JUDGE LEON SCHYDLOWER

UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED
AUG 21 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

Juan Carlos Trejo Romero, *Pro Se*

A# [redacted]

Petitioner,

v.

Todd Blanche, ATTORNEY GENERAL,

Mark Wayne Mullin, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, Maria Deandra Ybarra, U.S. ICE FIELD OFFICE DIRECTOR,

Respondents

EP26CV2182

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.

[redacted]

BACKGROUND

1. Petitioner, Juan Carlos Trejo Romero, 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 Respondents, In support of this petition and complaint for injunctive relirf, Petitioner alleges as follows:

CUSTODY

2. Petitioner is in 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. Petitioneris under the direct control of Respondents and their agents.

JURISDICTION

3. The Constitution guarantees that the writ of habes corpus is "available to every individual detained within the Unites States." *Hamdi v. Rumsfield*, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004). (citting 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. Petitionerhas exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

5. The Petioner was denied a bond without proper consideration and was not given a reason for why the bond was denied. The Petioner does not have a violent past.

PARTIES

6. Petitioner is a native of Honduras who came to the United States in 2002. he has lived in the U.S. 24 years. On May 20th, 2026 he was detained by ICE. He is now detained in the El Paso Processing Center.

7. Respondent Tood Blanche is the Attorney General 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, Todd Blanche has ultimate custodial authority over Petitioner.

8. Respondent Mark Wayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the adminidtration of UCE and the implementation and enforment of the INA. As such, Mark Wayne Mulling is the legal custodian of Petitioner.

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

HISTORY AND AFFIDAVIT

10. I, Juan Carlos Trejo Romero, Petitioner was born on [redacted] 1984 in Honduras.

11. In the years 2002, at the age of 18 years old, I immigrated into the United States . I entered the U.S. ilegally and the reason for my migration was [redacted]

13. At the part of my life I feared for myself and had no other option but to fleet Honduras in search of a better feature in the United States.

14. I entered the United States on September 9th, 2002 through Eagle Pass Texas and began to work on the oil field in Bridgeport Texas.

15. Later in my life, living and working in Texas I got merried and had 2 daugthers born in the state of Texas. My first daugther [redacted] was born on [redacted] and my sencond daugther [redacted] was born on [redacted].

16. In 24 years living in the United States, I have been arrested twice and only one of those arrests resulted in a conviction.

17. In the year 2025 I receive a conviction for Driving While Intoxicated and I was ordered to do a year and half probation with D.W.I classes.

18. I continued to live and work in Texas to support my family.

19. On May 20th, 2026 I had a appointment with my Probation Officer and as I entered his office 2 men quickly identifiy themselves as ICE agents.

20. Immediately I was detained by them with no explenation and later that same day transferred to El Paso Processing Center in El Paso, Texas.

21. I have been detained 3 moths now and when I requested a bond hearing I was told I did not qualify. My bond was denied without any reason.

22. I have lived in the United States for 24 years, I have no criminal history other then the Driving While Intoxicated. I have 2 lawful born United States citizen daugthers under age that are suffering of psychological issues because of my detention. I ask to please grant my writ of habeas corpus to reunite with my daugthers and be able to provide for them.

23. I pray that I may be allowed the opportunity to continued mu immigration proceeding while I am out of detention. Thank you.

[redacted]

COUNT ONE PROCEDURAL DUE PROCESS VIOLATION LEGAL FRAMEWORK:

24. 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 entile people in the Petitioner´s position to a bond hearing when they are detained pending removal.

25. However, the Petioneris not aeguing on the basis of statutory interpretation. The Petitioner is challenging the violation of his Constitutional Due Process Violation.

26. 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 contitutional right to procedural due process.¨

27. The Petitioner is not challenging his immigration removal proceeding but he is challenging his procedural due process because he has not been given a bond hearing during which the government bore the burden of proof..

28. 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."

29. 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)." *Martinez 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).

30. The three-part test consist 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 additionnal 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:

31. The Petitioner has been living in the United States since 2002. therefore he has acquired a liberty interest. "Freedom from imprisonment – from governmentcustody, 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 posses a strong liberty interest in his freedom from detention because he has established a life here – albeit without authorization."

32. The Petitioner came to the United States in 2002 and has lived in Texas for 24 years. He has worked all this time to take care of his family.

THE SECOND FACTOR:

33. 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. When the Petitioner requested a bond the immigration judge denied the bond without considering any of the factors that point to him noy being a danger nor a flight risk. The Petitioner does not have a violent history and was denied a bond without reason. He is deprived of liberty even thogh he has Fifth Amendment protection.

