

**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

OPINION

Bondi

PER CURIAM.

Southern District of Texas

ENTERED

UNITED STATES DISTRICT COURT of

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 (5th 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

