

United States District Court
Western District of Texas
El Paso Division

Lidia Escobar Maya,
Petitioner,

v.

Kristi Noem, *et al.*,
Respondents.

Case No. 3:26-CV-00161-KC

RESPONSE TO COURT'S SHOW CAUSE ORDER

Federal Respondents hereby submit their Response to Court's Show Cause Order.

I. Introduction and Procedural Background.

On February 3, 2026, this Court ordered, granted in party, Petitioner's writ of habeas corpus. ECF Doc. No. 7. The order stated that Respondents could either provide Petitioner with a bond hearing or release Petitioner from custody, under reasonable conditions of supervision. Petitioner was released from ICE custody on February 10, 2026. *See* ECF Doc. No. 8. However, Petitioner contends that Respondents failed to return some of her personal effects that were taken upon her initial arrest in Minnesota on February 10, 2026 ECF No. 9.

On February 13, 2026, this Court entered an order directing Respondents to file a response regarding the return of Petitioner's documents, as Petitioner claimed they were not returned. ECF Doc. No. 10. Specifically, the Court issued an order requesting the Respondents to answer the following questions:

- (1) Whether Escobar Maya's drivers license has been returned to her;
- (2) If not, whether Respondents agree to return the driver's license, as well as their anticipated timeline and the concrete steps they are taking to do so;
- (3) If Respondents do not agree to return the driver's license, the grounds on which they claim the authority to withhold it; and
- (4) Respondents' position regarding this Court's authority to order them to return the driver's license in this habeas proceeding.

ECF Doc. No. 10.

II. ICE has authority to impose certain conditions of release.

The INA provides distinct sections and regulations that delineate ICE's custody determinations. ICE's authority is found in 8 U.S.C. § 1226 (INA § 236(a)) and 8 C.F.R. § 1236(c). Congress gave ICE authority to detain, release on bond and impose conditions on that release, or conditionally parole an alien in removal proceedings. 8 U.S.C. § 1226(a)(1),(2); *see also* 8 C.F.R. § 236.1(c)(8) ("Any officer...in the officer's discretion, release an alien...under the conditions at section 236(a)(2) [8 U.S.C. § 1226(a)(2)] of the Act.).

III. Petitioner's Claim for Return of Property is not Cognizable under Federal Habeas.

Respondents contend that Petitioner is not entitled to relief in this matter as a claim for the return of private personal property or for financial compensation for lost property is not cognizable under federal habeas review. *See Rincon v. U.S. Dept. of Homeland Security*, No. 5:23cv88, 2024 WL 715078 at *2 (S.D. Ga. Jan. 31, 2024) (report and recommendation adopted by 2024 WL 714317); *Dingler v. Rockwall County Court #2*, No. 3:22cv1252, 2022 WL 2964665 (N.D. Tex. Jul. 25, 2022); *Reynolds v. Werlich*, No. 18cv1186, 2018 WL 3536753 at *2 (S.D. Ill. Jul. 23, 2018); *Smith v. Dismas Charities*, No. 2:15cv10749, 2016 WL 2893783 at *3 (S.D. W.Va. Apr. 8, 2016); *Alcenat v. FCI Schuylkill*, No. Civ. 3:cv05-2601, 2006 WL 148880 at *1-2 (M.D. Pa. Jan. 18, 2006). Here, Petitioner is not challenging the duration or propriety of her confinement. Instead, Petitioner is seeking the return of personal property allegedly confiscated. The favorable resolution of the issue raised in the petition will not result in the Petitioner's release. *See Alcenat*, 2006 WL 148880 at *1-2. Consequently, Petitioner's claim for the return of his property is not cognizable in under 28 U.S.C. § 2241, and should be dismissed. *See Rincon*, 2024 WL 715078 at *2.

Dated: February 20, 2026

Respectfully submitted,

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