UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Rodolfo Lara Pena Petitioner-Plaintiff, v. **David Venturella,** Field Office Director U.S. Immigration and Customs Enforcement; **Facility Warden** South Texas Detention Center Respondents-Defendants	Civ. No. 5:26-cv-04199 **DHS File Number:** [redacted]

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

I. INTRODUCTION

Petitioner **Rodolfo Lara Peña** is a native and citizen of Mexico who has lived continuously in the United States since approximately **2002**. During more than twenty-three years of residence in this country, Petitioner established deep family, employment, and community ties, became the father of a United States citizen child, and has remained a productive, law-abiding member of his community.

Petitioner has **no criminal history whatsoever.** On or about **June 2, 2026**, Petitioner was taken into ICE custody following a traffic stop for an alleged traffic violation. Petitioner fully cooperated with law enforcement and immigration officers, was not charged with or convicted of any criminal offense, and was nevertheless transferred to the **South Texas Detention Complex in Pearsall, Texas**, where he remains detained. DHS thereafter initiated removal proceedings by serving Petitioner with a Notice to Appear charging him under **INA § 212(a)(6)(A)(i)**.

Petitioner is **statutorily eligible for Cancellation of Removal pursuant to INA § 240A(b) (8 U.S.C. § 1229b(b))**. He has been physically present in the United States for more than twenty-three (23) years, has maintained good moral character, and has strong family ties in the United States. Notably, Petitioner is the devoted father of his **eight-year-old United States citizen child,** who receives ongoing **speech therapy** and depends upon Petitioner for emotional, developmental, and financial support. Petitioner serves as a primary provider and caregiver for his child, contributing to the child's financial stability, daily care, and overall well-being. His removal would result in **exceptional and extremely unusual hardship** to his qualifying relative, particularly given his child's ongoing developmental needs and continued speech therapy.

Petitioner is currently represented by counsel in his removal proceedings before the Immigration Court. His next Master Calendar Hearing is scheduled for **July 14, 2026**, and he intends to pursue **Cancellation of Removal pursuant to INA § 240A(b)**, demonstrating his commitment to fully participating in his immigration proceedings and appearing at all future hearings.

Despite the civil nature of immigration detention, the absence of any statutory mandate requiring continued detention, and the lack of any individualized custody determination consistent with due process, ICE continues to detain Petitioner at the **South Texas Detention Complex in Pearsall, 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 before a neutral decisionmaker.

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.

III. PARTIES

1. Petitioner **Rodolfo Lara Pena** is a noncitizen, native and citizen of Mexico, currently detained by ICE at South Texas Detention Center in Pearsall Texas.
2. Respondent **David Venturella** is the ICE Field Office Director.
3. Respondent Warden of South Texas Detention Center in Pearsall Texas and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

1. Petitioner Rodolfo Lara Peña is a native and citizen of Mexico.
2. Petitioner entered the United States without inspection in or about 2002 and has remained continuously present in the United States since that time.
3. Petitioner has never been convicted of any criminal offense in the United States or elsewhere and has no criminal history.
4. Petitioner was detained by U.S. Immigration and Customs Enforcement ("ICE") on or about June 2, 2026, following a traffic stop for an alleged traffic violation. He was not charged with or convicted of any criminal offense.
5. Petitioner is currently detained at the South Texas Detention Complex in Pearsall, Texas, pending removal proceedings.
6. Petitioner is statutorily eligible for Cancellation of Removal pursuant to INA § 240A(b) (8 U.S.C. § 1229b(b)), as he has resided continuously in the United States for more

than twenty-three (23) years, has maintained good moral character, and is the father of an eight-year-old United States citizen child. His removal would result in exceptional and extremely unusual hardship to his qualifying relative.

7. Petitioner's United States citizen child receives ongoing speech therapy and depends upon Petitioner for emotional, financial, and parental support. Petitioner serves as a primary provider and caregiver for his child. His continued detention and potential removal would impose exceptional and extremely unusual hardship upon his qualifying relative.

8. Petitioner is currently represented by counsel in his removal proceedings. His most recent hearing before the Immigration Court was held on June 30, 2026, and his next hearing is scheduled for July 14, 2026. He intends to continue pursuing his application for Cancellation of Removal.

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 record.
2. He has resided in the United States since 2002.
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 **eight-year-old United States citizen child**, for whom he serves as a primary provider and caregiver.
5. Petitioner's most recent hearing before the Immigration Court was held on June 30, 2026, and his next hearing is scheduled for July 14, 2026, demonstrating that he continues to

actively defend against removal and intends to appear at all future immigration proceedings.

