UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jose Manuel Sanchez Mosqueda Petitioner-Plaintiff, v. **David J. Venturella,** ICE Acting Director U.S. Immigration and Customs Enforcement; **Facility Warden** Karnes County Immigration Processing Center Respondents-Defendants	Civ. No. 5:26-cv-4399 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 **Jose Manuel Sanchez Mosqueda (A#** [redacted]**)** respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is a native and citizen of Mexico who last entered the United States without inspection on or about 2018 and has continuously resided in the United States since that time. On or about July 8, 2026, Petitioner was involved in a motor vehicle accident at a four-way stop intersection in Nixon, Texas. Local law enforcement responded to the scene and requested his driver's license. Petitioner presented his Mexican Consular identification card along with his CP/waiver documentation. Following the stop, Nixon law enforcement contacted U.S. Immigration and Customs Enforcement ("ICE"), and Petitioner was subsequently taken into ICE custody. He is currently detained at an ICE detention facility in Karnes County Immigration Processing Center at Karnes City, TX.

Petitioner has no criminal record whatsoever. Petitioner is married to a United States citizen and has an approved Form I-130, Petition for Alien Relative, filed by his U.S. citizen wife.

Furthermore, Petitioner has a provisional unlawful presence waiver (Form I-601A) currently pending before U.S. Citizenship and Immigration Services (USCIS) as of March 2026. Petitioner is also the father of a six-year-old United States citizen son, born in the United States, who depends on Petitioner for his care, support, and well-being. Petitioner poses no danger to the community and does not present a flight risk.

Despite the absence of any individualized determination that Petitioner's detention is necessary, ICE continues to detain him without justification. Petitioner has no criminal convictions or criminal history that would support continued detention, and the circumstances leading to his apprehension involved no allegation of criminal conduct or threat to public safety. Petitioner has substantial family and community ties in the United States, including his U.S. citizen wife, his U.S. citizen child, an LPR brother, and stable family relationships. His detention therefore is not reasonably related to any legitimate governmental purpose and has become punitive in nature in violation of the Due Process Clause. As recognized in *Zadvydas v. Davis*, civil immigration detention must be limited and reasonably related to its regulatory purpose. Here, continued detention serves no such purpose. Accordingly, Petitioner respectfully requests that this Court grant habeas relief and order his immediate release from custody.

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 **Jose Manuel Sanchez Mosqueda** is a noncitizen, native and citizen of Mexico, currently detained by ICE at Karnes County Immigration Processing Center in Karnes City, Texas.

2. Respondent **David J. Venturella** is the ICE Acting Director.

3. Respondent Warden of Karnes County Immigration Processing Center in Karnes City, Texas and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

1. Petitioner **Jose Manuel Sanchez Mosqueda** is a native and citizen of Mexico.

2. Petitioner entered the United States without inspection on or about 2018 and has resided continuously in the United States.

3. Petitioner does not pose a danger to the community and has no criminal record or criminal history.

4. On or about July 8, 2026, Petitioner was involved in a motor vehicle accident at a four-way stop intersection in Nixon County, Texas. Law enforcement responded to the scene and requested his driver's license. Petitioner presented his Mexican Consular identification card along with his waiver documentation. After reviewing the documents, Nixon County law enforcement contacted U.S. Immigration and Customs Enforcement ("ICE"), and Petitioner was subsequently transferred into ICE custody.

5. Petitioner has deep family ties to the United States. He is married to a United States citizen wife, has a six-year-old United States citizen son who depends on Petitioner for care and financial support, and has a lawful permanent resident (LPR) brother residing in the United States.

6. Petitioner is a beneficiary of an approved Form I-130, Petition for Alien Relative, filed by his U.S. citizen spouse.

7. Petitioner has an active Form I-601A, Application for Provisional Unlawful Presence Waiver, currently pending with USCIS since March 2026, demonstrating his clear pathway and intent to regularize his immigration status.

8. Petitioner is currently detained at the **Karnes County Immigration Processing Center in Karnes City, Texas**, where he has remained continuously detained since July 8, 2026.

9. Petitioner poses no danger to the community and does not present a flight risk. He has substantial family and community ties in the United States based on his long-term residence in this country since 2018.

10. Petitioner has no history of absconding or failing to appear for any legal proceedings.

11. Despite the civil nature of immigration detention, ICE continues to detain Petitioner without providing a constitutionally adequate, individualized custody determination establishing that he poses a danger to the community or a flight risk.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

Civil immigration detention is subject to meaningful constitutional limitations, and federal courts retain the historic authority to review the legality of executive detention through the writ of habeas corpus. As the Supreme Court recognized in *INS v. St. Cyr*, 533 U.S. 289, 301 (2001), 28 U.S.C. § 2241 preserves the federal courts' jurisdiction to review constitutional and legal challenges to immigration detention, ensuring that executive detention remains subject to judicial oversight. Although Congress possesses broad authority over immigration matters, the Constitution does not permit detention that is immune from meaningful judicial review. See *Boumediene v. Bush*, 553 U.S. 723, 779–83 (2008) (describing the writ of habeas corpus as a fundamental safeguard against arbitrary executive detention).

