

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

Iverson Delgado-Lambrano,

Case No. 3:26-cv-00027-DB

Petitioner,

v.

WARDEN, ERO El paso Camp East Montana, et al.,,

Respondents.

**PETITIONER'S REPLY TO ORDER TO SHOW CAUSE AND NOTICE OF
RESPONDENTS' FAILURE TO RESPOND**

Petitioner respectfully submits this reply pursuant to the Court's January 12, 2026, Order to Show Cause. The Court ordered Respondents to show cause no later than January 14, 2026, why the writ should not be granted. As of the time of this filing, Respondents have failed to file any response, request an extension, or otherwise attempt to justify Petitioner's continued detention. He was unlawfully denied bond because Respondents improperly classified Petitioner as an "arriving alien" under INA § 235(b), based on an encounter that occurred when he was a minor, even though his current arrest occurred in the interior of the United States, where he has lived, worked, and sought lawful protection.

Respondents' silence is dispositive in this posture. The Court has already determined that, as alleged, Petitioner's case is materially indistinguishable from cases in which this Court has found procedural due process violations, including *Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025). The Court further explained that absent new authority, Respondents could safely assume the Court's position on the law has not changed

and were required to explain why the facts here warrant a different outcome. Respondents have done neither. Their failure to respond confirms that no new authority exists and that no meaningful factual distinction can be drawn.

Because Respondents have not met their burden to justify Petitioner's continued detention without an individualized hearing, the writ should issue. *See, e.g., Hamdi v. Rumsfeld*, 542 U.S. 507, 558 (2004). Petitioner has alleged—and Respondents have not disputed—that he is a long-present asylum seeker, detained in the interior without criminal history, without flight risk, and without danger to the community, and that he is being subjected to mandatory detention under a novel interpretation of 8 U.S.C. § 1225(b) that deprives him of any hearing whatsoever. On this record, continued detention violates the Fifth Amendment.

Accordingly, Petitioner respectfully requests that the Court grant the writ and order his immediate release, or in the alternative order Respondents to provide a prompt, constitutionally adequate bond hearing before a neutral adjudicator with the burden on the government. Petitioner further requests that the Court maintain its existing restraining order preventing transfer or removal until such relief is effectuated.

Respectfully submitted January 15, 2026,

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CERTIFICATE OF SERVICE

I certify that on January 15, 2026, I filed the foregoing PETITIONER'S REPLY TO ORDER TO SHOW CAUSE AND NOTICE OF RESPONDENTS' FAILURE TO RESPOND using the Court's CM/ECF system, which will serve all counsel of record who are registered CM/ECF users.

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