

United States District Court

Southern District of Texas

**ENTERED**

February 02, 2026

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISIONDANIEL ELIZALDE CASTRO,  
A# 221-280-055,

Petitioner,

VS.

WARDEN RAYMOND E. THOMPSON, *et al.*

Respondents.

CIVIL ACTION NO. 4:26-0082

**MEMORANDUM OPINION AND ORDER**  
**GRANTING WRIT OF HABEAS CORPUS**

Petitioner Daniel Elizalde Castro is detained in the custody of officials with Immigration and Customs Enforcement (ICE) at the Joe Corley Processing Center. Through counsel, the petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Dkt. 1).

The petition and supporting documents state that the petitioner is a native and citizen of Mexico; that he entered the United States in 2002, when he was approximately 15 years old; that he has continuously resided in the United States for over 23 years; that he is married to a United States citizen and has three children who are United States citizens; that he has no criminal convictions or arrests and does not pose a danger to the community or risk of flight; that immigration officials detained him at a jobsite on November 20, 2025, when seeking someone else; that he has been in ICE custody since November 20 and has been placed in removal proceedings; and that the respondents state that he is not eligible

for a bond hearing, unlawfully subjecting him to mandatory detention under 8 U.S.C. § 1225(b). He seeks immediate release or, in the alternative, a bond hearing under 8 U.S.C. § 1226 within seven days, among other relief.

On January 13, 2026, the Court entered an order for an expedited answer (Dkt. 4). The Court also entered an order to show cause (Dkt. 5) why the petitioner should not be immediately released from custody or, in the alternative, be granted a bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within seven days.

On January 20, 2026, the federal respondents filed a motion to dismiss the petition or, in the alternative, for summary judgment (Dkt. 7). The respondents oppose habeas relief, arguing that the petitioner failed to exhaust his administrative remedies and is subject to mandatory detention under 8 U.S.C. § 1225(b). They do not contest the facts recited by the petitioner and assert no other basis for the petitioner's detention.

Having considered the parties' briefing and all matters of record, the Court determines that the petitioner, who had been present in the United States for over 20 years when detained, is not subject to mandatory detention under 8 U.S.C. § 1225(b). *See Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048 (7th Cir. 2025); *Behnam Goorakani v. Lyons*, No. 25-CV-9456, 2025 WL 3632896 (S.D.N.Y. Dec. 15, 2025); *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. H-25-3726, 2025 WL 2886346, at \*2 (S.D. Tex. Oct. 7, 2025). The Court further determines that the exhaustion doctrine does not bar judicial review. *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 680-81 (W.D. Tex. 2025)

(exhaustion is not required because requiring the petitioner to wait indefinitely for an agency appeal would exacerbate his alleged constitutional injury); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 496 (S.D.N.Y. 2025) (exhaustion is not statutorily required and was excused given that available remedies provided no genuine opportunity for adequate relief and the petitioner raised a substantial constitutional question); *Buenrostro-Mendez*, 2025 WL 2886346, at \*3 (exhaustion was not statutorily required under the circumstances and the issue of statutory interpretation belongs in the province of the courts). Because the respondents do not argue that 8 U.S.C. § 1226(a) applies, the Court does not consider § 1226(a) as a basis for the petitioner's detention.<sup>1</sup>

“Habeas is at its core a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The remedy for unlawful detention “is, of course, release.” *Id.*; see *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (based on statutory language of 28 U.S.C. § 2241(c)(3) and the common-law history of the writ, “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody”); see also *Ahmed* 2026 WL 25627, at \*3 (collecting recent cases). After reviewing the authorities and all matters of

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<sup>1</sup> See *Martinez v. Hyde*, 792 F. Supp. 3d 211, 223 n.23 (D. Mass. 2025) (“Since there is no indication or present assertion that Petitioner is subject to detention under section 1226, the Court sees no reason to consider that basis”); *Luna v. Warden*, No. EP-25-CV-00565-DCG, 2025 WL 3787494, at \*11 (W.D. Tex. Dec. 29, 2025) (“The Court will not consider whether Petitioner’s detention is lawful under authorities for which Respondents themselves have not advocated”); *Pineda v. Noem*, No. SA-25-CA-01518-XR, 2025 WL 3471418, at \*6 (W.D. Tex. Dec. 2, 2025). In any event, § 1226(a) has specific requirements, including issuance of a warrant. See *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*3 (D. Minn. Jan. 5, 2026); *Chogollo Chafla v. Scott*, No. 2:25-CV-00437-SDN, 2025 WL 2688541, at \*11 (D. Me. Sept. 21, 2025). The respondents have not asserted that the requirements of § 1226(a) were satisfied in this case.

record, the Court determines that release is the appropriate habeas relief for the unlawful detention in this case.

The Court therefore **ORDERS** as follows:

1. The respondents' motion to dismiss the petition or, in the alternative, for summary judgment (Dkt. 7) is **DENIED**.
2. The petition for habeas relief (Dkt. 1) is **GRANTED**. The respondents are **ORDERED** to release the petitioner from custody **within 48 hours of this order** to a public location.
3. The respondents are further **ORDERED** to inform the petitioner and petitioner's counsel of the time and location of release **at least two hours before the release**.
4. The respondents are further **ORDERED** to file a status report updating the Court **within five days** of this order.
5. The Court previously ordered that the respondents notify the Court and petitioner's counsel of any anticipated or planned transfer of the petitioner outside of the Southern District of Texas at least five (5) days before any such transfer. This order **REMAINS IN PLACE**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on February 2, 2026.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE