

United States District Court
Western District of Texas
El Paso Division

Luis Martin Tellez-Aguilar,

Petitioner,

v.

Case No. 3:26-CV-00238-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 his 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 17, 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 seeks an order to release Petitioner.

As set forth in Respondents' Advisory to the Court filed February 17, 2026, the immigration judge (IJ) denied the custody redetermination based on a lack of jurisdiction. *See* ECF No. 8. The IJ based this decision on the recent Fifth Circuit case of *Buenrostro-Mendez v. Bondi*, Nos. 25-20496, 25-40701 (5th Cir. Feb. 6, 2026). Given the confusion at the time of this bond hearing regarding the impact of the recent Fifth Circuit precedent on the IJ's jurisdiction, and in light of the Court's orders directing a hearing be held with the Government presenting evidence of danger or flight risk, Respondents proceeded to release Petitioner, albeit by the next morning, in an effort to comply with the Court's orders. Further, as presented in Respondents' Updated Status Report filed February 18, 2026, Petitioner was in fact released from custody that morning. *See* ECF No. 9. Moreover, Respondents filed a status report on February 17, 2026, in compliance with the Court's order, informing the Court of whether Petitioner had been released, which he 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.

II. Contempt

Willfulness is an element of criminal contempt and must be shown beyond a reasonable doubt. *U.S. 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 with this Court's orders. Respondents filed a status report on February 17, 2026, in accordance with the Court's orders. Further, although the IJ entered an order of no jurisdiction, Respondents released Petitioner from custody in a good faith effort to comply with the Court's orders. Respondents then filed an updated status report on February 18, 2026, to advise the Court of Petitioner's release that morning. 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, given that Petitioner has failed to show any willful disregard of the Court's orders by Respondents, and because Petitioner was released from custody. Based on the foregoing, Respondents respectfully request that the Court find that Petitioner has failed to make a sufficient showing of contempt, and that the Court deny Petitioner's motion.

Dated: February 19, 2026.

Respectfully submitted,

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