

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

EDUARDO BARRENO MATIAS,

Petitioner,

v.

MARY DE ANDA-YBARRA, Field
Office Director of Enforcement and
Removal Operations, El Paso Field
Office, Immigration and Customs
Enforcement; Warden of ERO El Paso
Camp East Montana,;

TODD M. LYONS, *in his official
capacity* as Acting Director, Immigration
and Customs Enforcement, U.S.
Department of Homeland Security;

KRISTI NOEM, *in her official capacity*
as Secretary, U.S. Department of
Homeland Security; and

PAMELA JO BONDI, *in her official
capacity* as Attorney General of the
United States;

Respondents.

C/A No. 3:26-cv-00222-KC

EMERGENCY MOTION
FOR CONTEMPT

Agency #



EMERGENCY MOTION FOR CONTEMPT

Petitioner Eduardo Barreno Matias hereby moves on an immediate and emergency basis for a motion for contempt of the Court's order entered at ECF Doc. 4, consistent with Rule 70. The Court specifically ordered that "on or before

February 13, 2026, Respondents shall either: (1) provide Barreno Matias with a bond hearing before an IJ, at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Barreno Matias' continued detention; or (2) release Barreno Matias from custody, under reasonable conditions of supervision." ECF Doc. 4, at 2 (emphasis in original).

A bond hearing was scheduled for February 12, 2026, at 10:00 a.m. MST in El Paso, Texas. *See* Declaration of David Wilson & Exh. A. Petitioner is currently detained in El Paso, Texas. On February 12, 2026, the El Paso SPC Immigration Court denied Petitioner's request for custody redetermination based on lack of jurisdiction. *See* Exh. B. Thus, the scheduled bond hearing did not proceed. Petitioner has no new bond hearing scheduled. Petitioner now moves to order his immediate release.

Respondents violated this Court's clear order to provide Petitioner a bond hearing in which the government has the burden to prove danger and flight risk by clear and convincing evidence. Immigration Judge Stephen Ruhle violated the Court's order by claiming he had no jurisdiction over bond despite the partial grant of Petitioner's Petition for Habeas Corpus on procedural due process grounds. Respondents refused to proceed with a bond hearing despite this Court's order to do so. The presiding immigration judge implied he was complying with this Court's

order as he was holding a bond hearing but proceeded to deny bond based on a lack of jurisdiction. The judge placed no burden whatsoever on the government and heard no arguments regarding danger or flight risk. This bald-faced defiance to this Court's order cannot stand.

Petitioner accordingly is seeking an order to hold Respondents in contempt and to order Petitioner's immediate release from Respondents' custody. Petitioner hereby moves as follows:

1. Petitioner seeks an order consistent with Fed. R. Civ. P. 70 holding Respondents in contempt for denying Petitioner a bond hearing in violation of this Court's order.
2. Petitioner seeks immediate release from Respondents' custody.

WHEREFORE, Petitioner respectfully requests this Court:

- A. Hold Respondents in contempt for violating this Court's order;
- B. Order Petitioner's immediate release from Respondents' custody; and,
- C. Grant such other and further relief as justice may require.

Respectfully submitted,

/s/ David L. Wilson

David L. Wilson

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Attorney for the Petitioner

Date: February 12, 2026