

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IBRAHIM ALFONSO PINEDA MUNOZ,



Petitioner,

v.

TODD LYONS, Acting Director of
U.S. Immigration and Customs
Enforcement (ICE);

MARY DE ANDA-YBARRA in his
Official capacity as Field office
Director Field Office Director of the
Immigration and Customs Enforcement
and Removal Operations, El Paso Field
Office;

KRISTI NOEM, Secretary, U.S.
Department Homeland Security;

PAMELA BONDI, U.S. Attorney
General;

Warden of ERO El Paso Camp East
Montana.

Respondents.

Case No: 3:26-CV-251-DB

**PETITIONER'S Motion to Enforce the
Court's Order GRANTING HABEAS
RELIEF IN PART (ECF NO. 7)**

Petitioner Ibrahim Alfonso Pineda Munoz, by and through undersigned counsel, respectfully moves this Court to enforce its February 5, 2026 Order (ECF No. 7), which granted his Petition for Writ of Habeas Corpus in part on procedural due process grounds and directed Respondents to provide the Petitioner with a bond hearing before an immigration judge (IJ) or release the Petitioner under reasonable conditions no later than February 9, 2026. Respondents

have failed to comply, as no substantive bond hearing was held, and the IJ improperly declined jurisdiction. Petitioner requests expedited consideration given his ongoing unlawful detention.

I. INTRODUCTION AND BACKGROUND

1. On February 5, 2026, this Court granted Petitioner's habeas petition in part, finding violations of procedural due process under the Fifth Amendment due to Respondents' application of mandatory detention under 8 U.S.C. § 1225(b) without an individualized hearing. ECF No. 7 at 3 attached hereto as **Exhibit "A."**
2. The Court explicitly ordered:
 - Respondents shall provide Petitioner with a bond hearing before an IJ, at which the government bears the burden of justifying continued detention by clear and convincing evidence of dangerousness or flight risk; or release Petitioner under reasonable supervision conditions; no later than February 9, 2026.
 - If applicable, Respondents shall file an advisory on the hearing date no later than February 6, 2026, and on the IJ's decision reasons **no later than February 12, 2026.** ECF No. 7 at 3 (emphasis added).
3. This relief mirrored prior rulings in materially indistinguishable cases (e.g., *Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB). Respondents conceded the Court's prior reasoning controlled absent new arguments or factual distinctions. ECF No. 6.
4. The Respondents set bond hearing for February 9, 2026, at 10:30 a.m. However, no such hearing was conducted. Instead, the IJ entered Order denying jurisdiction.
5. On February 12, 2026, Respondents filed a Status Report on Bond Hearing, ECF No. 9, stating a "hearing" occurred on February 9, 2026, but bond was denied for "no jurisdiction"

per *Buenrostro-Mendez v. Bondi* (5th Cir. Feb. 6, 2026) and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). Ex. A (IJ Order dated 02/09/2026) attached hereto as **Exhibit "B."**

6. No substantive bond hearing occurred. Petitioner was not present. Counsel for Petitioner attended a scheduled appearance via Webex, waited for a long period of time, while waiting to be admitted in the Court room, via Webex the IJ entered the order denying jurisdiction. Finally, the IJ appeared only to state, "I do not have jurisdiction."
7. This directly contravenes the Court's mandatory directive for a compliant bond hearing (with clear-and-convincing-evidence burden) or release by February 9, 2026. The IJ's reliance on Fifth Circuit authority or BIA precedent does not override this Court's specific, binding order in this habeas case.
8. Prior to filing, undersigned counsel contacted opposing counsel telephonically (AUSA Adrian Acosta) on February 13, 2026, to inform the Respondents that the Petitioner would be filing this motion or in the alternative if the Respondents would agree to release the Petitioner under reasonable conditions consistent with the Order. The Respondents stated that they would opposed the Motion.

II. LEGAL AUTHORITY

9. This Court retains jurisdiction to enforce its own orders. Federal courts have inherent power to enforce judgments, including habeas relief under 28 U.S.C. § 2241. See, e.g., *Akhmedov v. Pittman* (D.N.J. 2026) (enforcing prior habeas order for bond hearing after deficient proceeding, ordering new hearing within 7 days with proper burden); analogous cases enforcing habeas directives for bond hearings when IJs fail to comply or improperly decline jurisdiction.

10. Non-compliance violates due process and the specific relief granted. The Court may compel immediate compliance (e.g., new hearing) or order release if non-compliance persists.

III. ARGUMENT

11. Respondents failed to comply with the clear, time-bound directives in ECF No. 7. No advisory was filed by February 6 on the hearing date (or it was non-compliant), and the February 12 advisory (if filed) reported only a jurisdictional denial, not a reasoned decision after a proper hearing. The February 9 "hearing" was no hearing at all as it lacked evidence, Petitioner's participation, argument, and the mandated burden/standard. The IJ's jurisdictional refusal ignores this Court's authority and due process holding.

12. The Petitioner remains detained without the individualized process this Court ordered. Counsel's outreach to opposing counsel confirmed no voluntary compliance.

IV. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

- i. Grant this Motion to Enforce;
- ii. Order Respondents to:
 - a. Release Petitioner under reasonable supervision conditions, immediately.
 - b. File advisories on compliance within short deadlines, and
- iii. Grant expedited consideration and any other relief as just and proper.

Dated: February 13, 2026

Respectfully Submitted,

/S/ Nidia Borge

Nidia Borge, Esq.
BORGES LAW FIRM, P.A.
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CERTIFICATE OF CONFERENCE

I, the undersigned counsel for the Petitioner, certify that I conferred with counsel for Respondents, on February 13, 2026, and they will oppose the relief requested in this Motion.

CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on this date, I filed this Motion to Enforce Order. ECF 7, and all attachments using the CM/ECF system, which will send a notice of electronic filing (NEM) to all counsel of record. I will further serve a copy of the Petition and exhibits on each Respondent(s) by certified mail.

Dated: February 13, 2026

Respectfully submitted,

/S/ Nidia Borge

NIDIA BORGES, ESQ.
Counsel for Petitioner

EXHIBIT “A”

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

IBRAHIM ALFONSO PINEDA
MUNOZ,
Petitioner,

v.

TODD LYONS, *Acting Director of U.S.
Immigration and Customs Enforcement, et
al.*,
Respondents.

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EP-26-CV-000251-DB

ORDER

On this day, the Court considered the above-captioned case. On January 30, 2026, Petitioner Ibrahim Alfonso Pineda Munoz filed a “Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief,” ECF No. 1. Petitioner is detained at El Paso Camp East Montana in El Paso, Texas. *Id.* at 2. He argues his detention is unlawful and asks the Court to order his release or a bond hearing. *Id.* at 21. He further asks the Court to prevent his transfer out of the district while this case is pending. *Id.* On February 2, 2026, the Court ordered Respondents not to (1) remove or deport Petitioner from the United States, or (2) transfer Petitioner from any facility outside the boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise or this case is closed. ECF No. 5 at 3.

Petitioner is a Nicaraguan national who entered the United States in 2021 and currently resides physically in El Paso, Texas where he is detained. *Id.* at 15. On January 20, 2026, the Department of Homeland Security took custody of Respondent and transferred him to ERO El Paso Camp East. *Id.* at 2. Among other things, Petitioner argues Respondents’ new interpretation of mandatory detention under 8 U.S.C. 1225(b) as applied to him violates his Fifth Amendment procedural due process rights because he has a fundamental liberty interest in being free from

official restraint and he is being deprived of an individualized hearing to justify his detention. *Id.* at 19–20.

Petitioner’s case, as alleged, is materially indistinguishable from other cases in which this Court has found procedural due process violations. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025). The Court previously noted it appears from the writ that it should be granted. *See* ECF No. 5. Nonetheless, this Court afforded Respondents three days to respond as to why it should not be, and directed that in so doing, “Respondents should avoid boilerplate arguments this Court has already rejected in one of many immigration habeas cases to date. Absent any new authority, Respondents can safely assume the Court’s position on the law has not changed and explain why the facts of Petitioner’s case warrant a different outcome.” ECF No. 5 at 1–2.

Respondents filed a response on February 5, 2026, ECF No. 5. In their response, Respondents “acknowledge that this Court’s prior rulings concerning similar challenges to the government policy or practice at issue in this case, and the common question of law between this case and those rulings, would control the result in this case should this Court follow its legal reasoning in its prior decisions.” ECF No. 6 at 1–2. Respondents acknowledge that “[s]hould the Court apply the same reasoning it did in those cases to this one, the legal principles espoused in those cases would likely result in the same outcome here.” *Id.* at 3. Because the Response raises no new legal arguments and the facts of this case were not distinguished from the Court’s prior rulings, the same result is warranted in this case.

Accordingly, after careful consideration of the undisputed facts in this case as well as the legal conclusions made in *Vieira* and this Court’s subsequent immigration habeas cases brought

by petitioners subject to mandatory detention under the Respondents' new interpretation of 8 U.S.C. § 1225(b), **IT IS HEREBY ORDERED**, Petitioner Ibrahim Alfonso Pineda Munoz's "Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief," ECF No. 1, is **GRANTED IN PART** on procedural due process grounds.

IT IS FURTHER ORDERED Respondents **SHALL PROVIDE** Petitioner with a bond hearing before an immigration judge at which the government shall bear the burden of justifying, by clear and convincing evidence, the dangerousness or flight risk for Petitioner's continued detention; or (2) release Petitioner from custody, under reasonable conditions of supervision, during the pendency of their removal proceedings **no later than February 9, 2026.**

IT IS FURTHER ORDERED that, if applicable, Respondents **SHALL FILE** an advisory informing the Court when the bond hearing will be held in accordance with the preceding order **no later than February 6, 2026.**

IT IS FINALLY ORDERED that, if applicable, Respondents **SHALL FILE** an advisory informing the Court, in detail, of the reasons for the IJ's bond hearing decision **no later than February 12, 2026.**

SIGNED this 5th day of February 2026.


THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE

EXHIBIT “B”

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Ibrahim Alfonso Pineda Munoz,

Petitioner,

v.

Todd Lyons, *et al.*,

Respondents.

CIVIL ACTION NO. 3:26-CV-251-DB

Federal Respondents' Status Report on Bond Hearing

Federal Respondents submit this advisory pursuant to ECF Doc. No. 7. Petitioner had a hearing on February 9, 2026, where Bond was denied because the immigration court lacked jurisdiction. Ex. A, Bond Order.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Adrian Acosta

Adrian Acosta
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Attorneys for Federal Respondents



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
EL PASO SPC IMMIGRATION COURT

Respondent Name:

PINEDA-MUNOZ, IBRAHAM ALFONSO

To:

Borge, Nidia
13499 Biscayne Blvd.
Suite 106
North Miami, FL 33181

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

02/09/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because

No jurisdiction per Buenrostro-Mendez v. Bondi, Nos. 25-20496, 25-40701 (5th Cir. Feb. 6, 2026), and Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).

☐ Granted. It is ordered that Respondent be:

- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of \$
- ☐ other:

☐ Other:

SMA

Immigration Judge: RUHLE, STEPHEN 02/09/2026

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 03/09/2026

Certificate of Service

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To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : PINEDA-MUNOZ, IBRAHAM ALFONSO | A-Number : 

Riders:

Date: 02/09/2026 By: Soto, Cynthia, Court Staff