitioner is the family's primary provider and caregiver.
7. On or about June 16, 2026, Petitioner was detained by ICE in Fredericksburg, Texas, while riding as a passenger in a vehicle driven by his coworker as they were traveling to work. Petitioner fully cooperated with law enforcement and immigration officers and was not charged with or convicted of any criminal offense.
8. Petitioner is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas, pending removal proceedings.
9. Petitioner intends to pursue asylum, withholding of removal, and protection under the Convention Against Torture pursuant to INA § 208 and INA § 241(b)(3), and is statutorily eligible to seek such relief.
10. Petitioner is represented by counsel and intends to fully participate in his removal proceedings and pursue all available forms of immigration relief.
11. Despite Petitioner's lack of criminal history, strong family ties, his role as the primary provider for his family, his United States citizen son's medical condition, his United States citizen stepdaughter's significant medical needs, his partner's pregnancy, his eligibility to pursue humanitarian relief, and the absence of any individualized custody

determination, ICE continues to detain him without a meaningful opportunity to challenge his detention.

V. VI. 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 record.
2. He has resided continuously in the United States since approximately June 16, 2021.
3. No adjudicator has ever found him to be a danger to the community or a flight risk.
4. Petitioner has strong family ties in the United States, including his United States citizen son, who has elevated lead levels in his blood and ongoing medical concerns; his United States citizen stepdaughter, whom he has raised and who suffers from cerebral palsy; and his partner, who is currently approximately eighteen (18) weeks pregnant with their child. Petitioner serves as the primary provider and caregiver for his family.
5. Petitioner is actively defending against removal and intends to appear at all future immigration proceedings.
6. Petitioner is subjected to detention without any meaningful individualized custody determination.
7. Petitioner intends to pursue 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 removal proceedings and pursue all available forms of immigration relief.

On or about June 16, 2026, Petitioner was traveling to work in Fredericksburg, Texas, as a passenger in a vehicle driven by his coworker when the vehicle was stopped by law enforcement. Petitioner fully cooperated with law enforcement and immigration officers throughout the encounter. He did not flee, resist, or obstruct the officers in any manner. Petitioner was not the driver of the vehicle and was not charged with or convicted of any criminal offense. Nevertheless,

despite his complete cooperation and the absence of any criminal conduct, he was taken into immigration custody, separated from his family, and transported to the Karnes County Immigration Processing Center in Karnes City, Texas, where he remains detained. DHS subsequently initiated removal proceedings by serving Petitioner with a Notice to Appear charging him under INA § 212(a)(6)(A)(i).

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 v. Louisiana*, 504 U.S. 71, 80 (1992).

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).

"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 continuous residence in the United States since June 16, 2021, his complete lack of criminal history, his strong family ties, including his United States citizen son, his United States citizen stepdaughter with cerebral palsy whom he has helped raise, his partner who is currently approximately eighteen (18) weeks pregnant with their child, and his apparent eligibility to pursue asylum, withholding of removal, and protection under the Convention Against Torture.

D. 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 entered without inspection and is present without admission, Respondents may categorize him under that provision. 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.

E. 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

XIV. SIGNATURE & VERIFICATION

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

Executed on 07/02/2026

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

EXHIBITS

1. **Exhibit A** – ICE Online Detainee Locator System record confirming that Petitioner, Jose Marvin Villalobos Guevara, A# [redacted], is currently detained at the Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, Texas 78118.
2. **Exhibit B** – EOIR Automated Case Information System ("ACIS") printout reflecting that removal proceedings are currently pending against Petitioner and identifying his next scheduled hearing before the Immigration Court.
3. **Exhibit C** – Copy of Petitioner's Salvadoran passport establishing Petitioner's identity, nationality, and date of birth.
4. **Exhibit D** – Copy of the birth certificate of Petitioner's United States citizen son, establishing Petitioner's substantial family ties and equities in the United States.
5. **Exhibit E** – Medical records relating to Petitioner's United States citizen son documenting elevated lead levels and ongoing medical concerns.
6. **Exhibit F** – Copy of the birth certificate of Petitioner's United States citizen stepdaughter and medical records documenting her diagnosis of cerebral palsy, establishing Petitioner's substantial family ties and the significant medical needs of his household.
7. **Exhibit G** – Medical records confirming Petitioner's partner's pregnancy.
8. **Exhibit H** – Attorney Declaration authenticating and attaching Exhibits A through G.

