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WESTERN DISTRICT OF TEXAS
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JUDGE LEON SCHYDLOWER
FILED
August 21, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: MRC
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**UNITED STATES COURT**

**FOR THE WESTERN DISTRICT OF TEXAS**

Samuel Aaron Cabrera Acevedo, *Pro Se*

A# [redacted]

Petitioner,

v.

U.S. , ATTORNEY GENERAL,
Markwayne Mullin, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, Maria De Anda-Ybara, U.S. ICE FIELD OFFICE DIRECTOR,

Respondents.

EP 26 CV 2169

Civil Action No.

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241, BY A PERSON SUBJECT TO INDEFINITE IMMIGRATION DETENTION.

**BACKGROUND**

1. I, Samuel Aaron Cabrera Acevedo, Petitioner, hereby petition this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

**CUSTODY**

2. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the El Paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

**JURISDICTION**

3. The constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfield.* 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004). (citing U.S. CONST. Art. 1. §9. cl.2) This includes immigration related detention. *Zadvydas v. Davis.* 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). The petitioner seeking habeas relief must demonstrate they are in custody in violation of the Constitution or federal law. 28 U.S.C. §2241 (c)(3): *Walker v. Johnston.* 312 U.S. 275, 286, 61 S. Ct. 574, 85 L. Ed. 830 (1941).

**EXHAUSTION OF REMEDIES**

4. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

5. The Petitioner was told that he does not qualify for a bond hearing. He does not have an extensive criminal history and there is not reason to believe that he would be a danger to the community nor a flight risk.

**PARTIES**

6. Petitioner is a native of Venezuela who came to the United States on July 18, 2022. On January 11, 2026 he was detained by ICE. He is now detained in the El Paso Processing Center.

7. Respondent is the Attorney General Todd Blanche of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, has ultimate custodial authority over Petitioner.

8. Respondent Markwayne Mullen is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such. Markwayne Mullen is the legal custodian of Petitioner.

9. Respondent Maria De Anda-Ybara is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasqyez v. Reno*. 233 F.3d 688. 690 (1st Cir. 2000). cert. Denied, 122 S. Ct. 43 (2001).

**HISTORY AND AFFIDAVIT**

10. I. Samuel Aaron Cabrera Acevedo, Petitioner was born on [redacted] 2005 in Venezuela.

11. I left Venezuela because of the poor situations my country was living and continue to live. It's poor life life style and corrupt government that oppressed my people including my self.

12. I arrived to U.S. on July 18. 2022 and came to through the border of Texas by the city of Eagle Park.

13. I turned my self to Border Patrol in the border of Texas. they had me detained for 6 days and soon after I was released with Humanitarian Parole.

14. Soon after getting released I submitted an application to get a social and a work permit and got approved on 2024. My work permit expires till 2030.

15. When we got released when went to Cape Coral. Florida with family member and there after we moved back to Midland. Texas.

16. I started school in Midland called Legacy High School from which I graduated and received my High School Diploma on 2025.

17. I then after graduating I started to work independently as a Barber and when I was not cutting hair I was doing Uber and Doordash when I obtain my drivers license to obtain an extra income.

18. Then we moved for a year in Columbus. Ohio. Were I worked doing different jobs. I worked cleaning cars at Ford dealer, then doing Uber and after doing roofing for a roofing company.

19. Then my father and I moved back to Midland. Texas and went back to doing barbering and Uber.

[redacted]

20. In January 5 I got into a fight with my father and I got detained and was charged with domestic violence.

21. I was taken to the county jail and stayed there for 6 days and then released with time served but I got an ICE hold.

22. ICE took custody of me on January 11. 2026 and took me here were I am located at El Paso Processing Center.

23. Here at El Paso I had an appointment with a Physiologist and told her I heard voices and felt depressed. She gave me an evaluation and declared I had mental problem that made me be aggressive. sad. depressed, anti social issues and anxiety.

24. I was prescribed medication to help me with that and I am being monitored and it has helped a lot and I feel much better, and in a better mood and not depressed.

23. I am still fighting my case here in Immigration and it has been 8 months but have not received a bond nor a bond hearing to have a chance to fight my case outside while my case is on going.

24. My Father and family is suffering hardships while I am absent from him. He is undergoing financial difficulties as well as emotional hardships.

25. I pray with this Court to grant me relief. so that I can continue my immigration proceedings while I am together with my father who I need. Thank you.

**COUNT ONE PROCEDURAL DUE PROCESS VIOLATION LEGAL FRAMEWORK:**

29. Recently. in similar habeas petitions. the Respondents have argued that the recent panel opinion of the 5th Circuit in the *Buenrostro-Mendez* v. *Bondi* case held that the statue does not entitle people in the Petitioner's position to a bond hearing when they are detained pending removal.

30. However. the Petitioner is not arguing on the basis of statutory interpretation. The Petitoner is challenging the violation of his Constitutional Due Process Violation.

31. In *Marceau* v. *Noem*, No. 3:26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) the Court states. "*Buenrostro-Mendez* has no bearing on this Court's determination of whether [a habeas petitioner] is being detained in violation of her constitutional right to procedural due process."

32. The Petitioner is not challenging his immigration removal proceedings but he is challenging his

[redacted]

procedural due process because he has not been given a bond hearing during which the government bore the burden of proof..

