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

DELFINO RICO GUERRERO Petitioner, v. **MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity, **ROSE THOMPSOM**, Warden, Karnes County Immigration Processing Center, in her official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity Respondents.	**Case No. 5:26-cv-4396**

PETITION FOR WRIT OF HABEAS CORPUS

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DELFINO RICO GUERRERO Petitioner, v. **MIGUEL VERGARA**, Field Office Director, San Antonio Field Office, Immigration and Customs Enforcement, in his official capacity, **ROSE THOMPSOM**, Warden, Karnes County Immigration Processing Center, in her official capacity, **DAVID J. VENTURELLA**, Senior Director of U.S. Immigration and Customs Enforcement, in his official capacity, **MARKWAYNE MULLIN**, Secretary, U.S. Department of Homeland Security, in his official capacity, **TODD BLANCHE**, Acting U.S. Attorney General, in his official capacity Respondents.	**Case No. 5:26-cv-4396**

INTRODUCTION

1. ("Petitioner") **Delfino Rico Guerrero** (A#[redacted]) is a 44-year-old Mexican citizen. ***(See Exhibit A).***
2. Petitioner has resided in the United States over 20 years. The Petitioner entered without inspection and was apprehended. The Petitioner was a minor at the time of entry.

3. The Petitioner has strong family ties in the United States, including his wife and 4 U.S. Children. The Petitioner's extensive family ties include 2 Legal Permanent Resident siblings and 5 Legal Permanent Resident nephews/nieces. ***(See Exhibit B-E).***
4. Petitioner has a Master Hearing on August 5, 2026, before the Pearsall Immigration Court. ***(See Exhibit H).***
5. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on or about June 29, 2026.
6. On the morning of June 29, 2026, the Petitioner was riding as a front-seat passenger in a work truck driven by his brother. Traveling with them were two of his nephew's —both Lawful Permanent Residents (LPRs)—and two other brothers, totaling six occupants. Prior to arriving at their work site, the group stopped at a gas station, where the Petitioner's brother noted online reports of active Immigration and Customs Enforcement (ICE) operations in the vicinity.
7. Shortly thereafter, multiple law enforcement vehicles targeted the work truck. Approximately five vehicles surrounded them, and officers activated their emergency lights. The driver safely crossed a bridge before pulling over, at which point the vehicle was surrounded by roughly six ICE agents.
8. Upon initiating the stop, the officers demanded immigration documentation rather than standard identification. The Petitioner did not have immigration documents on his person, as his sole identification is a Mexican Consular ID.
9. The ICE officers claimed they were searching for a specific individual but failed to provide a name or present a warrant. Ultimately, agents detained three of the six occupants, taking

the Petitioner into custody solely due to his inability to provide immediate proof of lawful immigration status.

10. Petitioner was taken to the nearest ICE/ERO Field Office and transferred to Karnes County Immigration Processing Center located in Karnes City, TX where he is currently being detained.
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.
12. Petitioner kindly requests that this court find his detention to be unlawful and order ICE to release him.

JURISDICTION

13. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
14. Venue is proper because Petitioner is currently detained at Karnes County Immigration Processing Center located in Karnes City, TX. Therefore, the Petitioner remains detained within the District of Texas.

PARTIES & FACTS ALLEGED

15. The Petitioner **Delfino Rico Guerrero** is a native and citizen of Mexico.
16. Respondent Miguel Vergara is the Field Office Director for the San Antonio Field Office, Immigration and Customs Enforcement.
17. Respondent Rose Thompson is the Warden for Karnes County Immigration Processing Center.

18. Respondent David J. Venturella is the Senior Director for U.S. Immigration and Customs Enforcement.

19. Respondent Markwayne Mullin is the U.S. Secretary of Homeland Security.

20. Respondent Todd Blanche is the U.S. Acting Attorney General.

21. All Respondents are named in their official capacities.

22. On information and belief, Petitioner was unlawfully detained by Federal Immigration Agents on or about June 29, 2026.

23. On the morning of June 29, 2026, the Petitioner was riding as a front-seat passenger in a work truck driven by his brother. Traveling with them were two of his nephew's —both Lawful Permanent Residents (LPRs)—and two other brothers, totaling six occupants. Prior to arriving at their work site, the group stopped at a gas station, where the Petitioner's brother noted online reports of active Immigration and Customs Enforcement (ICE) operations in the vicinity.

24. Shortly thereafter, multiple law enforcement vehicles targeted the work truck. Approximately five vehicles surrounded them, and officers activated their emergency lights. The driver safely crossed a bridge before pulling over, at which point the vehicle was surrounded by roughly six ICE agents.

25. Upon initiating the stop, the officers demanded immigration documentation rather than standard identification. The Petitioner did not have immigration documents on his person, as his sole identification is a Mexican Consular ID.

26. The ICE officers claimed they were searching for a specific individual but failed to provide a name or present a warrant. Ultimately, agents detained three of the six occupants, taking

the Petitioner into custody solely due to his inability to provide immediate proof of lawful immigration status.

27. 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

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

29. 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).*

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

31. On information and belief, Petitioner is currently being detained at the Karnes County Immigration Processing Center located in Karnes City, 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

32. 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.

33. 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).*

34. Moreover, Petitioner falls under the class membership of the Class Action suit, *Guerrero-Orellana v. Hyde et al.* and he additionally asserts that he 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

35. 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.

36. 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

37. 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."
38. 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).
39. 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, **Delfino Rico Guerrero** 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,

Delfino Rico Guerrero
Petitioner

Dated: July 14, 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 **Delfino Rico Guerrero,** 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 14, 2026

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