Exhibit A

Official Website of the Department of Homeland Security

Report

Main Menu

< BACK TO RESULTS

Facility Page

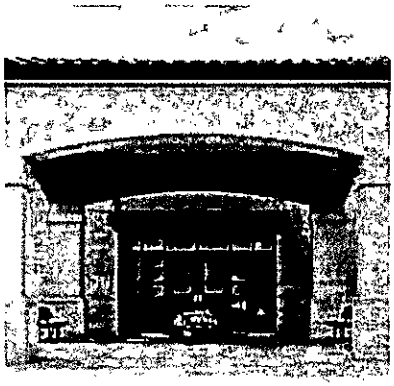
Detention Information For:

JOSE MARVIN VILLALOBOS-GUEVARA
Country of Birth: El Salvador
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

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - Karnes City, TX Sub-Office
Phone Number: (830) 254-2500

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate Locator

Exhibit B

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

EOIR Automated Case Information

Court Closures Today July 2, 2026

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

Home > **VILLALOBOS-GUEVARA, JOSE MARVIN (**[redacted]**)**

Automated Case Information

Name: VILLALOBOS-GUEVARA, JOSE MARVIN | A-Number: [redacted] **| Docket Date: 11/7/2023**

Next Hearing Information

Your upcoming **MASTER** hearing is **INTERNET-BASED** on **July 8, 2026** at **9:00 AM.**

JUDGE

Crossan, Thomas G., JR.

WEBEX ADDRESS

https://eoir.webex.com/meet/IJ.Crossan

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
566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

PHONE NUMBER
(210) 368-5700

Exhibit H

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, **Jose Marvin Villalobos Guevara, A#** [redacted], in the above-captioned matter.
2. Petitioner Jose Marvin Villalobos Guevara is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the **Karnes County Immigration Processing Center,** located at **409 FM 1144, Karnes City, Texas 78118.**
3. The document attached as **Exhibit A** is a true and correct copy of the ICE Online Detainee Locator System record confirming that Petitioner is currently detained at the Karnes County Immigration Processing Center.
4. The document attached as **Exhibit B** is a true and correct copy of the EOIR Automated Case Information System ("ACIS") printout reflecting that removal proceedings are currently pending against Petitioner and identifying his next scheduled hearing before the Immigration Court.
5. The document attached as **Exhibit C** is a true and correct copy of Petitioner's Salvadoran passport establishing Petitioner's identity, nationality, and date of birth.
6. The document attached as **Exhibit D** is a true and correct copy of the birth certificate of Petitioner's United States citizen son, establishing Petitioner's substantial family ties and equities in the United States.
7. The document attached as **Exhibit E** is a true and correct copy of the medical records relating to Petitioner's United States citizen son documenting elevated lead levels and ongoing medical concerns.
8. The document attached as **Exhibit F** is a true and correct copy of the birth certificate of Petitioner's United States citizen stepdaughter together with medical records documenting her diagnosis of cerebral palsy, establishing Petitioner's substantial family ties and the significant medical needs of his household.
9. The document attached as **Exhibit G** is a true and correct copy of the medical records confirming Petitioner's partner's pregnancy.

10. The document attached as **Exhibit H** is a true and correct copy of this Attorney Declaration authenticating and attaching Exhibits A through G.
11. I have personal knowledge of the foregoing facts and, if called as a witness, could and would testify competently thereto.
12. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this **2nd day of July, 2026,** in San Antonio, Texas.

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this July 2nd , 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:

Warden,
Karnes County Immigration Processing Center,
l 409 FM 1144,
Karnes City, Texas 78118.

and

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

Respectfully submitted,

/s/ Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner
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