JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS DIVISION
EL PASO

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

DHILLON RAJAT
NUMBER A# [redacted]

PETITIONER,
V.

U.S, GENERAL ATTORNEY,

EP26CV2184

MARK WAYNE MULLIN, His Official Capacity as
Secretary, U.S Department of Homeland security; AND

DAVID J VENTURELLA, U.S. ICE FIELD OFFICER DIRETOR.

Respondents.

CIVIL ACTION NO ..

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

[redacted]

BACKGROUND

1. DHILLON RAJAT, 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 the Immigration Judge does not have jurisdiction to give him a bond hearing and that he should file a Habeas Petition with the District Court.

PARTIES

6. Petitioner is a native of INDIA who came to the United States in 2024. On AUGUST 10th, 2026 he was detained by ICE. He is now detained in the El Paso Processing Center.

[redacted]

7. Respondent U.S General Attorney 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, U.S General Attorney has ultimate custodial authority over Petitioner.

8. Respondent Mark Wayne Mullin 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, Mark Wayne Mullin is the legal custodian of Petitioner.

9. Respondent david .J ,venturella 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 DHILLON RAJAT, Petitioner was born on [redacted] 2001 in INDIA.

11.Petitioner was inspected by DHS and release within the following day.

12. On November 9th, 2024 I arrived at the United States and morres.NEW YORK border and turned my self in to the immigration authorities. I was detained for 17 days and was release under Recognizance under section 1225(b)(1) and 8 U.S.C 1226.

13. On November 25th, 2024 I was paroled into the United States from detention center Batavia , Bufflo.

14. I moved to Seattle. After that I started working at Gas station and began to establish my life in the United States with hopes of having a better future and after that in october 2025 I moved to las vegas , NM.

15.Petitioner has no criminal record nor Violence history.

16. On August 10th, 2026, I came to El paso for my ISAP appointment and that was 7th appointment and I was detained by Immigration and Customs Enforcement (ICE) at El paso processing center.

17. I have been in ICE custody since August 10th, 2026. I am currently detained at the El Paso Processing Center.

18. I have pending asylum application and was waiting for my court date.

20. I pray with this Honorable Court to grant me relief so that I can continue my immigration proceedings while I am out of detention.

21. I have come to this country seeking a better life for me . I have done everything required of me to legally pursue a status in this country. I was paroled into the United States by the immigration authorities, and I have obtained an Social security Number and work permit card.

22. Does not have a criminal history nor Violence History.

23. I thank this Court for the time allotted to my Petition.

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 entitle people in the Petitioner's position to a bond hearing when they are detained pending removal.

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

26. In *Marcelo v. Noem*, No. 3:26-cv-2[illegible]-KC, 2026 WL 368956[illegible], 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."

27. The Petitioner is not challenging his immigration removal proceedings 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)." *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).

30. 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:

31. The Petitioner has lived in the United States since 2024. Immigration authorities paroled him into the United States. He has a pending asylum appliciation , and obtained social security and work permit . He has clearly shown that he has began to establish his life here in the United States. 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:

32. 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. The Immigration Judge informed the Petitioner that in order for him to receive a bond hearing he must file a Habeas Petition. He does not pose a danger and has never had any violent history. He is being deprived of liberty even though he has Fifth Amendment protection.

33. 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:

34. The Petitioner does not a have a criminal history and has complied with all the requirements that the immigration authorities have set before him after paroling him into the United States. He has shown his compliance with all the laws of this country by following the steps that were laid before him by immigration authorities. 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.

35. 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.

CONCLUSION:

36. The Petitioner has been detained unlawfully despite the fact that he has been payroled by DHS with all lawfull conducts The Immigration Judge (IJ) informed the Petitioner that he, the IJ, lacks jurisdiction to give him, Petitioner, a bond hearing. Petitioner was informed by the IJ to file a Habeas Petition. The Petitioner has resided in this country since 2024, establishing his life in las vegas,NM . He has a pending asylum appliciation , a social security and work permit card . He does not have a criminal record and there are no evidence to suggest that he is a danger to the community nor a flight risk. He respectfully pleads with this honorable court to grant him relief.

[redacted]

RELIEF SOUGHT:

Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Issue a writ of habeas corpus ordering Petitioner's immediate release or, in the alternative, a constitutionally adequate bond hearing where the government bears the burden of proving by clear and convincing evidence that continued detention is justified;

3) Provide a bond hearing during which the government bears the burden of proof to show that the Petitioner is a danger to the community or a flight risk by clear and convincing evidence.

(4) Issue an Order to Show Cause within three days under 28 U.S.C. § 2243;

(5) Declare Petitioner's detention unconstitutional under the Fifth Amendment and unlawful under 8 U.S.C. § 1231 and 8 C.F.R. § 241.4;

(6) Grant any other relief the Court deems just and proper.

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

Rajat

,DHILLON RAJAT,*Pro Se*
A# [redacted]
El Paso SPC
8915 Montana Ave

El Paso, Texas 79925

CERTIFICATE OF SERVICE.

I, Dhillon Rajat, certify that a true copy of the above documents (Petition for writ of Habeas corpus) was served on August 17 ,2026 upon 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.

Rajat

Dhillon Rajat , Pro Se

A# [redacted]