

ENTERED

September 10, 2026

Nathan Ochsner, Clerk

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

JOSE MANUE CAMPOS CHAIREZ,

Petitioner,

v.

RAYMOND THOMPSON, et al.,

Respondents.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-26-5931

MEMORANDUM OPINION AND ORDER

Jose Manuel Campos Chairez (“Petitioner”), a citizen of Mexico, entered the United States without inspection in 2002.¹ On July 10, 2026, Petitioner was encountered and apprehended by the Galveston County Constables Office.² On July 11, 2026, Petitioner was transferred to immigration custody.³ That same day Petitioner was served with a Notice to Appear, charging him with inadmissibility pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), “as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.”⁴ Petitioner remains in immigration custody.⁵

¹Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (“Habeas Petition”), Docket Entry No. 1, p. 7 ¶¶ 26, 28; Motion to Stay and in the Alternative, Motion to Dismiss and/or for Summary Judgment (“Respondents’ MSJ”), Docket Entry No. 5, p. 2. For purposes of identification, all page numbers refer to the pagination imprinted at the top of the page by the court’s Electronic Case Filing system.

²Respondents’ MSJ, Docket Entry No. 5, p. 3.

³Id.

⁴Notice to Appear, Exhibit 2 to Respondents’ MSJ, Docket Entry No. 5-2, pp. 2, 5.

⁵Respondents’ MSJ, Docket Entry No. 5, p. 3.

Pending before the court is Petitioner's Habeas Petition (Docket Entry No. 1). Petitioner argues that his detention without a bond hearing violates the Immigration and Nationality Act, due process, equal protection, and the Suspension Clause.⁶ Petitioner also argues that his warrantless arrest violates the Accardi doctrine.⁷ Also pending before the court is Respondents' Motion for Summary Judgment (Docket Entry No. 5). Respondents argue that Petitioner is legally detained under § 1225(b)(2) because he is an applicant for admission.⁸ Petitioner has filed a response.⁹

Because "presence without admission deems [Petitioner] to be [an] applicant[] for admission," Petitioner is subject to mandatory detention under § 1225(b)(2). Buenrostro-Mendez v. Bondi, 166 F.4th 494, 498, 502 (5th Cir. 2026). This mandatory detention does not violate substantive or procedural due process. As explained in Garcia De La Cruz v. Bondi, Civil Action No. H-25-5577, 2026 WL 309939 (S.D. Tex. Feb. 5, 2026), the Supreme Court has made clear that "[d]etention during removal proceedings is a constitutionally permissible part of that process." Id. at *2 (quoting Demore v. Kim, 123 S. Ct. 1708, 1721–22 (2003)). Moreover, as explained in Jacobo-Ventura v. Dickey, Civil Action No. H-25-6117 (S.D. Tex. Feb. 19, 2026), because

⁶Habeas Petition, Docket Entry No. 1, pp. 20–32 ¶¶ 78–141. As explained by Jimenez v. Noem, Civil Action No. H-25-5853 (S.D. Tex. Feb. 10, 2026), Petitioner's claim that his detention violates the Suspension Clause is foreclosed. Petitioner also argues that his detention without a bond hearing is arbitrary and capricious under the Due Process Clause of the Fifth Amendment. Id. at 11–12 ¶¶ 53–59. This claim will be addressed as part of Petitioner's broader Due Process claim. See Betancourth v. Tate, CIVIL ACTION NO. 4:26-cv-01169, 2026 WL 638482, at *1 n.2 (S.D. Tex. Mar. 6, 2026). However, to the extent that Petitioner alleges this claim under the Administrative Procedure Act, it is foreclosed as a matter of law. Garcia v. Venegas, CIVIL ACTION NO. 1:26-CV-266, 2026 WL 1580638, at *1 n.3 (S.D. Tex. Jun. 2, 2026).

⁷Habeas Petition, Docket Entry No. 1, pp. 32–34 ¶¶ 142–152.

⁸Respondents' MSJ, Docket Entry No. 5, pp. 1–2.

⁹Petitioner's Response in Opposition to Respondent's Motion to Stay and the Alternative Motion to Dismiss and/or Motion for Summary Judgment, Docket Entry No. 6.

Petitioner only has those rights regarding admission that Congress has provided by statute, and because § 1225(b)(2) mandates detention of applicants for admission until certain proceedings have concluded, Petitioner is not entitled to a bond hearing as a matter of procedural due process.

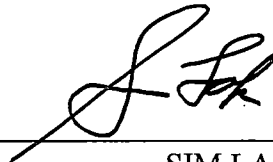
Petitioner's "Fifth Amendment equal protection claim is unavailing because he fails to identify a similarly situated class that is treated more favorably than noncitizens who entered the country without inspection, and he does not state facts to show that he falls outside of the statutory definition of an applicant for admission under 8 U.S.C. § 1225(b) as interpreted by the Fifth Circuit in Buenrostro-Menendez." Soy v. Blanche, CIVIL ACTION NO. 4:26-CV-02808, 2026 WL 1018345, at *1 (S.D. Tex. Apr. 15, 2026).

Moreover, Petitioner cannot seek habeas relief under the Accardi doctrine. Although Petitioner alleges he was arrested without a warrant in violation of 8 C.F.R. § 287.8(c)(2)(ii), "an illegal arrest has no bearing on the legality of detention following that arrest." Carnesolta v. Tate, Civil Action Number 4:26-cv-01006, 2026 WL 948727, at *4 (S.D. Tex. Apr. 8, 2026).

For the reasons explained above, Respondents' Motion for Summary Judgment (Docket Entry No. 5) is **GRANTED**, and Petitioner's Petition for Writ of Habeas Corpus (Docket Entry No. 1) is **DENIED**.

The court will enter a final judgment in favor of Respondents.

SIGNED at Houston, Texas, on this 10th day of September, 2026.



SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE