

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Enohelia Rodriguez Hernandez v. Mark Wayne Mullin, et al.

Rodriguez Hernandez · No. 4:26-CV-03155 · Decided April 21, 2026

SUMMARY

The Southern District of Texas dismisses without prejudice a detainee’s 28 U.S.C. § 2241 habeas petition challenging immigration detention. The court concludes that the petitioner, who entered the United States without inspection and was placed in removal proceedings, is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and rejects her bond, due process, equal protection, Administrative Procedure Act, and Accardi doctrine claims. All other pending motions are denied as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Andrew S. Hanen
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	April 21, 2026
DOCKET	4:26-CV-03155
DISPOSITION	dismissed
PROCEDURAL POSTURE	A detainee filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention, along with claims under the Administrative Procedure Act, the Fifth Amendment, and the Accardi doctrine. The district court conducted preliminary review and dismissed the petition without prejudice.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing § 2254 Cases, applied to a § 2241 petition through Rule 1(b), the court may dismiss on the pleadings if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district court order marked per curiam with no published reporter citation.

PARTIES

Enohelia Rodriguez Hernandez v. Mark Wayne Mullin, et al.

TOPICS

immigration detention

removal proceedings

administrative procedure act

due process

equal protection

PRACTICE AREAS

immigration

administrative law

constitutional law

civil procedure

habeas corpus

QUESTIONS PRESENTED

1. Whether the petitioner's detention was governed by 8 U.S.C. § 1225(b)(2), rather than the bond-hearing provisions of 8 U.S.C. § 1226(a).
2. Whether the petitioner's Fifth Amendment due process and equal protection claims established a basis for relief from detention.
3. Whether the Administrative Procedure Act provided a remedy when habeas corpus was available to challenge the detention.
4. Whether 8 C.F.R. § 287.8 and the Accardi doctrine supplied an enforceable claim concerning the procedures used for petitioner's arrest.

HOLDINGS

1. A noncitizen who entered the United States without inspection, has not been lawfully admitted, and is in removal proceedings is an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2); arguments seeking a bond hearing under 8 U.S.C. § 1226(a) are foreclosed.
2. The petitioner's Fifth Amendment due process challenge to detention during removal proceedings did not warrant relief because detention during those proceedings is constitutionally permissible and §§ 1225(b)(1) and 1225(b)(2) mandate detention of covered applicants for admission until the relevant proceedings conclude.
3. The petitioner's equal protection claim failed because she did not identify a similarly situated class treated more favorably or allege facts showing that she fell outside the statutory definition of an applicant for admission under § 1225(b).
4. The petitioner's APA claims failed because habeas corpus supplied an adequate remedy in court for challenging her detention.
5. The petitioner had no substantive habeas claim under the Accardi doctrine based on alleged violations of 8 C.F.R. § 287.8 because 8 C.F.R. § 287.12 disclaims the creation of rights enforceable by any party.

KEY QUOTATIONS

“The Court may dismiss a habeas petition on the pleadings “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.”” (1/4)

“Detention during removal proceedings is a constitutionally permissible part of that process.” (1/4)

“§§1225(b)(1) and 1225(b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded” (2/4)

“These regulations do not, are not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.” (3/4)

FACTUAL BACKGROUND

Petitioner is a noncitizen detained by ICE who entered the United States without inspection and was placed in removal proceedings. She did not allege or establish that she had been lawfully admitted or had obtained lawful immigration status. Her claims challenged the statutory basis for detention, the absence of a bond hearing, the constitutionality of her detention, the availability of APA relief, and procedures used in her arrest.

PROCEDURAL HISTORY

Petitioner, a detainee in ICE custody, filed a § 2241 habeas petition challenging her detention and related arrest procedures. The district court reviewed the petition and attached exhibits under Rule 4 of the Rules Governing § 2254 Cases, applied through Rule 1(b), and dismissed the petition without prejudice; any other pending motions were denied as moot.

