

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ELIS ARMANDO RODRIGUEZ PERAZA,

Petitioner,

v.

CAUSE NO. EP-25-CV-620-KC

TODD M. LYONS, et al.,

Respondents.

**PETITIONER’S MOTION TO REOPEN CASE AND FOR EXPEDITED
ENFORCEMENT OF RELEASE**

Petitioner Elis Armando Rodriguez Peraza, by and through undersigned counsel, respectfully moves the Court to reopen this matter and for expedited relief requiring Respondents to effectuate Petitioner’s release. In support, Petitioner states as follows:

I.

INTRODUCTION

On December 15, 2025, the Court granted in part Petitioner’s Petition for Writ of Habeas Corpus and ordered Respondents to either (1) provide Petitioner with a bond hearing before an Immigration Judge (“IJ”), at which the Government was to bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Petitioner’s continued detention; or (2) release Petitioner from custody, under reasonable conditions of supervision. Respondents subsequently informed the Court that, on December 18, 2025, an IJ ordered Petitioner released from custody on a \$3,000.00 bond.

On December 23, 2025, the Court entered Final Judgment closing the case and expressly providing that “[t]o the extent Rodriguez Peraza wishes to seek additional relief from the Court, he may file a motion to reopen.” Petitioner now seeks that additional relief because the \$3,000.00

bond has been posted, yet Respondents have not released Petitioner, and he remains in custody without lawful justification.

II.

PROCEDURAL BACKGROUND

On December 15, 2025, the Court granted in part Petitioner's habeas petition and ordered Respondents to provide a constitutionally adequate bond hearing or release Petitioner under reasonable conditions of supervision. Respondents reported that on December 18, 2025, an IJ ordered Petitioner released on a \$3,000.00 bond. On December 23, 2025, the Court entered Final Judgment closing the case but expressly permitted Petitioner to seek additional relief through a motion to reopen.

III.

FACTUAL BASIS FOR REOPENING AND RELIEF

The IJ ordered Petitioner released on a \$3,000.00 bond. Petitioner's family posted the bond on December 22, 2025. Despite of the bond being posted, Petitioner remains detained at El Paso Processing Center in El Paso, Texas as of January 13, 2026. Respondents have provided no lawful basis for continued detention after the posting of bond and the issuance of the IJ bond order.

The Department of Homeland Security ("DHS") did not timely trigger an automatic stay and did not seek a discretionary stay from the Board of Immigration Appeals ("BIA"). As of December 22, 2025, DHS/ICE continues to detain Petitioner in violation of the Immigration Judge's order, the Immigration and Nationality Act, applicable regulations, and the Due Process Clause.

IV.

LEGAL STANDARD

A. Reopening

A federal district court has broad authority to manage its docket, enforce its orders, and to reopen a closed case where necessary to provide additional relief contemplated by the Court’s judgment or order. *See* Fed. R. Civ. P. 60(b) (authorizing relief from a final judgment or order on motion); *Dietz v. Bouldin*, 579 U.S. 40, 45–46 (2016) (recognizing courts’ inherent authority to manage their dockets and courtroom proceedings); *Waffenschmidt v. MacKay*, 763 F.2d 711, 716 (5th Cir. 1985) (recognizing district courts’ ancillary jurisdiction and power to enforce their orders).

Here, the Court’s Final Judgment expressly provides that, “[t]o the extent Rodriguez Peraza wishes to seek additional relief from the Court, he may file a motion to reopen.”

B. Habeas Authority to Order Effective Relief

This Court has authority under 28 U.S.C. § 2241 to grant habeas relief from unlawful immigration detention. In adjudicating a habeas petition, the Court is directed to “dispose of the matter as law and justice require.” 28 U.S.C. § 2243. The Court may therefore order such relief as is necessary to ensure its habeas order is given practical effect, including ordering release when continued detention lacks lawful justification. *See* 28 U.S.C. §§ 2241, 2243.

V.

ARGUMENT

A. Reopening Is Appropriate Under the Court’s Final Judgment

The Court’s Final Judgment expressly contemplates reopening to seek additional relief. Petitioner seeks narrow, case-specific relief necessary to enforce the practical effect of the Court’s December 15, 2025 Order and the IJ’s bond release order.

