IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

Gilberto Palos Garcia, *Petitioner*,	§ § § § §	
V.	§ § §	Case No. 3:26-cv-2003
Warden, East Camp Montana Detention Center; Bret Bradford , Field Office Director; Markwayne Mullin Secretary, U.S. Department of Homeland Security; Todd Lyons, Acting Ice Director, Todd Blanche, Acting Attorney General, And DEPARTMENT OF HOMELAND SECURITY *IN THEIR OFFICIAL CAPACITIES* *Respondents.*	§ § § § § § § § § §	VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND DECLARTORY AND INJUCTIVE RELIEF FOR AN ORDER TO SHOW CAUSE

INTRODUCTION

This Petition is not about whether Petitioner should ultimately be removed from the United States. It is about whether the Executive Branch may continue imprisoning an individual after a criminal court has determined that his sentence has been fully satisfied and ordered his release. This case presents a fundamental constitutional question regarding the limits of executive authority to restrain an individual's liberty once the judicially imposed criminal punishment has ended.

The REAL ID Act of 2005 does not deprive this Court of jurisdiction to review the legality of Petitioner's present detention. Petitioner does not challenge any removal order, nor does he seek review of any immigration determination reserved exclusively to the courts of appeals. Instead, Petitioner challenges only the legality and constitutionality of his current physical detention pursuant to 28 U.S.C. § 2241. Federal district courts have long exercised jurisdiction over habeas petitions challenging unlawful immigration detention, and this Court possesses both the statutory and constitutional authority to order Petitioner's immediate release if his detention violates the Constitution or laws of the United States.

Petitioner, Gilberto Palos-Garcia, A#[redacted], is a native and citizen of Mexico who recently completed a criminal sentence imposed by a Texas state court. After considering the facts before it, the criminal court sentenced Petitioner to two months' confinement, with credit for time served. The court's judgment represented the full measure of punishment authorized by law and reflected the judiciary's determination that Petitioner's lawful criminal custody would end upon completion of that sentence.

Petitioner fully satisfied every day of the sentence imposed by the criminal court. At the moment his sentence expired, the legal authority supporting his criminal detention ceased to exist. Under our constitutional system, once a court-ordered sentence has been fully served, an individual is entitled to the restoration of his liberty absent some independent lawful basis for continued confinement. The criminal judgment did not authorize any additional incarceration beyond the sentence imposed, nor did it authorize executive officials to extend Petitioner's confinement indefinitely through administrative action.

Rather than releasing Petitioner as required by the criminal court's judgment, state officials continued restraining his liberty solely because Immigration and Customs Enforcement had lodged an immigration detainer. Upon completion of his criminal sentence, Petitioner was not permitted to leave custody. Instead, he was immediately transferred into the custody of Immigration and Customs Enforcement and transported to the Sierra Blanca Federal Detention Center without ever experiencing the release ordered by the sentencing court.

The Constitution does not permit executive officials to extend an individual's physical restraint simply because one sovereign has completed its criminal prosecution and another wishes to assume custody. Once Petitioner's criminal sentence expired, any continued restraint upon his liberty constituted a new governmental seizure that was required to satisfy the independent protections guaranteed by the Fourth and Fifth Amendments to the United States Constitution.

Respondents have never demonstrated that Petitioner's continued detention satisfies those constitutional requirements. Petitioner was not afforded the protections ordinarily accompanying a deprivation of liberty. He was not presented with a judicial warrant authorizing his continued confinement. No neutral judicial officer determined that continued detention was constitutionally justified following expiration of his criminal sentence. Nor was Petitioner afforded any meaningful opportunity to challenge the legality of his continued imprisonment before he was transferred into federal immigration custody.

The constitutional injury suffered by Petitioner is particularly significant because the judiciary had already spoken. A court of competent jurisdiction determined the precise amount of punishment Petitioner was required to serve. Executive officials effectively nullified that judicial determination by ensuring that Petitioner's physical confinement never actually ended. Although Respondents characterize Petitioner's present detention as civil immigration custody, the practical effect is that Petitioner never regained the liberty to which the criminal court's judgment entitled him.

Civil immigration detention, while regulatory rather than punitive, remains a severe restraint upon individual liberty. The Supreme Court has repeatedly recognized that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Accordingly, immigration detention remains subject to constitutional limitations and may not be imposed or continued in a manner inconsistent with the Fourth Amendment, the Fifth Amendment, or governing federal statutes.

This Court's habeas jurisdiction exists precisely to remedy unlawful executive detention. The Great Writ has historically served as the principal safeguard against arbitrary governmental

imprisonment and remains available whenever an individual is held in custody in violation of the Constitution or laws of the United States. Petitioner's continued detention falls squarely within that protection.

For these reasons, and for the additional reasons set forth below, Respondents' continued detention of Petitioner violates the Fourth Amendment, the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act, and the historic protections guaranteed through the writ of habeas corpus. Petitioner therefore respectfully requests that this Court grant the Petition, issue the writ, prohibit any transfer during the pendency of these proceedings, and order Respondents to immediately release Petitioner from unlawful custody.

REQUIREMENTS OF 28 U.S.C. § 2243 AND APPLICATION FOR AN ORDER TO SHOW CAUSE

The Court must grant the Petition for Writ of Habeas Corpus or issue an Order to Show Cause forthwith unless it appears from the face of the Petition that Petitioner is not entitled to relief. 28 U.S.C. § 2243. If the Court issues an Order to Show Cause, Respondents must make a return within three days unless the Court, for good cause shown, grants additional time not exceeding twenty days. Congress intentionally imposed these expedited procedures because unlawful physical detention presents one of the most serious constitutional injuries recognized under American law.

For centuries, the writ of habeas corpus has served as the primary judicial safeguard against unlawful executive imprisonment. The Supreme Court has repeatedly recognized that the Great Writ exists to provide a swift and effective remedy whenever an individual is restrained of his liberty in violation of the Constitution or laws of the United States. See *Fay v. Noia*, 372 U.S. 391, 400 (1963).

Petitioner respectfully requests that this Court issue an Order directing Respondents to show cause why this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §§ 2241 and 2243, 28 U.S.C. § 1331, Article I, Section 9 of the United States Constitution, the All Writs Act, 28 U.S.C. § 1651, the Administrative Procedure Act, 5 U.S.C. § 701, and the Declaratory Judgment Act, 28 U.S.C. § 2201, should not be granted.

Pending final adjudication of this matter, Petitioner further requests that this Court prohibit Respondents from transferring him outside the territorial jurisdiction of this Court. Such relief is necessary to preserve this Court's jurisdiction, prevent irreparable harm, and ensure that Respondents cannot frustrate meaningful judicial review through an administrative transfer during the pendency of these proceedings.

PARTIES

1. Petitioner, Gilberto Palos-Garcia, A# [redacted] is a native and citizen of Mexico. He is presently detained by Immigration and Customs Enforcement at Sierra Blanca Federal Detention Center under the authority of Respondents.

2. Respondent is the Warden of East Camp Montana Detention Facility. The Warden is Petitioner's immediate physical custodian and exercises day-to-day authority over Petitioner's confinement.
3. Respondent is the Field Office Director of Immigration and Customs Enforcement with administrative jurisdiction over Petitioner's detention. The Field Office Director exercises legal custody over Petitioner and is responsible for decisions concerning Petitioner's continued detention.
4. Respondent Markwayne Mullin is named in his official capacity as Secretary of the Department of Homeland Security. As Secretary, he bears ultimate responsibility for the administration and enforcement of the immigration laws of the United States and exercises supervisory authority over Petitioner's detention.
5. Respondent Todd Lyons is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. He is responsible for the operation of ICE detention facilities and the execution of immigration detention decisions affecting Petitioner.
6. Respondent Todd Blanche is named in his official capacity as Attorney General of the United States. He is responsible for the enforcement of federal immigration laws and is sued solely in his official capacity.

JURISDICTION

7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is presently in custody in violation of the Constitution and laws of the United States.
8. This Court additionally possesses federal question jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution of the United States, including the Fourth Amendment, the Due Process Clause of the Fifth Amendment, the Suspension Clause, and the Immigration and Nationality Act.
9. This Court also possesses authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, together with its inherent equitable authority and the All Writs Act, 28 U.S.C. § 1651.
10. This action challenges only the legality of Petitioner's present detention. Petitioner does not seek review of any final order of removal, nor does he request review of any discretionary immigration determination. Accordingly, the jurisdiction-stripping provisions of the REAL ID Act do not apply. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Hernandez v. Gonzales*, 424 F.3d 42 (1st Cir. 2005).

