

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, WACO DIVISION

Rojas-Marcelo v. Noem

Rojas-Marcelo · No. 6:25-CV-00454-ADA-DTG · Decided December 22, 2025

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s report and recommendation granting Juan Carlos Rojas Marcelo’s petition for a writ of habeas corpus. The court ordered Respondents to release him from custody by December 23, 2025, and required a bond hearing if he is re-detained under 8 U.S.C. § 1226.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Waco Division
WRITING FOR THE COURT	Alan D. Albright
JURISDICTION	United States District Court for the Western District of Texas, Waco Division
DECIDED	December 22, 2025
DOCKET	6:25-CV-00454-ADA-DTG
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief challenging his continued immigration detention under 8 U.S.C. § 1226. The magistrate judge recommended granting the writ and ordering immediate release, and the district court adopted the recommendation after de novo review.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation and the habeas petition.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status unknown.
PARTIES	Juan Carlos Rojas Marcelo v. Noem et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Petitioner's continued detention under 8 U.S.C. § 1226 was unlawful and warranted habeas relief.
2. Whether the district court should adopt the magistrate judge's recommendation to grant the writ and order Petitioner's release.

HOLDINGS

1. Petitioner's continued detention under 8 U.S.C. § 1226 was unlawful, warranting habeas relief and release from custody.
2. The district court adopted the magistrate judge's Report and Recommendation and granted the requested habeas relief to the extent of ordering Petitioner's release.
3. If Petitioner is re-detained under 8 U.S.C. § 1226, Respondents must follow all applicable procedures, including affording Petitioner a bond hearing.

KEY QUOTATIONS

“Petitioner has shown that his continued detention under 8 U.S.C. § 1226 is unlawful.”

“Respondents are DIRECTED to RELEASE Petitioner Juan Carlos Rojas Marcelo from custody, under appropriate conditions, to a public place by no later than 6:00 p.m. on December 23, 2025.”

FACTUAL BACKGROUND

Petitioner Juan Carlos Rojas Marcelo was detained by immigration authorities under 8 U.S.C. § 1226. The district court, after reviewing the habeas petition, Respondents' responses, hearing recordings, and applicable law, concluded that his continued detention was unlawful. The court ordered his release under appropriate conditions and required a bond hearing if he was subsequently detained under § 1226.

PROCEDURAL HISTORY

Petitioner filed a writ of habeas corpus. Magistrate Judge Derek T. Gilliland issued a Report and Recommendation on December 16, 2025, recommending that the writ be granted and Petitioner immediately released. The district court conducted de novo review, adopted the Report and Recommendation, ordered release by December 23, 2025, and denied all other relief as moot.

DISPOSITION

writ_granted

CASES CITED

- *Habets v. Waste Mgmt., Inc.*, 363 F.3d 378, 381 (5th Cir. 2004)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS WACO DIVISION
Rojas-Marcelo, § § Petitioner, § § v. § CIVIL NO. 6:25-CV-00454-ADA-DTG § Noem et al., § §
Respondents. § § § § § § ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION Before the Court is the Report and Recommendation of United States
Magistrate Judge Derek T. Gilliland. ECF No. 13.

The report recommends that this Court grant Petitioner's Writ of Habeas Corpus (ECF No. 1) and order Petitioner's immediate release. The report and recommendation was filed on December 16, 2025. A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing de novo review by the district court.

28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not wait for a respondent to file objections prior to submitting an order if the Court conducts a de novo review. *Habets v. Waste Mgmt., Inc.*, 363 F.3d 378, 381 (5th Cir. 2004) (noting that Fifth Circuit case law "permits a district court to adopt a magistrate's recommendation after one day before receiving any objections").

The Court has conducted a de novo review of Petitioner's Writ, Respondent's Responses, the hearing recordings, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted because Petitioner has shown that his continued detention under 8 U.S.C. § 1226 is unlawful. See ECF No. 13 at 6-8.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland (ECF No. 13) is ADOPTED. IT IS FURTHER ORDERED that Respondents are DIRECTED to RELEASE Petitioner Juan Carlos Rojas Marcelo from custody, under appropriate conditions, to a public place by no later than 6:00 p.m. on December 23, 2025. Respondents must NOTIFY Petitioner's counsel of the exact location and exact time of Petitioner's release as soon as practicable and no less than two hours before the release.

If Petitioner is re-detained pursuant to 8 U.S.C. § 1226, all applicable procedures must be followed, including that Petitioner must be afforded a bond hearing. All other relief is DENIED AS MOOT. See ECF No. 12. SIGNED this 22nd day of December, 2025. (Yee Q\oc i ALAN D AEBRIGHT UNITED STATES DISTRICT JUDGE ' Respondent may still file objections during the 14-day period if desired.