34. 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:

35. The Petitionerdoes not have a violent history. The Petioner has 2 Lawful born U.S. citizen daugthers. His life has been established in Texas for 24 years. The government interest is generally protected by affording a bond hearing and/or supervision requirements.

36. 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 Petioner´s to be release on bonds and/or supervision requirements.

CONCLUSION:

37. The Petitioner has been detained unlawfully because he has been denied a proper bond hearing. 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 noy given him a hearing, during which the government bore the burden of proof to show that the Petioner is a danger to the community or a flight risk, and to determine whether he is suitable to be release 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.

RELIRF SOUGHT:

Petioner prays that this Court grant the following relirf:

1) Assume jurisdiction over this matter;

2) Grant Petionera writ of habeas corpus directing the Respondents to immediately release;

3) Order Respondents to refrain from transferring the Petioner out of jurisdiction of the ICE El Paso EPC director during the pendency of this proceeding and while the Petionerremains in Respondents custody;

4) Order Respondents tp grant bond hearing for Petioner to fight his case out of ICE custody due to long time of being detained;

5) Grant any other and further relief that this court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this on AUGUST / 17TH / 2026.

Juan Carlos Trejo Romero

A# [redacted]

El Paso SPC

8915 Montana Avenue

El Paso, Texas 79925

CERTIFICATE OF SERVICE

[redacted]

I, Juan Carlos Trejo Romero, certify that a true copy of the above document (Petioner for Writ of Habeas Corpus) was served on AUGUST 17TH 2026, upon the following:

Western District Court of Texas

Albert Armendariz, Sr United States Courthouse

525 Magoffin Avenue

Room 105

El Paso, Texas 79901

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

Juan Carlos Trejo

Juan Carlos Trejo Romero

A# [redacted]

[redacted]

Introduction

I Petitioner Juan Carlos Trejo Romero, are a native of Honduras. Born on [redacted] 1984. at the age of 18 years old I made the decision to migrate to the United States from my country for the following reasons. [redacted] and harasment by the gangs, who threated [redacted] For a long time I feared for my life and had no other option but to fleet Honduras in seek of freedom and a better life for myself.

I began my journey traveling through Guatemala into Mexico. In Mexico I also had a horrible experience for being Honduran, I was extorted to pay about 4 thousand U.S. dollars in order to be safe there and continued my way to the United States. Searching a better feature I crossed the border from Piedras Negras, Coahuila Mexico into Eagle Pass, Texas U.S. In September 9th of 2002. At the time I did not turn myself to Immigration because I was afraid they would send me back to my native country Honduras and go through the same pain I suffered for many years.

After entering the U.S. I stayed by myself in bridgeport Texas and I immediately started working on the oil field. In the year 2008 I got merry and had my first born daughter [redacted] my second daughter [redacted] both born in Decatur, Texas U.S. I continued to live in Texas, right after my second daughter was born in 2014 I got a better job offer that I took in Midland, Texas. My family and I moved to Midland and there we stayed to live. I have lived 24 years now in the state of Texas U.S.

In 24 years I only had one arrest and conviction. I made the wrong choice to Drive While Intoxicated in 2025. The judge order me to do a year and half of probation but on May 20th 2026, checking inn with my probationer officer. ICE agents where there ready to detain me, right after I got detain I was transferred by them to El Paso, ICE Processing Center in Texas.

Since my detention my wife has been left alone to deal with all our finances, debt and to take care of our under age children full time, because I was the main source of income our home. Now she's facing some deficulties. I daily talk to my daughters on the phone, an every time they ask me the samething crying "WHEN AM I COMING BACK HOME" I can hear and tell the extremely depression they are going through, they both are very attached to me and they have never been away from me for this long. Currently because of all this happening my wife had to take them to psychological therapy.

I consider myself a hard working man that has maintain the same job at T.R.K Enterprice for the last 12 years and have file taxes since 2014, following all government's protocal. I do not have a violent criminal record or history. Both of my daughters are U.S. citizens of America and they depend on me.This are some of the reasons the judge has given me the opportunity to file the ***42B Form.*** *I requested a bond hearing but I was told I do not qualify, bond was denied with no further explenation. I'm asking to please grant my Writ of Habeas Corpus so I could fight my case out of custody and be able to support my family.*

AUGUST 17TH, 2026

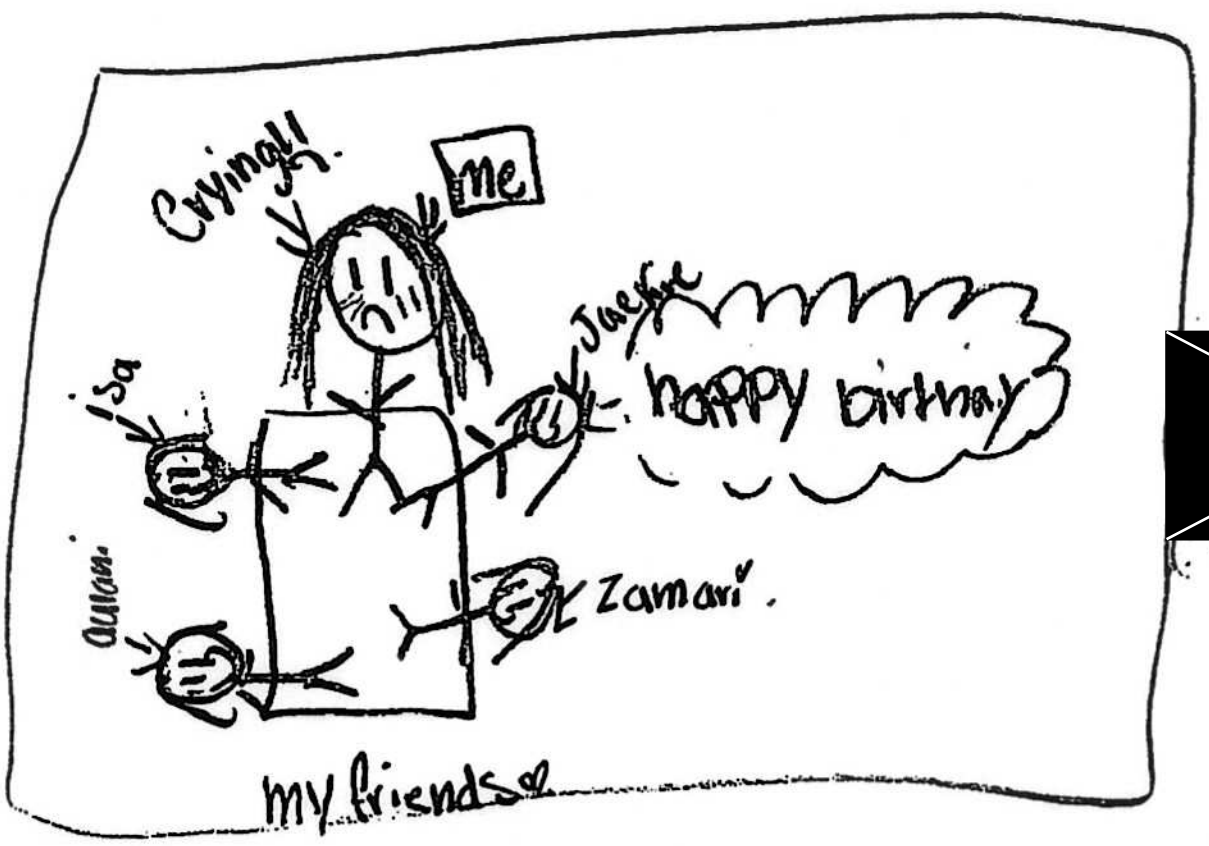
Juan Collect

Hi, im [redacted], im writing this letter to show how I feel and how this has affected me. Him not being with us has made me feel very alone and it has made me feel like now I dont have nobody. It's been feeling drained without seeing him. It has been very hard and its feeling very different without seeing him here with us like a completed family. He was basically the light of my mom, my sister and I, so him not being with us its like we are not completed. It has affected me a lot because I used to go out a lot and I was used to go to a lot of places with him, and now I dont feel like going out of my room and the house, and basically without him being with me I dont feel like me, and I dont feel happy at all, I just feel drained and sad all the time.

Thank you to hoever is reading this.

[redacted]

My name is [redacted] I am the youngest daughter of Juan Carlos Trejo, I wanted you to read This note, he was my hero he would always make sure I had what ever I asked I really beg you to bring him back with me everything change wen he left family dont feel happy and cPerch anymore, also I feel really sad, and I hate it that he didnt see me turn 12 it was awful to not see my dad for my birthay I sit there in my birthay and I cry as everyone sings me happy birthay, I beg you and god everyday, I really never felt this sad, not seeing my dad is my biggest fear Please bring my dad back I don't want to feel this Pain anymore I am too young to feel like this !!.



[redacted]