

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

DAYANA ESTEFANIA CAJAMARCA ALOMOTO

Petitioner

V.

Case No. 3:26-cv-142-KC

Agency File 

PAMELA BONDI, et. al;

Defendants-Respondents

**EMERGENCY MOTION TO ENFORCE HABEAS JUDGMENT AND FOR
IMMEDIATE RELEASE**

Petitioner Dayana Estefania Cajamarca Alomoto respectfully moves this Court to enforce its February 3, 2026, Order granting her Petition for a Writ of Habeas Corpus on procedural due process grounds, ECF No. 4, and to order her immediate release from custody. Respondents have failed to comply with the Court's clear directive and have not remedied the constitutional violation this Court identified.

On February 3, 2026, this Court granted Petitioner's habeas petition in part on procedural due process grounds and ordered Respondents, on or before February 10, 2026, to either provide Petitioner with a bond hearing before an Immigration Judge at which the Government would bear the burden of proof, or to release her from custody. ECF No. 4. The Court's ruling expressly followed its prior decisions holding that continued detention under the Government's new interpretation of 8 U.S.C. § 1225(b), without an individualized determination by a neutral decisionmaker, violates procedural due process.

Respondents elected to pursue the bond-hearing option set for February 10, 2026. Petitioner was scheduled to be produced for a bond hearing; however, the Immigration Judge declined jurisdiction and denied the matter before any individualized determination occurred. As a result, Petitioner received no bond hearing and no constitutionally adequate process.

Respondents' status report confirms that no bond hearing occurred within the meaning of the Court's Order. ECF No. 5. The Immigration Judge declined jurisdiction pursuant to *Buenrostro-Mendez* and *Matter of Yajure Hurtado* and made no custody determination. An appearance that terminates for lack of jurisdiction is not a bond hearing and does not satisfy the Court's directive. Because Respondents cannot provide the ordered hearing, continued detention violates due process and the Court's Order, leaving immediate release as the sole lawful remedy.

Respondents' actions do not constitute compliance with this Court's Order. A bond hearing that does not occur is no bond hearing at all. Respondents cannot satisfy a federal habeas judgment by presenting Petitioner to a tribunal that refuses to exercise jurisdiction and then continuing her detention as if the Court's Order did not exist. The procedural due process violation identified by this Court therefore remains unremedied.

Any reliance by Respondents on the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi* does not excuse their noncompliance. This Court granted relief on procedural due process grounds, expressly assuming the Government's statutory interpretation for purposes of its analysis. *Buenrostro-Mendez* addresses statutory detention authority; it does not authorize continued detention in defiance of an existing habeas judgment, nor does it permit Respondents to nullify this Court's remedial order by routing Petitioner to an adjudicatory

body that declines to act. To the extent Respondents contend that *Buenrostro-Mendez* forecloses Immigration Judge jurisdiction over bond hearings in such cases, that contention only confirms Respondents' inability to comply with the hearing option ordered by this Court.

Because Respondents cannot provide the constitutionally required hearing ordered by the Court, the only remaining lawful remedy under the Court's February 3, 2026, Order is Petitioner's immediate release from custody. Continued detention under these circumstances violates the Due Process Clause and directly contravenes this Court's judgment.

Accordingly, Petitioner respectfully requests that the Court enforce its prior Order and direct Respondents to immediately release Petitioner from custody. Petitioner further requests any additional relief the Court deems just and proper to ensure compliance with its judgment.

Date: February 10, 2026,

/s/Bonnie Smerdon
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CERTIFICATE OF SERVICE

I, Bonnie Smerdon, certify that on February 10, 2026, I electronically filed the foregoing EMERGENCY MOTION TO ENFORCE HABEAS JUDGMENT AND FOR IMMEDIATE RELEASE and PROPOSED ORDER with the Clerk of the Court of the United States District Court for the Western District of Texas using the CM/ECF system. Notice of this filing was automatically generated and transmitted by the CM/ECF system to all registered CM/ECF users in this case.

Dated: February 10, 2026

/s/Bonnie Smerdon

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