

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS

Yuniel Stivens Lobaina v. Bret Bradford, et al.

Lobaina v. Bradford · No. 4:26-CV-00619 · Decided April 24, 2026

OPINION

Yuniel Stivens Lobaina v. Bret Bradford, et al

PER CURIAM.

Southern District of Texas

ENTERED

UNITED STATES DISTRICT COURT ee

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

YUNIEL STIVENS LOBAINA, §

§ Petitioner, §

VS. CIVIL ACTION NO. 4:26-CV-00619

BRET BRADFORD, et al, : Respondents. :

ORDER OF DISMISSAL

The petitioner, Yuniel Stivens Lobaina, is a detainee in the custody of United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) officials at the Houston Contract Detention Facility. Through counsel, petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his continued detention. Doc. No. 1. Respondents have filed a motion for summary judgment, Doc. No.

6. Petitioner has not responded to the motion, and his time to do so has passed.

The uncontroverted evidence shows that Petitioner is a noncitizen who entered the United States as an arriving alien without lawful status and has since been placed in removal proceedings. Doc. Nos. 1, 1-2, 6-1. Petitioner does not plead facts to show that he has been lawfully admitted into the United States, and he does not so contend. Because Petitioner entered the United States as an arriving alien who has not been admitted legally, 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). His arguments 1/2 regarding bond hearings under 8 U.S.C. § 1226(a) and its implementing regulations are foreclosed by *Buenrostro-Mendez*. His detention is mandated by statute under section 1225(b)(2). 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.” *Jd.* (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”).
Therefore, the Court ORDERS as follows:

1. Respondents’ motion for summary judgment (Doc. No. 6) is GRANTED.
2. The petition (Doc. No. 1) is DISMISSED.
3. All other pending motions, if any, are DENIED as MOOT.

SIGNED this “2** Jay of April 2026.

ANDREW S.HANEN

UNITED STATES DISTRICT JUDGE

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