The Supreme Court has likewise recognized that immigration detention is civil—not criminal—in nature and therefore must remain reasonably related to legitimate regulatory objectives rather than serve as punishment. *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). More

generally, the Due Process Clause limits all forms of civil detention by requiring that confinement bear a reasonable relationship to a legitimate governmental purpose and not become punitive in effect. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *United States v. Salerno*, 481 U.S. 739, 747 (1987). Consistent with these principles, the Supreme Court explained in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), that civil immigration detention is constitutionally permissible only so long as it remains reasonably related to its regulatory purposes and does not become arbitrary or indefinite. Although *Zadvydas* addressed post-removal-order detention, its broader constitutional principle—that civil detention must remain reasonably related to its nonpunitive purpose—applies with equal force to Petitioner's claim that his continued confinement, absent a constitutionally adequate individualized determination that he poses a danger to the community or a flight risk, violates the Due Process Clause. Accordingly, this Court possesses both the jurisdiction and the constitutional obligation to determine whether Petitioner's continued detention exceeds the limits imposed by the Fifth Amendment.

VI. ARGUMENT

A. Civil Immigration Detention Is Subject to Constitutional Due Process Limits

Having established that immigration detention remains subject to meaningful constitutional limitations and judicial review, Petitioner's continued detention violates those principles because it no longer bears a reasonable relationship to any legitimate regulatory objective. Although immigration detention is civil in nature, due process requires that such detention remain justified by legitimate governmental interests and not become punitive in effect.

Here, no individualized determination has established that Petitioner poses either a danger

to the community or a risk of flight, and continued detention therefore exceeds the constitutional limitations recognized by the Supreme Court.

B. Petitioner's Continued Detention Violates Substantive Due Process

Petitioner has no criminal convictions or criminal history. The events leading to his detention arose from a civil motor vehicle accident in Nixon, Texas. Local law enforcement did not issue a criminal citation or charge Petitioner with any criminal offense before contacting U.S. Immigration and Customs Enforcement ("ICE"). There are no allegations that Petitioner engaged in violent conduct, threatened public safety, or otherwise poses a danger to the community.

1. **Petitioner does not pose a danger to the community.** Petitioner has no criminal convictions or criminal history. The events leading to his detention arose from a civil motor vehicle accident in Nixon, Texas. Local law enforcement did not issue a criminal citation or charge Petitioner with any criminal offense before contacting U.S. Immigration and Customs Enforcement ("ICE"). There are no allegations that Petitioner engaged in violent conduct, threatened public safety, or otherwise poses a danger to the community.

2. **Petitioner has significant ties to the United States.** Petitioner has continuously resided in the United States since entering without inspection in or about 2018. He is married to a United States citizen, is the father of a six-year-old United States citizen son, and has a lawful permanent resident brother, establishing substantial family and community ties in this country.

3. **Petitioner does not present a flight risk.** Petitioner has no history of absconding, failing to appear for any court or immigration proceeding, or otherwise evading legal process. In

addition, Petitioner has an approved I-130 and a pending I-601A provisional waiver before U.S. Citizenship and Immigration Services ("USCIS"), demonstrating his ongoing intention to pursue lawful immigration status through legitimate legal channels.

4. **No individualized custody determination has been made.** No immigration judge or other adjudicator has made an individualized determination that Petitioner poses either a danger to the community or a risk of flight. Accordingly, Petitioner's continued detention bears no reasonable relationship to the government's legitimate regulatory interests and violates the Due Process Clause of the Fifth Amendment.

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 rather than regulatory and therefore violates substantive due process. Foucha v. Louisiana, 504 U.S. at 80.

C. Arbitrary Executive Detention Without Judicial Review Violates Separation-of-Powers

The writ of habeas corpus exists to prevent arbitrary executive detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). Although the Executive possesses authority to detain individuals for immigration purposes, that authority is not unbounded and must remain subject to meaningful judicial review. Where detention is imposed without providing a constitutionally adequate mechanism to challenge its necessity, habeas relief is essential to preserve the separation of powers.

Here, ICE's continued detention of Petitioner—absent any individualized determination that he poses a danger to the community or a flight risk—results in arbitrary confinement lacking

sufficient procedural safeguards. Such detention, untethered from its regulatory purpose, becomes punitive in nature and violates due process. As the Supreme Court emphasized in *Boumediene v. Bush*, 553 U.S. 723, 783 (2008), freedom from unlawful restraint is a fundamental precept of liberty. Without meaningful review, the Executive's detention authority exceeds constitutional limits and offends core separation-of-powers principles.

