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

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| **DENIS EMANUEL CRUZ ORELLANA,**<br><br>Petitioner,<br><br>v.<br><br>**MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity,<br><br>**CHARLOTTE COLLINS**, Warden, T. Don Hutto Detention Center, in her official capacity,<br><br>**DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity,<br><br>**MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity,<br><br>**TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity<br><br>Respondents. | Case No.: **1:26-cv-01823** |

**PETITION FOR WRIT OF HABEAS CORPUS**

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF TEXAS**
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| **DENIS EMANUEL CRUZ ORELLANA,**<br><br>Petitioner,<br><br>v.<br><br>**MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity,<br><br>**CHARLOTTE COLLINS**, Warden, T. Don Hutto Detention Center, in her official capacity,<br><br>**DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity,<br><br>**MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity,<br><br>**TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity<br><br>Respondents. | Case No.: **1:26-cv-01823** |

## INTRODUCTION

1. ("Petitioner") **Denis Emanuel Cruz Orellana** (A# [redacted] is an 18-year-old Honduran citizen. ***(See Exhibit A).***
2. The Petitioner entered the United States on or about November 17, 2023, without being inspected or paroled. The Petitioner was a fifteen-year-old minor at the time of entry.
3. Petitioner has no criminal history.
4. Prior to his detention the Petitioner was going to high school but picked up a summer job.

5. The Petitioner was already in removal proceedings after being apprehended at the border as a minor. At the time of his current detention, he was awaiting his scheduled removal hearing date.
6. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 23, 2026.
7. The Petitioner was detained at approximately 7:00 a.m. after entering a gas station. The Petitioner was a passenger in his coworker's van while they were on their way to work. The arresting officers identified themselves solely as Immigration and Customs Enforcement (ICE) agents and ordered the passengers to exit the vehicle. When asked for identification, the Petitioner presented his school ID; however, the officers rejected it on the grounds that he was of legal age, and subsequently proceeded to detain him.
8. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to T. Don Hutto Detention Center located in Taylor, TX where he is currently being detained.
9. In order to vindicate Petitioner's constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure his continued freedom.
10. Petitioner kindly requests that this court find his detention to be unlawful and order ICE to release him.

## JURISDICTION

11. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
12. Venue is proper because Petitioner is currently detained at T. Don Hutto Detention Center located in Taylor, TX. Therefore, the petitioner remains detained within the District of Texas.

## PARTIES & FACTS ALLEGED

13. The Petitioner **Denis Emanuel Cruz Orellana** is a native and citizen of Honduras.

14. Respondent Miguel Vergara is the Field Office Director for the San Antonio Field Office, Immigration and Customs Enforcement.
15. Respondent Charlotte Colins is the Warden for T. Don Hutto Detention Center.
16. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.
17. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.
18. Respondent Todd Blanche is the Acting U.S. Attorney General.
19. All Respondents are named in their official capacities.
20. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on June 23, 2026.
21. The Petitioner was detained at approximately 7:00 a.m. after entering a gas station. The Petitioner was a passenger in his coworker's van while they were on their way to work. The arresting officers identified themselves solely as Immigration and Customs Enforcement (ICE) agents and ordered the passengers to exit the vehicle. When asked for identification, the Petitioner presented his school ID; however, the officers rejected it on the grounds that he was of legal age, and subsequently proceeded to detain him.
22. On information and belief, Petitioner is currently in custody in the District of Texas, and one or more of the Respondents is his immediate custodian.

## CLAIMS FOR RELIEF

### COUNT ONE
### Violation of Fifth Amendment Right to Due Process

23. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law".

24. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, temporary or permanent" *Zadvydas v. Davis, 553 U.S. 693 (2001).*

25. Respondent's mandatory detention without consideration for release on bond or access to a bond hearing violates his due process rights.

26. On information and belief, Petitioner is currently being detained at the ERO T. Don Hutto Detention Center located in Taylor, TX without cause and in violation of his constitutional rights to due process of law.

**COUNT TWO**
**Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond**

27. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States whom are subject to the ground of inadmissibility, most relevant, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

28. Nonetheless, the Board of Immigration Appeal, under the Department of Justice, issued a decision on September 5th, 2025, binding on all Immigration Judges, thus rendering the Petitioner ineligible for release on Bond. *Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).*

29. Moreover, Petitioner falls under the class membership of the Class Action suit, *Guerrero-Orellana v. Hyde et al.* and she additionally asserts that she should be released upon this consideration as well. *(See Guerrero-Orellana v. Hyde et al. opinion – Case 1:25-cv-12664-PBS Doc 112 12/19/25).*

**COUNT THREE**
**Violation of the Bond Regulations, 8 C.F.R. § 236.1, 1236.1 and 1003.19**
**Unlawful Denial of Release on Bond**

30. In 1997, following enactment of IIRIRA, EOIR and the Immigration and Naturalization Service issued an interim rule interpreting its detention provisions. Under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies clarified that "despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled will be eligible for bond and bond redetermination." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, individuals who entered without inspection are eligible for custody redetermination hearings under 8 U.S.C. § 1226 and its implementing regulations.

31. Application of 8 U.S.C. § 1225(b)(2) to Petitioner, who is bond-eligible, unlawfully mandates his continued detention in contravention of 8 C.F.R. § 236.1, 1236.1, and 1003.19.

**COUNT FOUR**
**Violation of the Maldonado Bautista v. Noem (5:25-cv-01873-SSS-BFM) Final Judgement**

32. The Petitioner, qualifies as a member of the Certified Bond Eligible Class, as defined in the Judgement, the Bond Eligible Class is defined as "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(l), or§ 1231 at the time the Department of Homeland Security makes an initial custody determination."

33. The U.S. District Court declared that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under§ 1225(b)(2).

34. The Respondents have consistently denied the Petitioner the access to a Bond Hearing, as stipulated by the final judgement, as they continue to misclassify the Petitioner as detained pursuant to U.S.C. § 1225(b)(2).

## PRAYER FOR RELIEF

Wherefore, Petitioner, **Denis Emanuel Cruz Orellana** respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Order that Petitioner shall NOT be transferred outside the District of Texas;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately. At the time of release, Respondent must return all of Petitioner's documents and possessions and shall not impose any additional restrictions on him as a condition of his release.
6) Order the Petitioner's counsel, Margie S. Lazo be notified by phone at **617-418-5442** and by email at **lazomargie.law@gmail.com** of the exact location and exact time of Petitioner's release if ordered Immediate release.
7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

**Denis Emanuel Cruz Orellana**
Petitioner

Dated: July 7, 2026

By: ***/s/ Margie S. Lazo***
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*Counsel for Petitioner*

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

I, Margie S. Lazo, represent **Denis Emanuel Cruz Orellana**, 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.

*/s/ Margie S. Lazo*

Dated: July 7, 2026

Margie S. Lazo, Esq.
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