

**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.

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**PETITIONER'S EMERGENCY MOTION TO ENFORCE HABEAS ORDER AND
FOR IMMEDIATE RELEASE**

Petitioner Iverson Delgado-Lambrano respectfully moves this Court for entry of an order enforcing its January 16, 2026, Order granting habeas relief in part and directing Petitioner's immediate release. In support, Petitioner states as follows.

On January 16, 2026, this Court granted Petitioner's Petition for Writ of Habeas Corpus in part on procedural due process grounds and ordered Respondents to either provide Petitioner with a bond hearing at which the government bore the burden of proving dangerousness or flight risk by clear and convincing evidence, or to release Petitioner from custody under reasonable conditions of supervision no later than January 20, 2026.

Respondents elected to provide a bond hearing. That hearing was conducted, the government bore the burden as ordered by the Court, and the Immigration Judge granted bond. The family thereafter attempted to post bond. Respondents rejected the first proposed obligor. A second obligor was subsequently accepted, and bond payment was made and accepted by Respondents.

Despite the bond being granted, an obligor accepted, and payment tendered, Respondents have continued to detain Petitioner. Respondents have represented that although the bond was paid by the accepted obligor, the bond has not yet been “signed and completed” because the payment must be verified by another office. As of January 28, 2026, Petitioner remains in custody.

Respondents’ continued detention of Petitioner violates this Court’s January 16, 2026 Order. The Court ordered release no later than January 20, 2026, absent lawful continued custody. Once bond was granted and payment accepted, Respondents lacked any legal authority to continue detaining Petitioner. Internal administrative or inter-office verification procedures do not excuse or toll compliance with a federal court order and do not authorize continued detention. Petitioner has been in contact with the counsel representing the Respondents on both January 27, 2026, and January 28, 2026, to no avail, Petitioner remains detained.

This Court retains inherent authority to enforce its habeas orders notwithstanding the entry of judgment. Without enforcement, the relief granted by the Court is rendered meaningless. Petitioner remains unlawfully detained solely due to Respondents’ internal processing delays, which cannot supersede this Court’s mandate.

Petitioner therefore respectfully requests that the Court enforce its January 16, 2026, Order and direct Respondents to immediately release Petitioner. Petitioner further requests that the Court order Respondents to file a written advisory within twenty-four hours confirming Petitioner’s release and retain jurisdiction until compliance is confirmed. In the alternative, should Respondents contend that continued detention is lawful, Petitioner requests that the Court order Respondents to show cause immediately why they should not be held in contempt for failure to comply with the Court’s Order.

Given that the Court's release deadline has passed, bond has been granted, payment accepted, and Petitioner remains detained, emergency relief is warranted.

WHEREFORE, Petitioner respectfully requests that this Court grant this Emergency Motion to Enforce Habeas Order and for Immediate Release and award such other and further relief as the Court deems just and proper.

Respectfully submitted January 28, 2026,

/s/ Bonnie Smerdon

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on January 28, 2026, I filed the foregoing PETITIONER'S EMERGENCY MOTION TO ENFORCE HABEAS ORDER AND FOR IMMEDIATE RELEASE and PROPOSED ORDER using the Court's CM/ECF system, which will serve all counsel of record who are registered CM/ECF users.

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