

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Anzoni Quezada-Barajas,

Petitioner,

v.

Pamela Bondi, Attorney General, *et al.*,

Respondents.

Civil Action No. 3:26-CV-00166-KC

**RESPONSE TO EMERGENCY MOTION FOR RELEASE DUE TO
NONCOMPLIANCE WITH COURT ORDER AND COURT'S ORDER ECF DOC. NO. 8**

Federal Respondents now file this Response to Emergency Motion for Release Due to Noncompliance with Court Order and this Court's Order ECF Doc. No. 8 filed on February 14, 2026. As the Court denied Petitioner's Motion regarding the flight risk findings, Respondents focus on the issues relating to the service of Petitioner's counsel. *See* ECF Doc. No. 8.

Petitioner's counsel for the immigration proceedings was served with notice regarding Petitioner's bond hearing. Ex. A. Furthermore, Petitioner had an attorney present at the hearing. When entering an appearance in an immigration proceedings an attorney can file a Notice of Entry of Appearance Before the Immigration Court. Petitioner had two attorneys file such a Notice, Feras A. Abualhayjaa and Rafael Castillo. Exs. B & C. Both of them put their email address on the document and both checked, "No service needed. I electronically filed this document, and the opposing party is participating in ECAS." *Id.* Mr. Abualhayjaa filed his on January 26, 2026, and Mr. Castillo filed his on February 27, 2025. In the ECAS user manual it states:

4) Service of Process (a) Service. The requirement to separately serve documents on the opposing party depends on whether both

parties are participating in ECAS, as explained below. (i) ECAS Completes Service. If all parties are using ECAS in a case eligible for electronic filing, the parties do not need to separately serve any electronically filed documents on the opposing party. Rather, the ECAS system will automatically send service notifications to both parties that a new document has been filed. For purposes of ECAS service, DHS personnel, attorneys, and accredited representatives are always considered to be participating in ECAS. The parties must continue to include a certificate of service with their electronic filing, but simply note in the certificate that service was completed through ECAS as detailed in Section 2(b)(x) above.

See ECAS User Manual (last accessed February 19, 2026). There is no indication that Rachel Scobie, entered an appearance for Petitioner in immigration court, but it should be noted that Abualhayjaa entered an appearance as recently as January 26, 2026 which is less than three weeks before the hearing.

On February 4, 2026, this Court issued its order, ECF Doc. No. 5, requiring for Respondents to provide Petitioner with a bond hearing on or before February 11, 2026, or release him from custody. ECF Doc. No. 5 at 2. Accordingly, the next day, February 5, 2026, Respondents provided Petitioner a hearing that would be set for February 10, 2026, at 10:00 a.m. Ex. A. Notably, in the certificate of service, it was noted that Petitioner's counsel, was notified through e-service. Ex. A (see highlighted portion). Additionally, the EROP Case Notice system shows that the filing was accepted:

eROP Documents

Document Filters

View All Filed at the court Filed at the BIA

Actions	Document Type	Filed Date▼	Filed At	Filed By	Document Status
	Evidence	02/10/2026	Court	Respondent Rep	Accepted
	Order - Bond Order (Bond)	02/10/2026	Court	OCU	Accepted
	Evidence	02/09/2026	Court	DHS	Accepted
	CASE Notice	02/05/2026	Court	OCU	Accepted
	Bond Redetermination Request	02/04/2026	Court	DHS	Accepted

Total Count: 5

Accordingly, Respondents properly sent notice to the attorney of record in the immigration proceeding. So even though Ms. Scobie did not get notice of the hearing, Petitioner did have an attorney who received notice.

Finally, and most importantly, Petitioner's counsel Mr. Abualhayjaa was present at the hearing. Even though Ms. Scobie herself was not present, having counsel who entered an appearance in immigration court, and appeared at the hearing demonstrates that Petitioner received the full due process that was required in the bond hearing.

Accordingly, Petitioner's Emergency Motion for Release Due to Noncompliance with the Court Order should be denied.

Dated: February 19, 2026

Respectfully submitted,

JUSTIN R. SIMMONS
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