B. Continued Detention After Bond Is Posted Warrants Immediate Court Intervention

Once bond has been posted pursuant to the IJ's order, Respondents are required to effectuate release. Continued detention under these circumstances is arbitrary and inconsistent with the relief already granted in this case. Petitioner therefore requests expedited enforcement relief and Court supervision to ensure compliance. The regulations allow DHS to seek a stay of the Immigration Judge's custody determination pending a BIA appeal. A stay prevents the individual from being released pursuant to the Immigration Judge's bond decision during the pendency of the BIA appeal of the Immigration Judge's bond decision. If DHS does not seek a stay, the filing of a bond appeal "shall not operate to delay compliance with the [IJ's bond] order . . . nor stay the administrative proceedings or removal." § 236.1(d)(4). The regulations also allow DHS to seek an automatic stay and allow for a discretionary stay upon DHS motion in connection with a DHS appeal of a bond decision. § 1003.19(i)(1).

The automatic stay provision is triggered "[i]n any case in which DHS has determined that [a noncitizen] should not be released or has set a bond of \$10,000 or more." § 1003.19(i)(2). In automatic stay cases, the Immigration Judge's custody order "shall be stayed upon DHS's filing of a notice of intent to appeal the custody redetermination (Form EOIR-43) with the immigration court within one business day of the order." *Id.* The bond decision will not be stayed if DHS does not trigger a stay by filing Form EOIR-43 within one day of the Immigration Judge's decision. § 1003.19(i)(2). DHS is also allowed to file a discretionary stay with the BIA to keep a noncitizen detained. *Id.*

Petitioner's continued detention contravenes the plain language of the INA and its implementing regulations. At the bond hearing, Petitioner demonstrated that he is neither a danger to the community nor a flight risk. DHS, in contrast, failed to carry its burden of proving by clear and convincing evidence that Petitioner presents a danger to the community or a risk of flight.

Petitioner has no criminal convictions.

DHS's continued detention of Petitioner is plainly unlawful. First, DHS did not seek an automatic stay pursuant to 8 C.F.R. § 1003.19(i)(2). Second, DHS has not petitioned the BIA for a discretionary stay. *Id.* Respondents are bound by the INA and its implementing regulations. Nevertheless, Respondents continue to openly disregard these legal requirements and to subject Petitioner to unlawful detention, despite Petitioner's clear entitlement to release pursuant to the Immigration Judge's bond order. DHS cannot disregard the Immigration Judge's order and unilaterally refuse to release the Petitioner. On January 13, 2026, DHS informed Petitioner's counsel that it intended to file an appeal and seek a stay from the BIA. DHS's stated intent to pursue an appeal and a stay, however, does not provide lawful authority to continue detaining Petitioner in the absence of an automatic stay.

Respondents' continued detention of Petitioner is not a close question—it is unlawful. An Immigration Judge granted bond and ordered release upon posting a \$3,000 bond, and DHS failed to timely invoke the legal mechanisms that could have stayed or preserved review of that order with an automatic stay. Rather than comply, DHS has effectively nullified the Immigration Judge's decision through administrative inaction and unilateral refusal to accept the bond. The INA and its implementing regulations do not permit DHS to ignore an operative custody order, substitute its own view of the facts, or impose continued detention without lawful authority. Each day Petitioner remains confined under these circumstances constitutes an ongoing deprivation of liberty without due process of law. This Court should grant relief and order Respondents to immediately honor the bond order and release the Petitioner.

C. The Court Should Require an Immediate Status Report and Order Release by a Date Certain

Given the liberty interests at stake and the clear release predicate (bond posted), the Court should require Respondents to file an immediate status report explaining the delay and confirming the bond posting, and order Respondents to release Petitioner forthwith, or by a date certain, absent a legally valid reason supported by evidence.

V.

REQUESTED RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Reopen this case;
2. Order Respondents to file an expedited status report within 24 hours confirming: (a) the date bond was posted; (b) Petitioner's current custody location; (c) the reason for continued detention; and (d) the expected release date and time;
3. Order Respondents to release Petitioner immediately, or no later than 24 hours from entry of the Court's order, absent a showing of a lawful basis for continued detention;
4. Set an expedited status conference, if necessary; and
5. Grant such other and further relief as the Court deems just and proper.

January 13, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 13, 2026, I served the foregoing Motion to Reopen on all counsel of record via the Court's CM/ECF system.

/s/ Brenda M. Villalpando

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