33. The Petitioner's detention violates the Fifth Amendment's Due Process Clause. The Fifth Amendment's Due Process Clause forbids the government to "deprive any person… of… liberty… without due process of law."

34. To determine whether there is a Procedural Due Process violation the Supreme Court has applied the "Matthew" test, "to determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Matthew v. Eldridge*, 4243 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)." *Maritinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 U.S. Dist. LEXIS 174 415. 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025).

35. The three-part test consists of (3) factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value. if any, of additional or substitute procedural safeguards"; (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail."

THE FIRST FACTOR:

36. The Petitioner has lived in the United States since 2022. He has established a life in Midland. Texas living with his father. Therefore he has acquired a liberty interest. Therefore he has acquired a liberty interest. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty [ Due Process ] Clause protects. *Zadvydas*, 533 U.S. at 690. In the case of *Dominguez v. Noem*, 2026 U.S. Dist. LEXIS 3031. the Court has stated. "Like many courts across the country dealing with similar circumstances. the Court finds Petitioner possess a strong liberty interest in his freedom from detention because he has established a life here – albeit without authorization."

THE SECOND FACTOR:

37. The Petitioner is faced with a substantial risk of erroneous deprivation of his interest in being free

from arbitrary confinement pending resolution of his removal proceedings. The risk lies in the continued deprivation of liberty because the government is not affording the Petitioner his procedural due process in the form of a bond hearing. He is being deprived of liberty even though he has Fifth Amendment protection.

38. The value of additional safeguards in a form of a bond hearing is high given that it would allow an immigration judge to conduct a hearing to determine whether continued detention is necessary and/or allow the federal court to rule in favor of immediate release.

THE THIRD FACTOR:

39. The Petitioner does not have an extensive criminal history. Has established life in this country. He is seeking a Permanent Residence in the United States. He does not pose a danger to the community and he is not a flight risk. The governments interest is generally protected by affording a bond hearing and/or supervision requirements.

40. Any fiscal or administrative burdens on the government's part would not be significant in contrast to the fiscal and administrative necessities entailed in detaining an individual. In the history of ICE and their procedures they have always conducted bond hearings and have allowed cases similar to the Petitioner's to be released on bonds and/or supervision requirements.

THE FOURTH FACTOR

41. He invokes the Accardi Doctrine an agency has to follow its own rules and regulations. see united states ex rel. Accardi vs Shaughnassy,347 u.s 260(1954).ICE skipped its own procedural steps required by its own rule book before revoking my liberty. see Robbie vs Bondi, 803f.supp 3d 766,767,774(D.MINN.2025) agency deviation from its own regulations may justify relief in a case otherwise properly before the court. Jean vs Nelson 727f2D,957,976(11CIRC.1984)

42. Under the Accardi doctrine, "an administrative agency is required to adhere to its own internal operating procedures." Church of Scientology of Cal. v. United States. 920 F.2d 1481, 1487 (9th Cir. 1990) (citing United States ex rel. Accardi v. Shaughnessy. 347 U.S. 260. 268. 74 S. Ct. 499. 98 L. Ed.

681 (1954)). In accordance with this principle, agencies must follow a regulation if they promulgate one

43. To establish an APA claim under the Accardi doctrine, Martinez must show both that (1) the Government violated its own regulations, and (2) Martinez suffer substantial prejudice as a result of that violation. See Al Otro Lado, Inc. v. Mayorkas, 2024 U.S. Dist. LEXIS 179081, 2024 WL 4370577, at *8-9 (S.D. Cal. Sept. 30, 2024).

**CONCLUSION:**

44. The Petitioner has been detained unlawfully because he has been denied a bond hearing without proper consideration. He has not had an opportunity to show that he is not a danger to the community nor a flight risk. The immigration court has not given him a hearing, during which the government bore the burden of proof to show that the Petitioner is a danger to the community or a flight risk, and to determine whether he is suitable to be released on a bond and/or placed on supervision while his immigration case progresses. He does not have a violent history and does not pose a threat.

**RELIEF SOUGHT:**

Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody under reasonable conditions of supervision or to provide a bond hearing.

3) Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ICE [Field Office in El Paso] during the pendency of these proceedings and
while the Petitioner remains in Respondent's custody;

[redacted]

4) Issue a Writ of Habeas Corpus ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding;

5) Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause, and the APA.

6) Grant such further relief as the Court deems just and proper.

I affirm, under penalty of perjury. that the foregoing is true and correct. Respectfully submitted this on August 15. 2026.

Samuel Cabrera

Samuel Aaron Cabrera Acevedo, Pro Se

A# [redacted]

El Paso SPC

8915 Montana Ave

El Paso. Texas 79925

**CERTIFICATE OF SERVICE**

I. Samuel Aaron Cabrera Acevedo. certify that a true copy of the above document (Petition for Writ of Habeas Corpus) was served on August 15. 2026 upon the following:

Clerk of Court U.S. Western District Texas

Albert Armendariz, Sr. United States Courthouse

511 e. St. Antonio ave.

El Paso TX, 79901

suit 105

by placing a copy of the above in the mail system at the facility where I am detained.

Samuel Cabrera

Samuel Aaron Cabrera Acevedo, Pro Se

A# [redacted]

[redacted]