

FILED

January 31, 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: Jaemie Herndon
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ADRIAN CONEJO ARIAS, and
L.C.R., a Minor Child by and through His
Parent and Guardian Adrian Conejo Arias,

Petitioners,

VS.

KRISTI NOEM, in Her Official Capacity as
Secretary of the United States Department of
Homeland Security; PAMELA BONDI, in Her
Official Capacity as Attorney General of the
United States; TODD LYONS, in His Official
Capacity as Acting Director, United States
Immigration and Customs Enforcement;
DAREN MARGOLIN, in His Official Capacity
as Acting Director of the Executive Office of
Immigration Review; and JOHN DOE, in His
Official Capacity as the Warden of the Dilley
Immigration Processing Center in Dilley, Texas,

Respondents.

CIVIL CASE NO. SA-26-CV-415-FB

OPINION AND ORDER OF THE COURT

Before the Court is the petition of asylum seeker Adrian Conejo Arias and his five-year-old son for protection of the Great Writ¹ of habeas corpus. They seek nothing more than some modicum of due process and the rule of law. The government has responded.

The case has its genesis in the ill-conceived and incompetently-implemented government pursuit of daily deportation quotas, apparently even if it requires traumatizing children. This Court and others regularly send undocumented people to prison and orders them deported but do so by proper legal procedures.

¹ *Ex parte Bollman*, 8 U.S. (4 Cranch) 75 (1807); Sir William W. Blackstone, *Commentaries on the Laws of England* (1765-1769); *see also* Magna Carta, Article 39.

Apparent also is the government's ignorance of an American historical document called the Declaration of Independence. Thirty-three-year-old Thomas Jefferson enumerated grievances against a would-be authoritarian king over our nascent nation. Among others were:

1. "He has sent hither Swarms of Officers to harass our People."
2. "He has excited domestic Insurrection among us."
3. "For quartering large Bodies of Armed Troops among us."
4. "He has kept among us, in Times of Peace, Standing Armies without the consent of our Legislatures."

"We the people" are hearing echos of that history.

And then there is that pesky inconvenience called the Fourth Amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

U.S. CONST. amend. IV.

Civics lesson to the government: Administrative warrants issued by the executive branch to itself do not pass probable cause muster. That is called the fox guarding the henhouse. The Constitution requires an independent judicial officer.

Accordingly, the Court finds that the Constitution of these United States trumps this administration's detention of petitioner Adrian Conejo Arias and his minor son, L.C.R. The Great Writ and release from detention are GRANTED pursuant to the attached Judgment.

Observing human behavior confirms that for some among us, the perfidious lust for unbridled power and the imposition of cruelty in its quest know no bounds and are bereft of human decency. And the rule of law be damned.

Ultimately, Petitioners may, because of the arcane United States immigration system, return to their home country, involuntarily or by self-deportation. But that result should occur through a more orderly and humane policy than currently in place.

Philadelphia, September 17, 1787: "Well, Dr. Franklin, what do we have?" "A republic, if you can keep it."

With a judicial finger in the constitutional dike,

It is so ORDERED.

SIGNED this 31st day of February, 2026.



FRED BIERY

UNITED STATES DISTRICT JUDGE



Credit: Bystander
Matthew 19:14
John 11:35