

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION

Ariel Diaz Perez v. Rose Thompson, Warden, Karnes County
Immigration Processing Center, et al.

Case No. 5:25-CV-1664-JKP · No. 5:25-CV-1664-JKP · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of Texas grants Ariel Diaz Perez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that the government could not mandatorily detain him under 8 U.S.C. § 1225(b)(1) because he had been present in the United States for more than two years, was in full removal proceedings, and had not been determined inadmissible under the relevant statutory provisions. The court orders his release under appropriate conditions, prohibits removal or transfer under the present detention, and requires a bond hearing if he is later detained under 8 U.S.C. § 1226.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
WRITING FOR THE COURT	Jason K. Pulliam
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	December 15, 2025
DOCKET	5:25-CV-1664-JKP
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention without a bond hearing. The district court granted the petition and ordered his release under appropriate conditions.
STANDARD OF REVIEW	The court reviewed the habeas petition under 28 U.S.C. §§ 2241(c)(3) and 2243. Petitioner bore the burden of proving by a preponderance of the evidence that he was held contrary to federal law.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only

PARTIES

Ariel Diaz Perez v. Rose Thompson, Warden, Karnes County
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TOPICS

immigration detention

removal proceedings

statutory interpretation

subject matter jurisdiction

civil procedure

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g), 1225(b)(4), or 1252(b)(9) deprived the district court of jurisdiction over a habeas challenge to immigration detention.
2. Whether 8 U.S.C. § 1225(b)(1) authorized mandatory detention of a noncitizen who had entered the United States more than two years earlier, had been released under § 1226, remained in full removal proceedings, and had not been determined inadmissible under § 1225(b)(1)(A).
3. Whether 8 U.S.C. § 1226(a), rather than § 1225(b), governed the petitioner's current detention and entitled him to a bond hearing.
4. Whether the court should reach petitioner's separate constitutional challenge to his detention.

HOLDINGS

1. Section 1252(g) does not bar district-court jurisdiction over a challenge to the legal basis for immigration detention because detention is not itself a decision to commence proceedings, adjudicate a case, or execute a removal order.
2. Neither § 1225(b)(4) nor, to the extent invoked, § 1252(b)(4) deprived the court of jurisdiction over petitioner's challenge to his detention.
3. Section 1252(b)(9) does not bar habeas jurisdiction over a challenge to detention where the petitioner does not seek review of a removal order, the decision to seek removal, or the process for determining removability.
4. Section 1225(b)(1) did not authorize petitioner's present mandatory detention.
5. Because § 1225(b)(1) was inapplicable, petitioner's current detention fell under 8 U.S.C. § 1226(a), which entitled him to a bond hearing.

KEY QUOTATIONS

“Respondents cannot detain Petitioner in connection with expedited removal proceedings that do not exist.”
(Section III.B)

“Stated simply, Respondents may not detain Petitioner under § 1225(b)(1).” (Section III.B)

FACTUAL BACKGROUND

Ariel Diaz Perez, an asylum seeker from Cuba, entered the United States in approximately May 2022 and was served with a Notice to Appear charging him with being present without inspection or admission. He was released on his own recognizance pursuant to 8 U.S.C. § 1226, filed an asylum application, obtained employment authorization, and lived in Florida without any recorded violation of his release conditions. Immigration authorities detained him in June 2025 when he appeared for an immigration hearing, without providing a reason or formally vacating or modifying his release order. The Government treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(1), although he remained in full removal proceedings and had not been determined inadmissible under the provisions identified in § 1225(b)(1).

PROCEDURAL HISTORY

Petitioner was detained by immigration authorities on June 23, 2025, after previously entering the United States, being placed in full removal proceedings, and being released on his own recognizance under 8 U.S.C. § 1226. He filed a § 2241 habeas petition asserting that his detention was unlawfully imposed under 8 U.S.C. § 1225 rather than § 1226(a). The Government opposed the petition and challenged subject-matter jurisdiction under several provisions of 8 U.S.C. § 1252. The court rejected the jurisdictional arguments, held that § 1225(b)(1) did not authorize the detention, and granted habeas relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to release petitioner under appropriate conditions by noon on December 16, 2025; notify counsel of the location and time of release; refrain from removing or transferring petitioner under the present detention; and, if petitioner is re-detained under § 1226, follow all applicable procedures, including providing a bond hearing.

CASES CITED

- Villanueva v. Tate, ___ F. Supp. 3d ___, ___, No. CV H-25-3364, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025)
- Skaftouros v. United States, 667 F.3d 144, 158 (2d Cir. 2011)
- Bruce v. Estelle, 536 F.2d 1051, 1058 (5th Cir. 1976)
- Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999)
- Santiago v. Noem, No. EP-25-CV-361-KC, 2025 WL 2792588, at *3 (W.D. Tex. Oct. 2, 2025)
- Cardoso v. Reno, 216 F.3d 512, 516-17 (5th Cir. 2000)
- Erazo Rojas v. Noem, No. EP-25-CV-443-KC, 2025 WL 3038262, at *2 (W.D. Tex. Oct. 30, 2025)
- Ordonez-Lopez v. U.S. Dep't of Homeland Sec., No. EP-25-CV-470-KC, 2025 WL 3123828, at *2 (W.D. Tex. Nov. 7, 2025)

- Cardona-Lozano v. Noem, No. 1:25-CV-1784-RP, 2025 WL 3218244, at *1 n.2, *2 (W.D. Tex. Nov. 14, 2025)
- Dep't of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 19 (2020)
- Nielsen v. Preap, 586 U.S. 392, 402 (2019)
- Duron v. Johnson, 898 F.3d 644, 647 (5th Cir. 2018)
- Aguilar v. ICE, 510 F.3d 1, 10-11 (1st Cir. 2007)
- Preap, 586 U.S. at 402
- Ozturk v. Hyde, 136 F.4th 382, 399 (2d Cir. 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 293, 295 n.3 (2018)
- In re Yajure Hurtado, 29 I. & N. Dec. 216, 220 (BIA 2025)
- Lopez v. Lyons, No. 2:25-CV-03174-DJC-CKD, 2025 WL 3124116, at *2 (E.D. Cal. Nov. 7, 2025)
- Rico-Tapia v. Smith, ___ F. Supp. 3d ___, 2025 WL 2950089, at *7 (D. Haw. Oct. 10, 2025)
- Patel v. Tindall, No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *5 (W.D. Ky. Oct. 3, 2025)
- Belsai D.S. v. Bondi, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *5 (D. Minn. Oct. 1, 2025)
- Martinez v. Hyde, 792 F. Supp. 3d 211, 223 n.23 (D. Mass. 2025)
- Ndudzi v. Castro, No. SA-20-CV-0492-JKP, 2020 WL 3317107, at *2 (W.D. Tex. June 18, 2020)

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