IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WESTERN TEXAS
SAN ANTONIO DIVISION

Raul Torrejon-Diaz Petitioner v. **Miguel Vergara,** Acting Director of the San Antonio Field Office, U.S. Immigration and Customs Enforcement; **David Venturella,** Acting Director, U.S. Immigration and Customs Enforcement; **Markwayne Mullin,** Secretary of the U.S. Department of Homeland Security; **Bobby Thompson,** Warden of the South Texas ICE Processing Center; Respondents.	**PETITION FOR WRIT OF HABEAS CORPUS**

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INTRODUCTION

1. Petitioner, Raul Torrejon-Diaz ("Petitioner," "Mr. Torrejon-Diaz"), is a forty-eight-year-old citizen of Mexico who is eligible for Asylum and or Withholding of Removal.
2. Petitioner's Alien Number in immigration proceedings is [redacted]
3. Mr. Torrejon-Diaz entered the United States without inspection in April of 2000 through Laredo, Texas, more than twenty-six years ago. Upon his entry into the United States in April of 2000, Petitioner was never encountered by United States Border Patrol nor was he detained upon entry.

4. Since entering the United States in April of 2000, the Petitioner has maintained a consistent and uninterrupted work history. For more than twenty years, Petitioner has been gainfully employed in the construction industry, where he has established a reputation as a dependable worker and tradesmen. Petitioner's decades of lawful employment prove his good moral character for his commitment to being a productive member of society.
5. The Petitioner is also the primary financial provider and breadwinner of his three United States citizen children, all of whom were born in the State of Texas. His three children are currently nineteen, seventeen, and twelve-years-old. Throughout his steady employment, Petitioner has provided the financial support his three children need.
6. Additionally, the Petitioner has consistently fulfilled his financial obligations by filing federal state income tax returns in the United States for the last ten years. Through the timely filed tax returns, Petitioner has demonstrated his commitment to complying with the laws to the United States.
7. Petitioner was never previously detained by ICE at any other time while at liberty in the United States prior to his detainment on June 18, 2026.
8. On June 18, 2026, Mr. Torrejon-Diaz was stopped by the local Texas Police Department for a minor traffic infraction involving a malfunctioning light on the Petitioner's vehicle. Following the traffic stop, ICE authorities were contacted and Mr. Torrejon-Diaz was transferred into ICE custody.
9. The Petitioner has no known criminal history in the United States. Since entering the country in April of 2000, the Petitioner has never been arrested with, charged with, or convicted of any criminal offense. Throughout his more than two decades of residence in the United States, he has conducted himself as a law-abiding and productive member of society.

10. Petitioner has been at liberty in the United States for more than twenty-six-years prior to his detention by ICE on June 18, 2026.

11. 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. Petitioner humbly asks this Honorable Court to find that his detention to be unlawful and to order ICE to release him.

JURISDICTION

12. This instant action is rooted in the United States Constitution and the Immigration and Nationality Act (INA).

13. This Honorable court has jurisdiction over this matter under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause)

VENUE

14. Venue is proper because the petitioner is currently detained at the South Texas ICE Processing Center, located at 566 Veterans Dr, Pearsall, TX 78061. Therefore, the Petitioner remains detained in the District of Western Texas.

REQUIREMENTS SET FORTH ON 28 U.S. U.S.C. § 2243

15. The Honorable Court must grant this instant petition for writ of habeas corpus or issue an order to show-cause to the respondents "forthwith", unless the petitioner is not entitled to relief, 28 U.S.C § 2243. If an order to show cause is issued, the Honorable Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed"

PARTIES AND FACTS ALLEGED

16. The Petitioner, **Mr. Torrejon-Diaz**, upon information provided by ICE, is currently detained at the South Texas ICE Processing Center.

17. Respondent **Miguel Vergara** is sued in his official capacity as the Acting Director of the San Antonio Field Office for U.S. Immigration and Customs Enforcement (ICE).

18. Respondent **David Venturella** is sued in his capacity as the Acting Director for the U.S. Immigration and Customs Enforcement (ICE).

19. Respondent **Markwayne Mullin** is sued in his capacity as the Secretary of the U.S. Department of Homeland Security (DHS).

20. Respondent **Bobby Thompson** is sued in his capacity as the Warden of the South Texas ICE Processing Center.

21. All respondents are named in their official capacities.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process Clause

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

23. "[t]he Due Process clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent" *Zadvydas v. Davis*, 533 U.S. 693 (2001)

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

25. The length of the Petitioner's detention clearly establishes beyond the threshold for prolonged detention, and his continued detention without consideration for release violates his due process rights.

COUNT TWO

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

26. Mandatory detention as set forth on 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who 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 U.S. prior to being detained by Defendants, historically, such noncitizens would be detained under § 1226(a), and therefore, eligible for release on bond.

27. Nonetheless, the Department of Justice has issued a decision on September 5th, binding to all IJs, thus rendering the Petitioner ineligible for release on Bond, *Matter of YAJURE HURTADO*, 29 I&N Dec. 216 (BIA 2025).

COUNT THREE

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

28. 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 "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *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.

29. 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 Administrative Procedure Act Contrary to Law and Arbitrary and Capricious Agency Policy

30. The Administrative Procedure Act ("APA") requires that a "reviewing court shall…hold unlawful and set aside agency action, findings, and conclusions found to be…arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

31. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens physically present in the United States who are subject to grounds of inadmissibility. Critically, it does not apply to those who have already entered the country and resided here prior to being apprehended and placed into removal proceedings. Such individuals fall under 8 U.S.C. § 1226(a), which provides for release on bond absent applicability of § 1225(b)(1), § 1226(c), or § 1231.

32. Nevertheless, DHS and the Immigration Court have applied § 1225(b)(2) to Petitioner.

33. This application is arbitrary, capricious, and contrary to law, and therefore violates the APA. See 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3) Order that Defendants not remove Petitioner from the State of Texas;
4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment as well as the relevant statute and regulations governing detention of noncitizens;
5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

Raul Torrejon-Diaz
Petitioner

By and through undersigned counsel.

/s/ Stephen A. Lagana

Dated: July 9, 2026

Stephen A. Lagana, Esq.
Law Offices of Stephen A. Lagana
145 Essex Street
Lawrence, MA 01840
BBO-MA# 565811

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

I represent Petitioner, **Raul Torrejon-Diaz,** 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/ Stephen A. Lagana Dated: July 9, 2026

Stephen A. Lagana, Esq.
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