

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

ANA MARIA TORRES-BERMUDEZ,

A No. [REDACTED],
Petitioner,

v.

JOEL GARCIA, Acting El Paso Field Office Director, Immigration and Customs Enforcement and Removal Operations (“ICE/ERO”); **TODD LYONS**, in his official capacity as Director of Immigration and Customs Enforcement (“ICE”); **KRISTI NOEM**, in her official capacity as the Secretary of the Department of Homeland Security (“DHS”); and **PAMELA BONDI** as the Acting Attorney General of the United States,

Respondents.

Cause No. EP-26-CV-262-KC

MOTION TO ENFORCE COURT ORDER

NOW COMES the Petitioner, ANA MARIA TORRES-BERMUDEZ by and through her attorney, DAVID HARO, JR., and pursuant to 28 USC § 2851 (All Writs Act) and the inherent authority of this Court to enforce its orders, see e.g. *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994), moves this Honorable Court to enter an order releasing the Petitioner from the Respondents custody as the Respondents failed to comply with this Court’s Order of February 12, 2026. (“Order”). In support thereof, the Petitioner states as follows:

1. On February 12, 2026 this Court granted the Petitioner for Habeas Corpus and ordered that the Respondents must no later than February 19, 2026 either release the Petitioner

from their custody or conduct a substantive bond redetermination hearing wherein the Respondents would bear the burden of demonstrating either flight risk or dangerousness.

2. The Court scheduled a bond redetermination for February 19, 2026, at 9:00 MST. The hearing was heard by Immigration Judge Dean S. Tuckman.
3. At this Bond Redetermination hearing, Judge Tuckman correctly placed the burden on the Government to demonstrate flight risk and dangerousness.
4. The Judge focused on flight risk, stating (i) that the Petitioner entered the United States without inspection in approximately 1988 and has remained since that time, (ii) that she diligently seek to acquire lawful status in the United States, and (iii) she was recently taken into custody while attempting to cross an immigration checkpoint thinking it would be closed. The DHS attorney presented no evidence of dangerousness.
5. The undersigned counsel, acting for the Petitioner in the removal case as well, presented evidence that the Petitioner has been residing in the United States for approximately forty years, and has lived at the same address for over thirty years. That she has five children in the United States, three with lawful immigration status, the youngest which is a United States citizen. Further, that the Petitioner did in fact attempt to previously legalize her status but was unsuccessful and that she has no criminal history. Attached as Exhibit B is the additional evidence provided by Petitioner's counsel showing that she did in fact previously seek to acquire lawful status in the United States.
6. The judge denied bond on the basis that the Petitioner was a flight risk and there was no argument from the DHS concerning dangerousness, and the judge ruled only on flight risk.

7. The Immigration Court's order is attached hereto as Exhibit A.
8. The Immigration Judge ignored the Court's clear guidance in the Order but decided instead to extrapolate flight risk as a determinative factor, in essence finding that the stronger ties the Petitioner has to the United States, the greater of a flight risk she is. This further deprives the Petitioner of her private liberty interest.
9. The Court's ruling was first based on the fact that he entered unlawfully. To state the obvious, many individuals in a removal proceeding entered the United States without authorization. That does not make them a flight risk. Additionally, the Court ruled that the Petitioner was a flight risk because she had not diligently pursued immigration relief. However, she did provide evidence of an attempt to seek legal relief but was unsuccessful. Given the complex nature of the immigration laws, she should not be deemed a flight risk simply because she was unsuccessful at obtaining lawful status.
10. Finally, the Court did not address the element of dangerousness in its bond redetermination hearing. The Petitioner has no criminal history, and the DHS provided no evidence arguing that the Petitioner would be a danger if released.
11. The Immigration Court has ignored this Court's Order. The only remedy is to order the Petitioner's release.

WHEREFORE, Petitioner prays that this Court enter an order finding that the February 12, 2026, Order was not followed by the Respondents and order the immediate release of the Petitioner and for any other relief which this Court deems just and proper.

Date: February 20, 2026

Respectfully submitted,

/s/ David Haro Jr

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, David Haro Jr, am submitting this verification on behalf of Petitioner because I am her attorney and Petitioner is in ICE custody. I have discussed with Petitioner the events described in this Petition and have reviewed the documents corroborating those events. I hereby verify under penalty of perjury that the factual statements made in this Motion to Enforce Court Order are true and correct to the best of my knowledge.

/s/ David Haro Jr

David Haro Jr
February 20, 2026

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above-entitled Verified Habeas Petition was filed electronically with the Clerk of the Court on this **February 20, 2026**, using the CM/ECF system.

/s/ David Haro Jr
David Haro Jr