

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS

Cristobal Novas Apolonio v. Joshua Johnson, et al.

Apolonio · No. 4:26-CV-00510 · Decided March 23, 2026

SUMMARY

The Southern District of Texas denied a § 2241 habeas petition challenging the petitioner’s continued immigration detention and granted respondents’ motion for summary judgment. The court held that the petitioner’s arguments for discretionary bond under 8 U.S.C. § 1226(a), and his challenge to detention under 8 U.S.C. § 1225(b)(2), were foreclosed by Fifth Circuit precedent. The case was dismissed without prejudice, and any remaining motions were denied as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas
WRITING FOR THE COURT	José S. Hanen
JURISDICTION	United States District Court for the Southern District of Texas
DECIDED	March 23, 2026
DOCKET	4:26-CV-00510
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging continued immigration detention. Respondents moved for summary judgment, and petitioner did not file a timely reply.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Cristobal Novas Apolonio v. Joshua Johnson, et al.

TOPICS

- immigration detention
- summary judgment
- removal proceedings
- due process
- statutory interpretation

PRACTICE AREAS

- immigration
- immigration detention
- civil procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a) rather than mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether petitioner's Fifth Amendment Due Process Clause claims required relief from his detention.
3. Whether respondents were entitled to summary judgment on the § 2241 petition.

HOLDINGS

1. Petitioner was not entitled to relief based on his argument that § 1226(a), rather than § 1225(b)(2), governed his detention because the Fifth Circuit's decision in *Buenrostro-Mendez* foreclosed that interpretation.
2. Petitioner's due process claims were precluded at this juncture because detention during removal proceedings is constitutionally permissible.
3. Respondents were entitled to summary judgment, and the § 2241 petition was denied and dismissed without prejudice.

KEY QUOTATIONS

““§§1225(b)(1) and 1225(b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded”” (1/2)

FACTUAL BACKGROUND

Apolonio was detained by Immigration and Customs Enforcement at the Joe Corley Processing Center in Conroe, Texas. The undisputed record showed that he entered the United States without inspection and had not been admitted or paroled. He argued that he was entitled to discretionary bond under 8 U.S.C. § 1226(a) and had been improperly classified as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Apolonio filed a § 2241 habeas petition challenging his detention and asserting entitlement to a bond hearing under 8 U.S.C. § 1226(a). Respondents filed a response and motion for summary judgment. The court denied the petition, granted summary judgment to respondents, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. Feb. 6, 2026)
- *Maldonado Bautista v. Santacruz*, --- F.Supp.3d ----, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025)
- *Demore v. Kim*, 538 U.S. 510, 531 (2003)
- *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018)

OPINION

Apolonia

PER CURIAM.

Southern District of Texas

ENTERED

March 23, 2026 UNITED STATES DISTRICT COURT Nathan Ochsner, Clerk

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

CRISTOBAL NOVAS APOLONIO, §

§ Petitioner, § §

VS. § CIVIL ACTION NO. 4:26-CV-00510

§ JOSHUA JOHNSON, et al., § § Respondents. §

ORDER OF DISMISSAL

The petitioner, Christobal Novas Apolonio, is a detainee in the custody of United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) officials at the Joe Corley Processing Center in Conroe, Texas. 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 response and motion for summary judgment. Doc. No. 5. Petitioner has not filed a reply in opposition, and his time to do so has passed. The undisputed facts in the record show that Petitioner entered the United States unlawfully, entering without inspection and without having been admitted or paroled. Doc. No. 5 at 2. Petitioner contends that he is entitled to a bond hearing under 8 U.S.C. § 1226(a), the statute permitting discretionary bond, and that he has been erroneously categorized as a detainee subject to 8 U.S.C. § 1225(b)(2), the mandatory detention statute. 1/2 Petitioner’s arguments regarding sections 1225 and 1226 are foreclosed by the Fifth Circuit’s decision in Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. Feb. 6, 2026). His arguments regarding the class action in Maldonado Bautista v. Santacruz, --- F.Supp.3d ----, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), similarly fail because they are based on an interpretation of sections 1225 and 1226 that was rejected in Buenrostro- Mendez. See Maldonado Bautista, 2025 WL 3713987, at *8-12. Likewise, his Fifth Amendment Due Process Clause 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”). Accordingly, the Court ORDERS as follows:

1. The petition (Doc. No. 1) is DENIED.
2. Respondents’ motion for summary judgment (Doc. No. 5) is GRANTED.
3. This case is DISMISSED without prejudice.
4. All other pending motions, if any, are DENIED as MOOT.

SIGNED on this 23 c © ay of March 2026. los. S. HANEN

UNITED STATES DISTRICT JUDGE

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