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

7. Petitioner intends to pursue Cancellation of Removal pursuant to INA240A(b).

On or about **June 2, 2026,** Petitioner was stopped for an alleged traffic violation. Petitioner fully cooperated with law enforcement and immigration officers throughout the encounter. He did not flee, resist, or obstruct the officers in any manner. He was **not charged with or convicted of any criminal offense.** Nevertheless, despite his complete cooperation and the absence of any criminal allegation, he was taken into immigration custody, separated from his family, and transported to the **South Texas Detention Complex in Pearsall, 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*, 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).

"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 more than twenty years of continuous residence in the United States, his complete lack of criminal history,

his one United States citizen children, and his apparent eligibility for Cancellation of Removal under **INA § 240A(b)**

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
IX.

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

X. 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

EXHIBIT LIST

Exhibit A – ICE Online Detainee Locator System printout confirming that **Petitioner Rodolfo Lara Peña (A#** [redacted]**)** is currently detained at the **South Texas Detention Complex** in Pearsall, Texas.

Exhibit B – EOIR Automated Case Information printout reflecting Petitioner's pending removal proceedings and Master Calendar Hearing for July **14, 2026**, before the Immigration Court.

Exhibit C – Notice to Appear (Form I-862) charging Petitioner under **INA § 212(a)(6)(A)(i)** and initiating removal proceedings.

Exhibit D – Copy of Petitioner's Mexican passport establishing his identity, nationality, and date of birth and social security card.

Exhibit E – Copy of the birth certificate of Petitioner's United States citizen child, establishing Petitioner's substantial family ties and eligibility to seek Cancellation of Removal.

Exhibit F – Copies of the legal representation agreement and payment receipt demonstrating that Petitioner has retained counsel to represent him in his removal proceedings before the Immigration Court.

Exhibit G – Attorney Declaration authenticating and identifying Exhibits A through F.

Exhibit A

Official Website of the Department of Homeland Security

Report

Main Menu

< BACK TO RESULTS

Facility Page

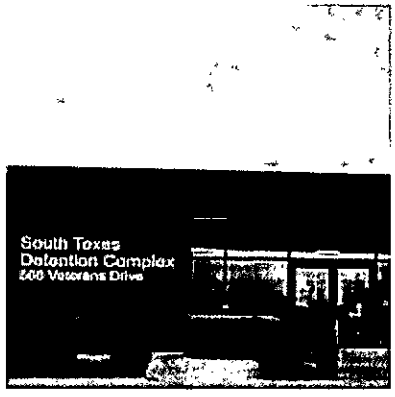
Detention Information For:

RODOLFO LARA-PENA
Country of Birth: Mexico

Current Detention Facility:

SOUTH TEXAS ICE PROCESSING CENTER
566 VETERANS DRIVE
NA
PEARSALL, TX 78061
Visitor Information: (830) 334-2939

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 - South Texas, TX Detention Facility
Phone Number: (210) 231-4505

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 3, 2026

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

Home > **LARA-PENA, RODOLFO ([redacted])**

Automated Case Information

Name: LARA-PENA, RODOLFO | A-Number: [redacted] |
Docket Date: 6/4/2026

Next Hearing Information

Your upcoming **MASTER** hearing is **INTERNET-BASED** on **July 14, 2026** at **8:30 AM.**

JUDGE
Segovia, Veronica Marie.

WEBEX ADDRESS
HTTPS://EOIR.WEBEX.COM/MEET/IJ.VERONICA.SEGOVIA

Exhibit C

Uploaded on: 06/04/2026 at 12:20:59 PM (Central Daylight Time) Base City: PSD

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event No: [redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: RODOLFO LARA-PENA currently residing at:

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

☐ 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 MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Unknown Place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ 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:

566 VETERAN DR, STE 101, PEARSALL, TEXAS 78061. Pearsall, Tx - Det Facility
(Complete Address of Immigration Court, including Room Number, if any)

on June 16, 2026 (Date) at 9:00 am (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

A 05[redacted] MARTINEZ - (A) SPPO
(Signature and Title of Issuing Officer)

Date: June 2, 2026 San Antonio, Texas
(City and State)

EOIR - 1 of 3

Uploaded on: 06/04/2026 at 12:20:59 PM (Central Daylight Time) Base City: PSD

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days. More information is available online at **https://www.uscis.gov/addresschange.** This obligation is in addition to your obligation to notify the Immigration Court of your change of address.

