

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Recinos)	
)	
Petitioner,)	Case No: CV-26-52-R
)	
v.)	
)	
Grant, et al)	
)	
)	
Respondents)	

**REPLY TO RESPONSE IN OPPOSITION TO
THE PETITION FOR WRIT OF HABEAS CORPUS**

Osmany Alexander Recinos, (“Petitioner”) hereby submits this Reply to the Respondents’ Response in Opposition to the Petition for Writ of Habeas Corpus

I. LEGAL FRAMEWORK

A. The Respondents’ Applicant for Admission Argument is irrelevant and non-responsive to the Petitioner’s assertions under the law

DHS counsel presents an argument in response to the Petition for Writ of Habeas Corpus that cites statutes and law that are not relevant to the statutes and relevant facts alleged in the Petition for Writ of Habeas Corpus as the Respondents’ completely disregard the fact that the Petitioner was already detained and released on a \$1,500.00 bond by the U.S. Department of Homeland Security (“DHS”) on November 7, 2013.¹ Since Petitioner was already detained and released by DHS, the Petition is challenging the re-detention of the Petitioner without changed circumstances, and not bond eligibility as the Respondents attempt to argue is the case.

¹ Petitioner’s Exhibit 1

The Respondents are arguing that the Petitioner is “an applicant for admission” and therefore not entitled to a bond under 8 U.S.C. §1226(b)(2) or the “catchall” statute 8 U.S.C. §1226(b)(2).² However, this is not relevant as the argument put forth by the Petitioner is that he was already detained by DHS and released on bond. The Petition for Writ of Habeas was filed in response to the Petitioner’s “re-detention” without notice or cause after he was already released on bond. The Respondents’ response in opposition does not even bother to address this fact or cite any relevant law or circumstance that would justify the Petitioner’s re-detention after release.

II. Petitioner’s Background

The Respondents go through the Petitioner’s case history, in detail, from the date that he entered the United States in November of 2013 to the date that he filed his I-589 Application for Asylum (September 18, 2014) to make the argument that he is an “applicant for admission” and his detention is lawful under 8 U.S.C. §1225(b)(1) or §1225(b)(2).³ However, the Response leaves out the case history which includes the “Notice to EOIR: Alien Address” document which clearly indicates that the Petitioner was released on a \$1,500.00 cash bond November 27, 2013. This document would have been and is still included in the Record of Proceeding where one may presume that the Respondents obtained the other documents in the case history.

Since the Petitioner was already released on bond by DHS, and has not violated any conditions of said bond, DHS’s decision to *re-detain* him without notice or cause is unlawful. Nowhere in the thirteen (13) pages of the Respondents’ opposition brief do the Respondents address the fact that the Petitioner had already been in the custody of DHS and they had already made the

² See Response pg. 3 ¶ 3

³ See Response pg. 4 ¶ 2-3

decision to release him on bond in November of 2013.⁴ The Petitioner is challenging his re-detention without cause or warning after his release on bond and not his eligibility for a new bond.

III. Conclusion

Petitioner respectfully requests that this Court grant his Petition for Writ of Habeas Corpus and order his immediate release. Petitioner's re-detention without cause or notice is a violation of his Fifth Amendment rights under the United States Constitution, INA 236(a) which does not permit arbitrary revocation of bonds and 5 U.S.C. § 706(2)(A) of the Administrative Procedures Act (APA) which prohibits the agency from making "arbitrary or capricious" decisions.

Respectfully submitted.

Dated: February 2, 2026



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⁴ It is worth noting that Respondents' counsel described the Petitioner's assertions as being "in a conclusory fashion" when it is clear that counsel for the Respondents either did not carefully read the Petition or entirely ignored the Petitioner's grounds for the Petition.

U.S. Department of Homeland Security

Notice to EOIR: Alien Address

Date: November 27, 2013

File 

To: Office of the Immigration Judge
Executive Office for Immigration Review
3260 N. Pinal Parkway Avenue
Florence, AZ 85132

From: Department of Homeland Security, Immigration and Customs Enforcement
3250 N. Pinal Parkway Avenue
Florence, AZ 85132

Respondent: RECINOS, OSMANY ALEXANDER

This is to notify you that this respondent is:

Currently incarcerated by other than DHS. A charging document has been served on the respondent and Immigration Detainer-Notice of Action by the DHS (Form I-247) has been filed with the institution shown below. He/She is incarcerated at:

His/Her anticipated release date is: _____

Currently detained by DHS at: _____

Currently detained by DHS and transferred this date to a new location: _____

DHS motion for change of venue attached. Yes No

Released from DHS custody on the following condition(s):

Personal Recognizance

Order of Recognizance (Form I-220A)

Bond in the amount of \$ 1500.00 Surety bond Cash bond

Other _____

Upon release from DHS custody, the respondent reported his/her address and telephone number will be:

RECINOS, OSMANY ALEXANDER

3326 W 27TH STREET

LOS ANGELES, CA 90018

323-608-9887

Upon release from DHS custody, the respondent was reminded of the requirements contained in section 239(a)(1)(F)(ii) of the Immigration and Nationality Act and was provided with an EOIR change of address form (EOIR-33).



(Signature of DHS Official)

R. BENVENUE
(Printed Name of DHS Official)

DEPORTATION OFFICER

(Title of DHS Official)

FLORENCE, ARIZONA

(Location)

EOIR Copy

Form I-830 (Rev. 08/01/07)

EXHIBIT
1

EOIR - 1 of 2

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February 2026, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal electronically to the following:

Emily B. Fagan
Assistant US Attorney
U.S. Attorney's Office
Western District of Oklahoma
210 Park Ave Suite 400
Oklahoma City, OK 73102
Attorney for Defendants

A handwritten signature in black ink, appearing to be 'E. B. Fagan', written in a cursive style.