D. Exhaustion Is Excused and Habeas Relief Is Required

Exhaustion in § 2241 proceedings is prudential, not jurisdictional, and may be excused where administrative remedies are unavailable, inadequate, or futile. Respondents may argue that Petitioner should seek a custody redetermination before the Immigration Court and pursue administrative review through the Board of Immigration Appeals ("BIA"). However, in this jurisdiction, persons who entered without inspection are routinely denied a bond hearing on jurisdictional grounds. Additionally, such remedies are inadequate in this case because they do not provide a meaningful opportunity to challenge the legality of Petitioner's ongoing detention or to obtain the relief requested here. In the San Antonio Immigration Court, custody redetermination hearings are functionally illusory, with denial rates so high that they do not provide a meaningful opportunity for release.

Petitioners remain detained without any individualized determination that his continued confinement is necessary to prevent flight or protect the community. Immigration Judges and the BIA lack authority to grant the constitutional relief sought in this petition—namely, release from detention based on the absence of adequate procedural safeguards and the punitive nature of continued confinement. Requiring Petitioner to pursue administrative remedies would result in

unnecessary delay while he remains detained without justification. Under these circumstances, exhaustion would be futile and would needlessly prolong Petitioner's unlawful detention.

E. Release Is the Appropriate Habeas Remedy

Where detention violates the Constitution, release is the appropriate remedy. Zadvydas v. Davis, 533 U.S. 678, 699 (2001); Munaf v. Geren, 553 U.S. 674, 693 (2008). Courts possess broad equitable authority under 28 U.S.C. § 2241 to order release from unlawful custody. Here, Petitioner's continued detention—without any constitutionally adequate, individualized determination that he poses a danger to the community or a flight risk—is not reasonably related to any legitimate governmental purpose. Petitioner has no criminal record or criminal history. The circumstances leading to his detention arose from a civil vehicle collision in Nixon, Texas, after which local law enforcement contacted U.S. Immigration and Customs Enforcement ("ICE"). There are no allegations of violent conduct, threats to public safety, or any conduct suggesting that Petitioner poses a danger to the community. Petitioner has resided continuously in the United States since approximately 2018.

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 because his continued civil detention is unsupported by any constitutionally adequate, individualized determination that he poses a danger to the community or a flight risk.
3. Petitioner is entitled to immediate release from custody or, in the alternative, an individualized bond hearing before a neutral decisionmaker.

COUNT II – Declaratory Relief

1. Petitioner incorporates all preceding paragraphs.
2. 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

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**; and
4. **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

IX. SIGNATURE & VERIFICATION

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

Executed on 07/14/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

Exhibit A – ICE Online Detainee Locator System printout confirming that Petitioner, **Jose Manuel Sanchez Mosqueda (A# [redacted]), is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas.**

Exhibit B – EOIR Automated Case Information printout reflecting that **Petitioner has not yet been scheduled for an Immigration Court hearing.**

Exhibit C – Copy of USCIS Form I-797 Approval Notice reflecting approval of Petitioner's Form I-130, Petition for Alien Relative.

Exhibit D – Copy of Petitioner's spouse's United States birth certificate and marriage license establishing Petitioner's qualifying relationship to his United States citizen spouse.

Exhibit E – Copy of Petitioner's United States citizen son's birth certificate.

Exhibit F – Copy of Petitioner's Mexican passport biographical page establishing his identity and nationality.

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

EXHIBIT A

Official Website of the Department of Homeland Security

U.S. Immigration and Customs Enforcement

Report

< BACK TO RESULTS

Facility Page

Detention Information For:

JOSE MANUEL SANCHEZ MOSQUEDA
Country of Birth: Mexico
A-Number: [redacted]

Current Detention Facility:

KARNES COUNTY IMMIGRATION PROCESSING CENTER
409 FM 1144
NA
KARNES CITY, TX 78118
Visitor Information: (830) 254-2000

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 - Karnes City, TX Sub-Office
Phone Number: (830) 254-2500

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 14, 2026

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

Automated Case Information

Welcome to the Automated Case Information System (ACIS). ACIS provides basic information about the status of certain cases before an immigration court or the Board of Immigration Appeals. Not all cases, or all information about a case is displayed. ACIS includes details regarding the primary case only. If there has been more than one case for the A-Number, ACIS displays the most recent case. Please contact your local court if you need bond hearing information.

English

Enter your A-Number

A-Number *Required

What's an A-Number?

[redacted]

Nationality *Required

What is Nationality?

17

MEXICO (MX)

No case found for this A-Number.

SUBMIT

ⓘ *Case information from this automated resource is provided for convenience only. Documents the immigration court or Board of Immigration Appeals issue to you or your representative are the only official determinations related to your case.*

Archive
Accessibility
Information Quality
Privacy Policy
Legal Policies & Disclaimers
Social Media
Budget & Performance
Office of the Inspector General
No FEAR Act
For Employees
EOIR Freedom of Information Act (FOIA)
USA.gov
Contact EOIR
EOIR Home
Justice.gov
Immigration Court Online Resource
Contact Technical Support

This site is protected by hCaptcha:

hCaptcha Privacy Policy

hCaptcha Terms of Service

Department of Justice | Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

EOIR | Automated Case Information