VENUE

11. Venue is proper in the United States District Court for the Western District of Texas because Petitioner is physically confined within this District, Respondents exercise custody over Petitioner within this District, and the unlawful detention challenged herein is occurring within the territorial jurisdiction of this Court.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Petitioner has no adequate administrative remedy capable of addressing the constitutional violations raised herein.
13. Petitioner's claims concern the legality of his present detention rather than the merits of his immigration proceedings. No administrative process exists through which Petitioner may obtain immediate judicial review of the constitutional violations resulting from his continued confinement following completion of his criminal sentence.
14. Even assuming an administrative remedy were theoretically available, exhaustion is not required because Congress imposed no exhaustion requirement for petitions brought under 28 U.S.C. § 2241 challenging immigration detention. See *McCarthy v. Madigan*, 503 U.S. 140 (1992).
15. Exhaustion likewise should be excused because requiring Petitioner to pursue administrative remedies would subject him to continuing irreparable injury. Every additional day of unconstitutional detention constitutes an ongoing deprivation of Petitioner's fundamental liberty interest. Monetary damages cannot compensate for the loss of physical freedom.
16. Finally, exhaustion is unnecessary because Petitioner raises facial constitutional challenges to the legality of Respondents' detention practices rather than disputes concerning the exercise of agency discretion. These constitutional questions fall squarely within the traditional jurisdiction of the federal courts.

STATEMENT OF FACTS REGARDING CURRENT DETENTION

17. Petitioner was convicted in a Texas criminal proceeding and sentenced by the state trial court to two months of confinement, with credit for time served.

18. The sentencing court determined that two months constituted the full measure of criminal punishment authorized under the law. Upon completion of that sentence, Petitioner became entitled to release from criminal custody.
19. Petitioner fully served the sentence imposed by the criminal court. At that moment, the legal authority supporting his criminal incarceration expired.
20. Rather than releasing Petitioner in accordance with the criminal judgment, jail officials continued restraining his liberty solely because Immigration and Customs Enforcement had lodged an immigration detainer requesting notification prior to Petitioner's release.
21. Petitioner was never permitted to regain his liberty following completion of his criminal sentence. Instead, he remained continuously confined until he was physically transferred into the custody of Immigration and Customs Enforcement.
22. Following the transfer, Petitioner was transported to Sierra Blanca Federal Detention Center, where he remains detained.
23. At no point following completion of Petitioner's criminal sentence did any neutral judicial officer authorize a continued deprivation of Petitioner's liberty.
24. Petitioner was not presented with a judicial warrant signed by a neutral magistrate authorizing his continued detention after expiration of his criminal sentence.
25. Nor was Petitioner afforded any hearing prior to his continued confinement at which Respondents were required to establish that further detention was constitutionally or statutorily authorized.
26. As a direct consequence of Respondents' actions, Petitioner has remained continuously imprisoned despite having fully satisfied every day of the criminal sentence imposed by the Texas court.
27. Respondents continue to hold Petitioner under color of federal immigration authority even though their continued restraint upon Petitioner's liberty violates the Fourth Amendment, the Due Process Clause of the Fifth Amendment, and the historic protections guaranteed through the writ of habeas corpus.

CLAIMS FOR RELIEF

19. The Government is holding petitioner in violation of the Due Process Clause of the U.S. Constitution, the Immigration and Nationality Act, and federal regulations. The factual allegations listed above are incorporated into each of the causes of actions listed below.

FIRST CAUSE OF ACTION:

CONTINUED DETENTION FOLLOWING COMPLETION OF

PETITIONER'S CRIMINAL SENTENCE VIOLATES THE FOURTH AMENDMENT

20. The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons...against unreasonable searches and seizures." U.S. Const. amend. IV. That protection extends to every governmental restraint upon an individual's liberty, including civil immigration arrests and continued detention.

21. A seizure does not become constitutionally immune simply because an individual was previously lawfully confined pursuant to a criminal conviction. Once the lawful basis supporting criminal custody expires, any continued physical restraint constitutes a new governmental seizure that must independently satisfy the requirements of the Fourth Amendment.
22. Petitioner's criminal sentence expired when he completed the two-month sentence imposed by the Texas court. At that moment, the judicial authority authorizing Petitioner's incarceration ceased to exist.
23. Rather than restoring Petitioner's liberty as required by the criminal judgment, Respondents caused Petitioner's confinement to continue uninterrupted solely because an immigration detainer had been lodged against him.
24. Respondents did not obtain a judicial warrant authorizing Petitioner's continued confinement after completion of his criminal sentence.
25. No neutral judicial officer made a finding that Petitioner's continued physical detention was constitutionally justified.
26. No judicial determination established that Petitioner's continued seizure was supported by probable cause sufficient to justify extending his physical confinement beyond the expiration of his criminal sentence.
27. Respondents instead relied upon executive authority alone to continue restraining Petitioner's liberty after the judiciary had determined that Petitioner's criminal punishment had been fully satisfied.
28. The Fourth Amendment does not permit executive officials to prolong an individual's physical confinement after expiration of a criminal sentence without independent constitutional authority.
29. Because Petitioner's continued detention constitutes an unreasonable governmental seizure,

Respondents have violated the Fourth Amendment to the United States Constitution.