Representation: If you 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 INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 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 is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the immigration judge 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. 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. 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.

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

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. This obligation is in addition to your obligation to notify DHS of your change of address.

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the immigration judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of $5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of $500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from $1,000 to $5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

EOIR – 2 of 3

Uploaded on: 06/04/2026 at 12:20:59 PM (Central Daylight Time) Base City: PSD

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)

_____
(Signature and Title of Immigration Officer)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on June 2, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ In person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ 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.

REFUSED TO SIGN

_____
(Signature of Respondent if Personally Served)

M 13992 TREVINO - Deportation Officer
(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-soms. 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.

EOIR - 3 of 3

Exhibit F

FILE #1105

THE LAW OFFICE OF ARTURO RODRIGUEZ III

8026 VANTAGE DRIVE STE 107
SAN ANTONIO TEXAS 78230
PHONE: 210.257.6349 | FAX: 210.259.8178

DATE 06/17/2026

BILL TO
LAURA

FOR
RODOLFO LARA PENA

PHONE: [redacted]

Details	AMOUNT
EOIR FEES	$1,640.00
PAYMENT 06/17/2026 CASH	-$1,640.00
PAYMENT:	
PAYMENT:	
PAYMENT:	
PAYMENT:	
PAYMENT:	

BALANCE	$0.00
TAX RATE	0.00%
OTHER	$0.00
TOTAL	$0.00

Make all checks payable to THE LAW OFFICE OF ARTURO RODRIGUEZ III

If you have any questions concerning this invoice, use the following contact information:

lawoffice8026@gmail.com

THANK YOU FOR YOUR BUSINESS!

The Law office of Arturo Rodriguez III
8026 Vantage Drive Ste.107 San Antonio, Texas 78230
Telephone: (210) 257-6349 Fax: (210) 259-8178
Email: lawoffice8026@gmail.com

SERVICE AGREEMENT

A. TERMS OF REPRESENTATION

This agreement for legal representation and service is between the Law Arturo Rodriguez III on behalf of **Rodolfo Lara Pena**, referred to hereinafter as the client(s). I, the undersigned client, hereby authorize the Law office of Arturo Rodriguez III to represent me in only the following immigration matter before the EOIR Immigration Court and U.S. Citizenship and Immigration Services (USCIS), in connection with the following services:

REPRESENTATION WITH DEPORTATION PROCEEDINGS IN IMMIGRATION COURT (detained)

I understand that I am being represented in the matter listed above only and that, should any appeal be necessary, I am not guaranteed representation. The fee for this service is $ **6, 000.00** with a down payment of **$3,000.** The remaining balance must be paid **before** the Individual Hearing on: **TBD**

****In the event that additional services, other than those specifically described above, are needed in my case, I understand that additional fees may be charged. In the event that the immigration law or regulations change, requiring more time and effort to represent me, I understand that the fee for services may increase. I further understand that if changes occur in my life circumstances or if I take any actions that require more time and effort to represent me that the fee for service may also increase.***

B. I UNDERSTAND I HAVE THE FOLLOWING RIGHTS AS A CLIENT:

1. To be kept informed by the Law Office of Arturo Rodriguez III about any important developments in my case.
2. To be consulted by legal staff before any significant decision is made or action taken on my behalf.
3. To expect that legal staff will pursue my case with all reasonable diligence, and will maintain the confidentiality of all information that I share with my legal representative. No documents in my file will be released to anyone other than myself without my consent.
4. To be informed in writing if the attorney withdraws as my legal representative for any reason, and to be provided with any original documents belonging to me or issued by USCIS regarding my case. (fees may apply)

C. I UNDERSTAND I HAVE THE FOLLOWING RESPONSIBILITIES AS A CLIENT:

1. To attend all scheduled appointments with my legal representative, or to call to reschedule an appointment if I cannot attend.
2. To voluntarily give all information regarding my immigration history, and respond truthfully to all questions asked by my caseworker, furnish all documents requested, and otherwise reasonably cooperate with my caseworker.
3. To keep the caseworker handling my case informed of all developments, including, but not limited to, all changes of name, address, telephone number, immigration status, and other pertinent information. I will inform my caseworker of changes in address and telephone number in writing **within five (5) business days of the change.**
4. To respond to letters from my legal representative asking me to call her or him.

