

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

Salvador Ayala Jimenez v. Pam Bondi, et al.

Ayala Jimenez v. Bondi · No. 4:26-CV-01294 · Decided April 24, 2026

SUMMARY

The United States District Court for the Southern District of Texas dismissed without prejudice a detainee’s 28 U.S.C. § 2241 petition challenging his immigration detention. The court held that the petitioner was an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and rejected his bond, due process, equal protection, Administrative Procedure Act, Suspension Clause, and Accardi doctrine claims. All other pending motions were 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 24, 2026
DOCKET	4:26-CV-01294
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention and asserting statutory, constitutional, Administrative Procedure Act, Suspension Clause, and Accardi-doctrine claims. The district court dismissed the petition without prejudice on preliminary review of the pleadings.
STANDARD OF REVIEW	Preliminary review and summary dismissal on the pleadings under Rule 4 of the Rules Governing § 2254 Cases, as applied to a § 2241 petition through Rule 1(b), when it plainly appears that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	Unknown; district-court order
PARTIES	Salvador Ayala Jimenez v. Pam Bondi, et al.

TOPICS

immigration detention

removal proceedings

administrative procedure act

due process

equal protection

PRACTICE AREAS

immigration

administrative law

constitutional law

habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether petitioner, who entered without inspection and has not been lawfully admitted, is an applicant for admission subject to detention under 8 U.S.C. § 1225(b)(2) rather than the bond-hearing framework of 8 U.S.C. § 1226(a).
2. Whether petitioner stated a viable Fifth Amendment due process claim challenging detention during removal proceedings.
3. Whether petitioner stated a viable Fifth Amendment equal protection claim based on his immigration detention.
4. Whether the Administrative Procedure Act or Suspension Clause provided a basis for relief when habeas corpus was available to challenge the detention.
5. Whether 8 C.F.R. § 287.8 and the Accardi doctrine provided a substantive cause of action in federal court 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 8 U.S.C. § 1225(b)(2); petitioner's arguments for a bond hearing under § 1226(a) and its implementing regulations were foreclosed.
2. Petitioner's Fifth Amendment due process claims failed at this juncture because detention during removal proceedings is constitutionally permissible.
3. Petitioner failed to state a Fifth Amendment equal protection claim because he did not show that he was outside the statutory definition of an applicant for admission or that similarly situated persons who entered without inspection were treated more favorably.
4. Petitioner's APA claims failed because habeas corpus supplied an adequate remedy in court.
5. Petitioner's Suspension Clause claim failed because habeas corpus remained available to challenge his immigration detention.
6. Petitioner had no substantive habeas claim under the Accardi doctrine based on the procedures used for his arrest because 8 C.F.R. § 287.8 does not provide a federal cause of action and 8 C.F.R. § 287.12 disclaims creation of enforceable rights.

KEY QUOTATIONS

“Detention during removal proceedings is a constitutionally permissible part of that process.” (at 2)

“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.” (at 3)

FACTUAL BACKGROUND

Petitioner is a noncitizen who entered the United States with his father at age fourteen without inspection and has not obtained lawful status. He was detained by DHS and ICE officials and placed in removal proceedings. His petition challenged his detention, sought bond-related relief, and asserted due process, equal protection, APA, Suspension Clause, and Accardi-doctrine claims concerning his detention and arrest procedures.

PROCEDURAL HISTORY

Salvador Ayala Jimenez, a noncitizen detained by Immigration and Customs Enforcement and placed in removal proceedings, filed a counseled § 2241 habeas petition. The district court determined from the petition and attached exhibits that he was an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), that his bond, due process, equal protection, APA, Suspension Clause, and arrest-procedure claims were legally insufficient or foreclosed, 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

Bondi

PER CURIAM.

Southern District of Texas

ENTERED

UNITED STATES DISTRICT COURT oe

SOUTHERN DISTRICT OF TEXAS □□□□

HOUSTON DIVISION

SALVADOR AYALA JIMENEZ, §

§ Petitioner, § §

VS. § CIVIL ACTION NO. 4:26-CV-01294

§ PAM BONDI, et al., § § Respondents. §

ORDER OF DISMISSAL

The petitioner, Salvador Ayala Jimenez, 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 his 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 reflects that Petitioner is a noncitizen who entered the United States with his father when he was 14 and has since been placed in removal proceedings. Doc. 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 No. 1 at 3, 7; Doc. No. 1-3. Petitioner does not allege that he has been lawfully admitted into the United States. Because Petitioner entered without inspection and has not obtained lawful status, he 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). As he acknowledges in his petition, his 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, his Fifth Amendment equal protection claim is unavailing because he does not state facts to show that he 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*, and “applicants for admission” all fall under that statute’s purview. He also does not show that a similarly situated class of people who entered without inspection are treated more favorably than he is. 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 2/4 in delinquency proceedings who were citizens). He does not show that he is in a protected class of people and that he has been treated less favorably than similarly situated individuals. He does not state a valid equal protection claim. In addition, his 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). Concomitantly, his related Suspension Clause claim fails because habeas remains available to challenge immigration detention. See *Jimenez*, Civ. A. No. H-25-5853; *Trump*, 604 U.S. at 674. Finally, his claims regarding the procedures used for his arrest under the *Accardi* doctrine’ are unavailing. The regulation he invokes, 8 C.F.R. § 287.8, does not provide a cause of action in federal court. Regarding part 287 of the regulations, section 287.12 outlines its scope and 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. § * 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). 3/4 287.12. Therefore, he has no substantive claim in this habeas proceeding under *Accardi* regarding the procedures used for his arrest. Therefore, the Court ORDERS as follows:

1. The petition (Doc. No. 1) is DISMISSED without prejudice.
2. All other pending motions, if any, are DENTED as MOOT.

MN SIGNED this 2 day of April 2026.

ANDREW S. HANEN

UNITED STATES DISTRICT JUDGE

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