SECOND CAUSE OF ACTION:

PETITIONER'S CONTINUED DETENTION VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

30. The Due Process Clause protects every person within the United States against arbitrary governmental deprivations of liberty.
31. Freedom from physical restraint lies at the core of the liberty protected by the Fifth Amendment. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
32. Although Congress possesses authority to authorize civil immigration detention under limited circumstances, executive officials remain bound by constitutional limitations requiring fundamentally fair procedures before depriving an individual of liberty.
33. Here, Petitioner completed the criminal sentence imposed by the Texas court and therefore acquired an immediate liberty interest in release from criminal custody.
34. Respondents deprived Petitioner of that liberty without providing constitutionally adequate procedural safeguards.
35. Petitioner received no meaningful notice explaining why his liberty continued to be restrained after completion of his sentence.
36. Petitioner received no opportunity to challenge the legality of his continued confinement before a neutral decision-maker.
37. Respondents made no individualized determination that Petitioner's continued detention was necessary to protect the public, ensure future appearance, or accomplish any legitimate regulatory objective.
38. Instead, Petitioner's confinement has continued automatically and categorically without any individualized constitutional analysis.
39. Such arbitrary executive detention violates the Due Process Clause of the Fifth Amendment.

THIRD CAUSE OF ACTION:

RESPONDENTS' CONTINUED DETENTION OF PETITIONER IS ARBITRARY, PUNITIVE, AND EXCEEDS THE CONSTITUTIONAL LIMITS OF CIVIL IMMIGRATION DETENTION

40. Civil immigration detention is constitutionally permissible only because it is regulatory rather than punitive.
41. The Supreme Court has repeatedly recognized that immigration detention must bear a reasonable relationship to legitimate governmental objectives such as ensuring appearance at future proceedings or protecting the community.

42. Where detention no longer bears a reasonable relationship to those objectives, continued confinement becomes punitive and violates substantive due process.
43. Respondents have never made individualized findings demonstrating that Petitioner presents a danger to the community.
44. Respondents likewise have never demonstrated that Petitioner presents a flight risk requiring continued physical detention.
45. Less restrictive alternatives, including release under appropriate conditions of supervision, have never been meaningfully considered.
46. Petitioner's continued detention therefore serves no demonstrated regulatory purpose sufficient to justify his ongoing imprisonment.
47. Executive detention unsupported by individualized findings is arbitrary, excessive, and constitutionally impermissible.
48. Accordingly, Petitioner's continued confinement violates the substantive protections guaranteed by the Fifth Amendment.

FOURTH CAUSE OF ACTION

HABEAS RELIEF IS NECESSARY TO REMEDY RESPONDENTS' UNLAWFUL EXECUTIVE DETENTION

58. The Suspension Clause preserves the writ of habeas corpus as the historic safeguard against unlawful executive imprisonment.
59. The writ exists to ensure that no executive official may continue restraining an individual's liberty absent lawful authority.
60. Petitioner's criminal sentence has already been fully executed.
61. The judiciary completed its constitutional role when it determined the duration of Petitioner's criminal punishment.
62. Respondents have effectively extended Petitioner's physical confinement beyond the sentence imposed by the criminal court through unilateral executive action.
63. Such executive detention falls squarely within the historic purpose of habeas corpus.
64. Unless this Court intervenes, Petitioner will continue suffering an ongoing deprivation of his constitutional right to liberty.
65. Habeas corpus therefore provides the appropriate and necessary remedy to terminate Respondents' unlawful detention and restore Petitioner's freedom.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 2241 and 1331;

B. Immediately issue an Order to Show Cause pursuant to 28 U.S.C. § 2243 requiring Respondents to justify Petitioner's continued detention;

C. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this Petition remains pending;

D. Declare that Respondents' continued detention of Petitioner following completion of his criminal sentence violates the Fourth Amendment and the Due Process Clause of the Fifth Amendment;

E. Declare that Petitioner's continued detention exceeds Respondents' constitutional and statutory authority;

F. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody;

G. Award Petitioner all additional relief that law and equity require; and

H. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this July 27, 2026

/s/ Paulette Tostado
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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

Dated this July 27, 2026

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