5. To attend all USCIS interviews, court hearings or other appointments scheduled in my case with the USCIS or the Immigration Court, or at any other location.
6. To make all payments to The Law office of Arturo Rodriguez III as agreed upon in the payment plan written at **Part E**, below. Any changes to the payment plan will not be in effect unless agreed to by both, The Law Office of Arturo Rodriguez III, and myself in writing.
7. If this agreement is terminated by either myself or The Law office of Arturo Rodriguez III, I agree that any money I have paid will **NOT BE REFUNDED TO ME**, and that I will remain responsible for paying all money which may still be owed by me for the work done on my behalf. I agree to pay any bank charged penalty on returned checks.

D. I FURTHER UNDERSTAND THE FOLLOWING:

1. The Law office of Arturo Rodriguez III cannot guarantee that I will be granted the benefit that I am seeking From USCIS or obtain the desired outcome, even after all necessary applications and documents have been filed.
2. If I am in the United States without legal immigration status, I am always subject to deportation or removal by the Immigration and Customs Enforcement (ICE). If I am not already in deportation or removal proceedings at the time that the Law office of Arturo Rodriguez III agrees to represent me, Arturo Rodriguez III may not be able to protect me from deportation or removal, and will make an independent decision whether to represent me in my deportation or removal proceedings.
3. That the Law office of Arturo Rodriguez III may withdraw as my legal representative and close my case at any time, if I fail to provide truthful information or documentation to my legal representative, or fail to comply with my responsibilities in **Part C**, above, or fail to comply with the agreed upon payment plan in **Part E**,
4. If a conflict of interest arises that cannot be resolved, the Program may withdraw from case in this matter in keeping with ethical obligations.

E. LEGAL FEE & PAYMENT PLAN

I understand that the fee for these services The Law office of Arturo Rodriguez III will provide, as described in **Part A**,. with a monthly payment of **$500** due every **10th** of the month. I understand that this fee **DOES NOT** include any of the following:

- USCIS or Immigration Court filing fees;
- Fingerprints, and photos which may be required with my application, if any;
- Any extraordinary charges incurred by The Law Office of Arturo Rodriguez III, in its efforts to pursue my case, such as costs of experts, long distance telephone calls, messenger or express delivery services; color or extraordinary photocopy costs, if any, or any additional charges written below:
- Costs of preparing any additional USCIS applications which are not mentioned in **Part A**, such as work authorization **renewal** applications, etc.
- Appeals of any decisions by USCIS in my case.

Client's Signature: Laura Garcia (on behalf of Rodolfo Lara Pena) **Date:** 06-10-2026
Print Name: Laura Garcia
For The Law office: (Signature) _____ **Date:** 6-10-26
Address: _____
Telephone: [redacted] Email: [redacted]

Exhibit G

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 Rodolfo Lara Peña, A#** [redacted], in the above-captioned matter.

2. Petitioner Rodolfo Lara Peña is currently subject to removal proceedings before the Immigration Court.

3. The document attached as **Exhibit A** is a true and correct copy of the ICE Online Detainee Locator System printout confirming that Petitioner, **Rodolfo Lara Peña (A#** [redacted]**4),** is currently detained at the **South Texas Detention Complex** in Pearsall, Texas.

4. The document attached as **Exhibit B** is a true and correct copy of the EOIR Automated Case Information printout reflecting that Petitioner's removal proceedings remain pending and that his next Master Calendar Hearing is scheduled for July 14, 2026. Petitioner most recently appeared before the Immigration Court on June 30, 2026.

5. The document attached as **Exhibit C** is a true and correct copy of Petitioner's **Notice to Appear (Form I-862)** initiating removal proceedings and charging Petitioner under **INA § 212(a)(6)(A)(i).**

6. The document attached as **Exhibit D** is a true and correct copy of Petitioner's **Mexican passport,** and social security card.

7. The document attached as **Exhibit E** is a true and correct copy of the birth certificate of Petitioner's **United States citizen child,** establishing Petitioner's substantial family ties and equities in the United States.

8. The documents attached as **Exhibit F** are true and correct copies of Petitioner's legal representation agreement and payment receipt demonstrating that Petitioner has retained counsel to represent him in his removal proceedings before the Immigration Court. These documents further demonstrate Petitioner's intent to actively pursue relief from removal and to fully comply with all future immigration court proceedings.

9. The document attached as **Exhibit G** is a true and correct copy of this Attorney Declaration authenticating and identifying Exhibits A through F.

10. I have personal knowledge of the foregoing facts and, if called as a witness, could and would testify competently thereto.

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

Executed on this ___ day of July, 2026, in San Antonio, Texas.

/s/ Rodolfo 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:

Warden,
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061

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
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