UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

REYES MORALES, Wilmer Francisco *Petitioner*, vs. TODD BLANCHE, United States Attorney General; MARKWAYNE MULLIN, Secretary of the United States Department of Homeland Security; DAVID VENTURELLA, Director of United States Immigration and Customs Enforcement; MIGUEL VERGARA, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement; Warden, T. Don Hutto Detention Center *Respondents*.	Civ. Case No. 1:26-cv-1808 DHS File Number: **PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

I. INTRODUCTION AND BACKGROUND

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the ongoing civil immigration detention of Wilmer Francisco Reyes Morales ("Petitioner").
2. Petitioner is currently detained at the T. Don Hutto Detention Center in Taylor, Texas.
3. Petitioner last entered the United States in 2006; he has continuously resided and worked in the United States for approximately two decades.
4. Petitioner is in a common-law marriage with Daniela Marie Heysquierdo a USC. *See Exhibit 1 (Birth Certificate)*
5. Petitioner has 1(one) USC child F.D.R.H (born in 2018) *See Exhibit 2 (Child's Birth Certificate)*
6. On June 04, 2026, ICE arrested Petitioner after a traffic stop conducted by a Texas State Trooper and transferred to the T. Don Hutto Detention Center in Taylor, Texas, where he remains detained.
7. Petitioner is currently scheduled for a Master calendar hearing on July 06, 2026. *See Exhibit 3 (EOIR Automated Case Information)*
8. Petitioner has never been convicted of a criminal offense. Upon information and belief, Petitioner has never been charged with any criminal conduct during his residence in the United States prior to the events leading to his current immigration detention.
9. Petitioner has resided in the interior of the United States for approximately 20 years prior to his detention and has been placed into regular removal proceedings under INA § 240.
10. Accordingly, Petitioner seeks a writ of habeas corpus ordering his immediate release from unlawful detention or, in the alternative, an order requiring a prompt custody hearing

before an Immigration Judge under constitutionally adequate procedures, including a Government burden to justify continued detention.

11. *In In Buenrostro-Mendez v. Bondi,* the Fifth Circuit reversed district court habeas orders that had required bond hearings under 8 U.S.C. § 1226(a) for long-term interior residents who entered without inspection. The panel held that a noncitizen "present in the United States who has not been admitted" is deemed an "applicant for admission" under 8 U.S.C. §1225(a)(1) and therefore may be detained under 8 U.S.C. § 1225(b)(2)(A) without an Immigration Judge bond hearing during pending § 1229a proceedings, unless the noncitizen establishes that he is "clearly and beyond a doubt entitled to be admitted." The court remanded for further proceedings consistent with that interpretation. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026).

12. Buenrostro- Mendez did not decide whether the Constitution permits DHS to detain an interior resident for civil immigration purposes with no meaningful, individualized custody process. The statutory label DHS invokes does not eliminate Petitioner's protected liberty interest. *Zadvydas*, 533 U.S. at 690.

13. This Court may grant relief on due process grounds without deciding any statutory detention authority dispute. Courts in this District have done so in materially similar cases. *See Escobar-Arauz v. Noem,* No. EP-25-CV-00619-DB, 2025 WL 3543648, at *5–6 (W.D. Tex. Dec. 10, 2025) (Briones, J.) (granting relief on as-applied procedural due process and holding that even assuming the Government's statutory position, the petitioner was entitled to procedural due process).

II. JURISDICTION AND VENUE

14. Petitioner has been detained in civil immigration custody since June 04, 2026, at the T. Don Hutto Detention Center.

15. This action arises under the Constitution and laws of the United States, including the INA, 8 U.S.C. § 1101 et seq.

16. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question). This Court may grant relief under 28 U.S.C. §§ 2241 and 2243 and may issue all writs necessary or appropriate in aid of its jurisdiction. 28 U.S.C. § 1651.

17. Venue is proper in the Western District of Texas because Petitioner is detained in this District, at least one Respondent is in this District, and a substantial part of the events giving rise to the claims occurred in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodian resides in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the writ or issue an order to show cause unless it appears from the application that Petitioner is not entitled to relief. 28 U.S.C. § 2243.

19. If the Court issues an order to show cause, the return must be made within three days unless additional time is allowed for good cause, not to exceed twenty days. *Id.*

20. Each day of unlawful detention inflicts ongoing, irreparable harm on Petitioner and undermines his ability to prepare his defense in removal proceedings.

IV. PARTIES

21. Petitioner Wilmer Francisco Reyes Morales is a 46-year-old citizen of Nicaragua detained at T. Don Hutto Detention Center. He has been detained since June 04, 2026. He last entered the United States in 2006.

22. Respondent Todd Blanche is named in his official capacity as Attorney General of the United States. He is responsible for the administration of the Executive Office for Immigration Review ("EOIR"), including policies that bear on immigration judges' jurisdiction over custody.

23. Respondent Markwayne Mullin is named in his official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). DHS is the department charged with administering and enforcing federal immigration laws. Secretary Mullin is ultimately responsible for the actions of U.S. Immigration and Customs Enforcement ("ICE") and is a legal custodian of Petitioner.

