

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

Yennifer Valeria Davila Mercado v. Todd M. Lyons, Acting Director
of US ICE, et al.

No. 5:25-CV-1623-JKP (W.D. Tex. Dec. 11, 2025) · No. 5:25-CV-1623-JKP · Decided December 11, 2025

SUMMARY

The United States District Court for the Western District of Texas grants Yennifer Valeria Davila Mercado’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that the respondents may not detain her under the mandatory-detention provisions of 8 U.S.C. § 1225 because she had previously been released into full removal proceedings and had been present in the United States for more than two years; instead, § 1226(a) applies and entitles her to a bond hearing. The court orders her release under appropriate conditions and prohibits removal or transfer based on the challenged detention.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	December 11, 2025
DOCKET	5:25-CV-1623-JKP
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	A habeas petitioner must prove by a preponderance of the evidence that she is in custody in violation of the Constitution, laws, or treaties of the United States. Under 28 U.S.C. § 2243, the court must determine the facts and dispose of the matter as law and justice require.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Yennifer Valeria Davila Mercado v. Todd M. Lyons, Acting Director of US ICE, et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g), 1225(b)(4), or 1252(b)(9) deprived the district court of jurisdiction over Petitioner's § 2241 challenge to her immigration detention.
2. Whether the Government could subject Petitioner to mandatory detention under 8 U.S.C. § 1225(b)(1) based on her 2021 entry and later detention, despite her continued presence in the United States, release under § 1226, lack of a qualifying determination of inadmissibility, and placement in full rather than expedited removal proceedings.
3. Whether Petitioner's detention instead fell under 8 U.S.C. § 1226(a), thereby entitling her to a bond hearing.
4. Whether Petitioner was entitled to attorney fees under the Equal Access to Justice Act.

HOLDINGS

1. Section 1252(g) did not bar jurisdiction because Petitioner challenged the basis for her detention, not the decision to commence proceedings, adjudicate her case, or execute a removal order.
2. Section 1225(b)(4) did not deprive the court of jurisdiction over Petitioner's detention challenge.
3. Section 1252(b)(9) did not bar the district court from hearing Petitioner's habeas challenge to detention.
4. The Government could not detain Petitioner under 8 U.S.C. § 1225(b)(1) because she was not subject to expedited removal proceedings, had not been designated an arriving alien, and had not been determined inadmissible under either of the qualifying grounds identified in § 1225(b)(1)(A).
5. Because § 1225(b)(1) was inapplicable, Petitioner's detention fell under 8 U.S.C. § 1226(a), which entitled her to a bond hearing.
6. Petitioner was not entitled to attorney fees under the Equal Access to Justice Act because such fees are unavailable in a habeas corpus proceeding of this type.

KEY QUOTATIONS

“The question is not whether detention is an action taken to remove an alien but whether the legal questions in this case arise from such an action.” (Section III.A.3)

“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)

“Under the facts and circumstances of this case, this Court must conclude Petitioner’s detention is unlawful, and habeas relief is proper.” (Conclusion)

FACTUAL BACKGROUND

Petitioner, an asylum seeker from Venezuela, entered the United States in 2021, was placed in full removal proceedings, and was released on her own recognizance pursuant to 8 U.S.C. § 1226. She applied for asylum in September 2022, and nothing in the record showed that she violated the conditions of release or had been determined inadmissible. ICE detained her again on October 29, 2025, without providing a reason and without vacating or modifying the release order, and sought to justify mandatory detention under 8 U.S.C. § 1225(b)(1) even though Petitioner was already in full removal proceedings.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition challenging her detention by Immigration and Customs Enforcement. Respondents filed a response, and the court ruled without requiring a reply. The district court granted habeas relief, ordered Petitioner's release under appropriate conditions, prohibited removal or transfer under the existing detention, and directed that any future detention under 8 U.S.C. § 1226 comply with applicable procedures, including a bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to release Petitioner under appropriate conditions by noon on December 12, 2025; notify counsel of the location and time of release; refrain from removing or transferring her under the existing detention; and, if she 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)
- In re Yajure Hurtado, 29 I. & N. Dec. 216, 220 (BIA 2025)
- 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)
- Guevara v. Swearingen, No. 25 C 12549 (N.D. Ill. Nov. 12, 2025)
- 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)
- *Ozturk v. Hyde*, 136 F.4th 382, 399 (2d Cir. 2025)
- *Jennings v. Rodriguez*, 583 U.S. 281, 293, 295 n.3 (2018)
- *Beltran v. Noem*, No. 25-CV-2650, 2025 WL 3078837, at *3 (S.D. Cal. Nov. 4, 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)
- *Barco v. Witte*, 65 F.4th 782, 785 (5th Cir. 2023)

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