

United States District Court
Western District of Texas
El Paso Division

Flora Perez Pedraza,

Petitioner,

v.

Case No. 3:26-CV-00221-KC

Mary De Anda-Ybarra, *et al.*,

Respondents.

Federal Respondents' Response to Petitioner's Emergency Motion for Contempt

STATEMENT OF ISSUES

1. Whether Petitioner has made a sufficient showing to warrant a finding of contempt by Respondents under Fed. R. Civ. P. 70.
2. Whether Petitioner is entitled to relief under Fed. R. Civ. P. 70.

Federal Respondents submit the following response in opposition to Petitioner's Emergency Motion for Contempt, filed on February 12, 2026, (ECF No. 5), and would respectfully show the Court the following.

I. Introduction and Procedural Background

In her motion, Petitioner contends that Respondents failed to comply with the Court's Order entered at ECF No. 4, wherein the Court ordered Respondents to either provide a bond hearing or release Petitioner on or before February 13, 2026. ECF No. 5, at 1-2. Petitioner seeks an order of contempt pursuant to Federal Rule of Civil Procedure 70 on the grounds that Respondents failed to comply with the Court's orders by refusing to proceed with a bond hearing and refusing to release Petitioner.

As set forth in Respondents' Advisory to the Court filed February 13, 2026, the immigration judge (IJ) denied the custody redetermination based on a lack of jurisdiction. *See* ECF No. 8. Further, as presented in Respondents' Status Report filed February 18, 2026, Petitioner was in fact released from custody on February 13, 2026, in compliance with the Court's order. *See* ECF No. 10. Moreover, Respondents filed a status report on February 13, 2026, in compliance with the Court's order, informing the Court of whether Petitioner had been released, which she had not at the time of filing the report, and whether a bond hearing was held and the basis for the IJ's decision. *See* ECF No. 8. Further, the Court had ordered that *either* a bond hearing be held *or* that she be released from custody. *See* ECF No. 4. Petitioner was released. Thus, Respondents complied with the Court's order both by releasing Petitioner on or before February 13, 2026, and by providing a status report on or before February 13, 2026.

II. Contempt

Willfulness is an element of criminal contempt and must be shown beyond a reasonable doubt. *United States v. Remini*, 508 F.2d 529, 531 (7th Cir. 1974). A finding of civil contempt may be rebutted upon a showing of mitigating circumstances and good faith attempts to comply. *Carter v. Local 556, Transport Workers Union of America*, 156 F.4th 459, 502 (5th Cir. 2025). The Court has discretion to hold a party in contempt. *Gashco v. Global Fitness Holdings, LLC*, 875 F.3d 795, 800 (6th Cir. 2017). However, contempt is a sanction that should be used with caution and as a measure of last resort. *Id.* at 799.

In the present case, as set forth above, the Respondents made good faith attempts to comply and did comply with this Court's orders. Petitioner was released in compliance with the Court's orders and Respondents notified the Court in accordance with the orders. Further, the representations made by Respondents in their advisories and status reports to the Court were accurate at the time made. There is no evidence of any willful disregard by Respondents of the Court's orders. Thus, Petitioner fails to make a showing sufficient to warrant a finding of contempt.

III. Conclusion

Consequently, Petitioner's motion is without merit and should be denied as moot, given that Petitioner was released from custody in accordance with the Court's orders. Based on the foregoing, Respondents respectfully request that the Court find that Petitioner has failed to make a showing of contempt, and that the Court deny Petitioner's motion as moot since Petitioner has been released.

Dated: February 19, 2026.

Respectfully submitted,

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