24. Respondent David Venturella is named in his official capacity as Acting Director of ICE. He oversees ICE operations, including detention and removal, and is a legal custodian of Petitioner.

25. Respondent Miguel Vergara is named in his official capacity as Field Office Director of the San Antonio ICE Field Office. He is responsible for ICE enforcement in this District and is a legal custodian of Petitioner.

26. Respondent in his/her official capacity as Warden T. Don Hutto Detention Center in Taylor, Texas.; has immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens.

27. Each Respondent is sued in his or her official capacity as a custodian and/or policymaker responsible for Petitioner's continued detention.

V. FACTUAL BACKGROUND

28. Petitioner, Petitioner Wilmer Francisco Reyes Morales is a 46-year-old citizen of Nicaragua detained at T. Don Hutto Detention Center in Taylor, Texas.

29. Petitioner last entered the United States in 2006; he has continuously resided and worked in the United States for approximately two decades.

30. Petitioner is in Petitioner is in a common-law marriage with Daniela Marie Heysquierdo a USC. *See Exhibit 1 (Birth Certificate)*

31. Petitioner has 1(one) USC child F.D.R.H (born in 2018) *See Exhibit 2 (Child's Birth Certificate)*

32. Petitioner has 1(one) USC child F.D.R.I (born in 2018) *See Exhibit 1 (Birth Certificate)*

33. On June 04, 2026, ICE arrested Petitioner after a traffic stop conducted by a Texas State Trooper and transferred to the T. Don Hutto Detention Center in Taylor, Texas, where he remains detained.

34. Petitioner is currently scheduled for a Master calendar hearing on July 06, 2026. *See Exhibit 3 (EOIR Automated Case Information)*

35. Petitioner has never been convicted of a criminal offense. Upon information and belief, Petitioner has never been charged with any criminal conduct during his residence in the United States prior to the events leading to his current immigration detention.

36. Petitioner has no meaningful, individualized possibility for a custody redetermination by a neutral decisionmaker and no workable custody forum to present evidence of release eligibility.

37. Petitioner has significant equities favoring release, including established residence in the United States, close family ties in the United States, USC child and USC common law wife, and potential eligibility for relief from removal as non-LPR cancellation of removal under INA § 240A(b).

VI. LEGAL FRAMEWORK

A. Due Process

38. The Fifth Amendment applies to "all persons" within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

39. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." Id. at 690. In the immigration context, detention is constitutionally justified only to prevent flight or protect the community. *Demore v. Kim, 538 U.S. 510, 528 (2003).*

40. Pursuant to 28 U.S.C. § 2243, a federal court reviewing a petition for writ of habeas corpus must either grant the writ or issue an order directing the respondent to show cause why the writ should not be granted. Habeas corpus is the proper vehicle to challenge unlawful civil immigration detention that violates statutory or constitutional limits. *See* 28 U.S.C. § 2241.

41. Nevertheless, the Constitution independently limits civil immigration detention. Even where detention is statutorily authorized, prolonged detention without meaningful procedural safeguards becomes excessive and violates due process.

42. The Supreme Court has confirmed that noncitizens may challenge prolonged immigration detention through constitutional habeas corpus. *Jennings v. Rodriguez*, 583 U.S. 281, 308–09 (2018). Civil detention becomes constitutionally suspect when its duration grows unreasonable and the Government fails to provide adequate procedural protections.

43. Freedom from physical restraint lies at the core of the liberty protected by due process. When detention becomes prolonged and the Government fails to provide an individualized custody hearing evaluating danger or flight risk, continued detention becomes excessive, arbitrary, and unconstitutional.

44. Due Process requires, at a minimum, a meaningful opportunity to be heard before a neutral decisionmaker when the Government seeks to continue a serious restraint on liberty. *Hamdi v. Rumsfeld, 542 U.S. 507, 533 (2004).*

45. Federal courts retain authority to review the constitutionality of prolonged or unjustified immigration detention through habeas corpus, even where the governing statute does not expressly provide procedural protections. Due process requires that civil detention be supported by more than the mere existence of statutory detention authority; it requires ongoing justification and procedural safeguards sufficient to ensure that confinement does not become excessive, arbitrary, or punitive in nature.

46. Although immigration statutes authorize detention during removal proceedings, the Fifth Amendment imposes constitutional limits. When pre-removal detention becomes prolonged and the Government fails to provide an individualized custody determination, continued detention becomes excessive and unconstitutional. Civil detention must remain reasonably related to its regulatory purpose and cannot become punitive in nature.

47. Numerous federal courts recognize that prolonged immigration detention without a meaningful bond hearing violates due process and requires judicial intervention through habeas corpus. At a minimum, due process requires a neutral custody hearing where the Government bears the burden of proving that continued detention is necessary.

VII. Claims for Relief

A. Violation of the Due Process Clause (Fifth Amendment)

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

49. Petitioner, Wilmer Francisco Reyes Morales is a 46-year-old citizen of Nicaragua, has been in Detention since June 04, 2026, T. Don Hutto Detention Center. Since then, Respondents have continued to detain Petitioner without a procedural review assessing whether continued detention is justified.

