

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

Anzoni Quezada-Barajas,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of
Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Marisa Flores, Director, El Paso Field Office
Immigration and Customs Enforcement, and

Curtis Taylor, Major General, U.S. Army at
Camp Bliss.

Respondents.

Case No. 26-166

**EMERGENCY MOTION FOR
RELEASE DUE TO
NONCOMPLIANCE WITH
COURT ORDER**

Expedited Handling Requested

On February 4, 2026, this Court issued an order (the “Order”) requiring Respondents to provide Mr. Quezada-Barajas a bond hearing before an Immigration Judge on or before February 11, 2026, “at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Quezada-Barajas’s continued detention.” (Doc. 5 at 2.) The Order also required the Government to file a notice on or before February 11 informing “the Court, in detail, of the reasons for the

IJ's decision.” (*Id.* at 3.) The conclusory notice (Doc. 6) and accompanying order (Doc. 6-1) filed by the Government fail to comply with the Court's February 4 Order. Mr. Quezada-Barajas should be immediately released.

Due process requires that immigration detention “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)). Specifically, immigration detention must be reasonably related to the government's goals of preventing flight and protecting the community from harm and be accompanied by adequate procedural protections to ensure that those goals are being served. *See Zadvydas*, 533 U.S. at 690-91. “Habeas is at its core a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The remedy for unlawful detention “is, of course, release.” *Id.*; *see Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (based on statutory language of 28 U.S.C. § 2241(c)(3) and the common-law history of the writ, “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody”).

It is not disputed that Mr. Quezada-Barajas entered the United States in 2024, that he was in contact with ICE upon entry, and that he was released on his own recognizance to attend regular ICE meetings. (Doc. 5 at 1.) Mr. Quezada-Barajas has a pending asylum application and does not have a final order of removal. (Doc. 1 ¶ 14.) Mr. Quezada-Barajas did everything expected of him. He applied for a work permit, and he attended his regularly scheduled ICE meetings. Indeed, it was when he arrived to attend one of these regularly scheduled ICE meetings in Minnesota that he was suddenly detained, without explanation

of any change in circumstance. (*Id.* ¶ 15.) He was then flown from Minnesota to Texas to be held at the ERO El Paso Camp East Montana Detention Center. (*Id.* ¶ 16.)

The record in this matter reveals no facts suggesting any change in circumstance affecting assessment of flight risk or dangerousness between the time Mr. Quezada-Barajas was released on his own recognizance and the time he was detained. To the contrary, as evidenced by the letters from family and friends written in support of Mr. Quezada-Barajas, it is clear he is not. (Exs. A-N (letters attesting to Petitioner’s good character, community ties, and circumstances of his asylum claim).)

Despite this, the Government’s notice references and attaches an order denying him even the opportunity to post a bond, in any amount, securing his release. The entirety of the Immigration Judge’s findings in support of this determination are as follows:

The respondent presents a flight risk such that no amount of bond could negate or militate the risk. Insufficient ties to the community and a weaker than average claim for relief.

(Doc. 6-1.) These conclusory statements do not identify any facts capable of demonstrating clear and convincing evidence that Mr. Quezada-Barajas is dangerous or a flight risk. Rather, it appears Mr. Quezada-Barajas’s case is one of “detention for the sake of detention.” *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 397 (D.N.J. 2025). Indeed, here, despite knowing the high likelihood he would be detained in view of the tactics of ICE during Operation Metro Surge¹ in Minnesota, Mr. Quezada-Barajas did not run from,

¹ As this Court has acknowledged, there is happening in Minnesota right now an “ill-conceived and incompetently-implemented government pursuit of daily deportation quotas . . .” *Arias v. Noem*, Civil No. SA-26-CF-415-FB, slip op. at 1 (W.D. Tex. Jan. 31, 2026).

but voluntarily appeared for, his scheduled appointment with ICE. (*Id.* ¶ 15.) Absent actual facts to support its conclusory assertions, the Immigration Judge's order and Respondents' summary of the bond hearing do not comply with this Court's Order and cannot justify Mr. Quezada-Barajas's continued detention.²

The time for Respondents to present facts demonstrating clear and convincing evidence that Mr. Quezada-Barajas is dangerous or a flight risk has passed. Their silence acknowledges he is not dangerous. And they have failed to identify any facts to support the conclusory assertion that he is a flight risk. Accordingly, Petitioner respectfully requests that the Court order Mr. Quezada-Barajas's immediate release.

Date: February 12, 2026

/s/ Rachel Scobie
Rachel Scobie, #314171
Merchant & Gould P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
rscobie@merchantgould.com
(612) 306-9081
Attorney for Petitioner

² The undersigned counsel was not notified of the bond hearing until receiving Respondents' February 11 notice (Doc. 6) and, therefore, was not present for it.

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Rachel Scobie

Rachel Scobie