DISPOSITION

dismissed

CASES CITED

- Buenrostro-Mendez v. Bondi, 166 F.4th 494, 498 (5th Cir. Feb. 6, 2026)
- Demore v. Kim, 538 U.S. 510, 531 (2003)
- Jennings v. Rodriguez, 583 U.S. 281, 297 (2018)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Jimenez v. Noem, Civ. A. No. H-25-5853, Doc. No. 10 at 5 (S.D. Tex. Feb. 10, 2026)
- Trump v. J.G.G., 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954)

OPINION

Southern District of Texas ENTERED UNITED STATES DISTRICT COURT ven ae SOUTHERN DISTRICT OF TEXAS □□□□ HOUSTON DIVISION ENOHELIA RODRIGUEZ HERNANDEZ, § § Plaintiff, § § VS. § CIVIL ACTION NO. 4:26-CV-03155 § MARK WAYNE MULLIN, et al., § § Defendants. § ORDER OF DISMISSAL The petitioner, Enohelia Rodriguez Hernandez, is a detainee in the custody of United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) officials.

Through counsel, petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging her detention. Doc. No. 1. The Court may dismiss a habeas petition on the pleadings “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts (authorizing preliminary review and summary dismissal of habeas petitions on the pleadings).’

The petition and attached exhibits reflect that Petitioner is a noncitizen who entered the United States without inspection and has since been placed in removal proceedings. 1 A district court may apply any of the rules governing habeas petitions filed under 28 U.S.C. § 2254 to those filed under 28 U.S.C. § 2241. See Rule 1(b), Rules Governing § 2254 Cases in the United States District Courts.

1/4 Doc. No. 1 at 13. Petitioner does not allege or show that she has been lawfully admitted into the United States. Because Petitioner entered without inspection and has not obtained lawful status, she is an applicant for admission subject to 8 U.S.C. § 1225(b)(2). See *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (Sth Cir. Feb. 6, 2026). Her arguments regarding bond hearings under 8 U.S.C. § 1226(a) and its implementing regulations are foreclosed by *Buenrostro-Mendez*.

In addition, Petitioner’s Fifth Amendment due process claims are precluded, at this juncture, by *Demore v. Kim*, 538 U.S. 510, 531 (2003), because “[d]etention during removal proceedings is a constitutionally permissible part of that process.” /d. (citations omitted); see also *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (explaining that “§§1225(b)(1) and 1225(b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded”).

Likewise, her Fifth Amendment equal protection claim is unavailing because she fails to identify a similarly situated class that is treated more favorably than noncitizens who entered the country without inspection, and she does not state facts to show that she falls outside of the statutory definition of an applicant for admission under 8 U.S.C. § 1225(b) as interpreted by the Fifth Circuit in *Buenrostro-Mendez*.

See *Reno v. Flores*, 507 U.S. 292, 306 (1993) (rejecting equal protection claims regarding continued detention brought by alien juveniles who did not have close relatives to serve as guardians because they were distinct from alien juveniles with close relatives available to serve as guardians and different from American juveniles in delinquency proceedings who were citizens).

2/4 In addition, her claims under the Administrative Procedure Act (“APA”) fail because an “adequate remedy in a court” is available via habeas corpus. 5 U.S.C. § 704; accord *Jimenez v. Noem*, Civ. A. No. H-25-5853, at Doc. No. 10 at 5 (S.D. Tex. Feb. 10, 2026) (holding that the petitioner was not entitled to relief under the APA where he was able to challenge his detention through habeas corpus); see also *Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J.,

concurring) (agreeing with the majority “that habeas corpus, not the APA, is the proper vehicle” where habeas corpus is an available remedy).

Finally, her claims regarding the procedures used for her arrest under the Accardi doctrine? fail because the regulation she invokes, 8 C.F.R. § 287.8, does not provide a cause of action in federal court because § 287.12, outlining the scope of part 287, provides, in relevant part: “These regulations do not, are not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.” 8 C.F.R. § 287.12.

Therefore, she has no substantive claim in this habeas proceeding under Accardi regarding the procedures used for her arrest. * See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (asserting the principle that agencies are bound to abide by their own regulations or internal procedures). 3/4 Therefore, the Court ORDERS as follows: 1.

The petition (Doc. No. 1) is DISMISSED without prejudice. 2. All other pending motions, if any, are DENIED as MOOT. ot SIGNED this Ct day of April 2026. prio fli ae ies ANDREW S. HANEN UNITED STATES DISTRICT JUDGE 4/4