50. Respondents have not found that Petitioner poses a danger to the community or a flight risk, nor have they articulated any legitimate basis demonstrating that continued detention meaningfully advances the civil purpose of effectuating removal. Nor would they be able to do so.

51. Civil immigration detention is lawful only so long as it remains reasonably related to its nonpunitive purpose and is accompanied by adequate procedural safeguards. Where detention continues without individualized justification and without meaningful review, it becomes arbitrary and excessive in relation to its stated purpose.

52. By continuing to detain Petitioner without adequate procedural safeguards, Respondent's detention has become just that—arbitrary and excessive in relation to its stated purpose.

53. As a result, Respondents have violated Petitioner's right to due process under the Fifth Amendment.

VIII. Argument

A. Release Under Conditions No More Restrictive Than Those Governing Petitioner's Liberty Before Arrest is the Appropriate Remedy; Alternatively, the Court Should Order Prompt, Enforceable Custody Process

54. Immediate release is the traditional remedy in habeas. The habeas statute directs courts to "dispose of the matter as law and justice require." 28 U.S.C. § 2243. And "[t]he traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411

U.S. 475, 484 (1973). The Supreme Court has likewise recognized that the "typical remedy" for unlawful executive detention is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

55. Texas authority supports release as the proper remedy where immigration detention violates governing law or due process. *See e.g. Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025); *Noyola v. Bondi*, No. 1:26-cv-405-RP, 2026 WL 607266, at *5 (W.D. Tex. Mar. 4, 2026).

56. Release is especially appropriate because the constitutional injury here stems from the Government's decision to arrest and detain Petitioner without meaningful, individualized custody process. A later bond hearing does not fully cure that deprivation. *See Noyola*, 2026 WL 607266, at *5.

57. Nor is an immigration-court bond hearing the most appropriate or efficient use of this Court's equitable authority unless it is tightly controlled. Texas cases show why. Courts have had to confront the practical risk that an immigration judge may conclude he lacks authority to conduct the ordered hearing, *see Vargas v. Bondi*, No. 25-cv-1023, 2025 WL 3300446, at *5 (W.D. Tex. Nov. 12, 2025), report and recommendation adopted, 2025 WL 3300141 (W.D. Tex. Nov. 26, 2025), or that ICE will impose additional restraints not ordered by any neutral decisionmaker, *see Montes Aguillon v. Bondi*, No. EP-26-cv-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026). Texas courts have therefore emphasized the need for explicit deadlines, clear burdens of proof, and continued judicial supervision. *See Hernandez-Fernandez v. Lyons*, No. 5:25-cv-00773-JKP, 2025 WL 2976923, at *10 (W.D. Tex. Oct. 21, 2025); *Dominguez v. Noem*, No. 25-cv-0074, 2026 WL 67200, at *4 (W.D. Tex. Jan. 8, 2026).

58. Those concerns matter here because a remedy that depends on later administrative compliance risks rendering relief illusory while Petitioner's unlawful detention continues.

59. Accordingly, the Court should order Petitioner released immediately under conditions no more restrictive than those governing his liberty before arrest. Respondents should further be barred from re-detaining Petitioner absent constitutionally adequate pre-deprivation process before a neutral decisionmaker and a showing, based on current individualized facts, that detention or materially more restrictive conditions are necessary because Petitioner poses a danger to the community, presents a serious flight risk, or has materially violated a lawful condition of release.

60. In the alternative, if the Court declines to order immediate release as the primary remedy, it should order constitutionally adequate custody process within 48 hours before a neutral decisionmaker. At that hearing, Respondents should bear the burden of proving by clear and convincing evidence that continued detention or materially more restrictive conditions are necessary. The neutral decisionmaker should also be required to consider Petitioner's ability to pay any monetary bond and whether less restrictive alternatives would fully serve the Government's interests. *See Hernandez-Fernandez*, 2025 WL 2976923, at *10.

61. Any alternative hearing remedy must include explicit protections to ensure that the relief is real rather than illusory. Respondents should be barred from arguing that the immigration judge lacks jurisdiction to conduct the hearing, from invoking any automatic stay if the neutral decisionmaker grants release or bond, and from unilaterally imposing electronic monitoring, ankle monitoring, home confinement, or other release conditions not expressly ordered by the neutral decisionmaker. *See Vargas*, 2025 WL 3300446, at *5; *Montes Aguillon*, 2026 WL 531899, at *2.

IX. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

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

(3) Issue a bond hearing to evaluate danger to the community and flight risk;

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

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

Respectfully submitted on July 7th, 2026

/s/Andres Pacheco
Andres Pacheco
Andres Pacheco Law, PLLC
Texas Bar No. 24138009
1365 Willow Dr.
Brownsville, Texas 78520
info@pachecoimmigration.com
956-545-4050

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

I represent Petitioner, Reyes Morales, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 7th day of July, 2026.

/s/Andres Pacheco
Andres Pacheco
Andres Pacheco Law, PLLC
Texas Bar No. 24138009
1365 Willow Dr.
Brownsville, Texas 78520
info@pachecoimmigration.com
956-545-4050