

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

ANA MARIA TORRES-BERMUDEZ
Petitioner,

V.

JOEL GARCIA, et al.,
Respondents.

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Case No. 3:26-cv-262-KC

PETITIONER'S MOTION TO REOPEN PROCEEDINGS
AND ORDER PETITIONER'S IMMEDIATE RELEASE FROM CUSTODY

To the Honorable Kathleen Cardone, United States District Judge:

On February 12, 2026, the Court entered an Order for Respondents to afford Petitioner a bond hearing “on or before February 19, 2026” before an Immigration Judge “at which time the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk.” ECF Doc. 4.

On February 19—Your Honor’s deadline—the hearing lasted only 11 minutes and 48 seconds before Immigration Judge Dean Tuckman, sitting in El Paso, denied bond to Petitioner based on “flight risk.” Exhibits A (notice of hearing), B (hearing transcript), Exhibit E (Order of Immigration Judge). Petitioner submitted documentary evidence demonstrating her prior appearance at a scheduled interview before the Immigration and Naturalization Service, the lawful status of her adult children (including one United States citizen), her homeownership, and letters from family and friends attesting to her good moral character. Exhibit C. The Department of Homeland Security submitted no evidence. Exhibits B and D (EOIR case portal). Nor did the Immigration Judge pose any questions to Petitioner. Exhibit B. The Immigration Judge nevertheless denied bond based on “flight risk.” Exhibit E. In sum, the record is devoid of the “clear and convincing evidence” to carry DHS’s burden or support the Immigration Judge’s “no bond – flight risk” decision. See ECF Doc. 4.

This appears to reflect an unfortunate trend. In a similar case, Senior United States District

Judge William J. Martinez of the United States District of Colorado observed:

Moreover, the Court is concerned that the immigration courts are not affording immigrants fair bond hearings. Recently, this Court learned that an Immigration Judge ("IJ") in another case before it declined to release a petitioner on bond for whom it had ordered a bond hearing in a summary decision that merely stated, without any citation to specific facts: After considering the totality of the circumstances and all relevant factors, the Court denies bond. If DHS bears the burden, the Court finds that DHS has met its burden to establish that the respondent is both a danger and a flight risk. If the respondent bears the burden, the Court finds that the respondent has not met his burden to establish that he is neither a danger to the community nor a significant flight risk such that release from custody is warranted. *Quiroz Vacarias v. Noem et al.*, Civil Action No. 1:26-cv-0574-WJM, ECF No. 14-1. Based on the observations of fellow judges across the country, the Court is far from convinced this was an isolated incident. To the contrary, the mounting evidence that bond determination hearings conducted in Immigration Court under § 1226(a) have pre-ordained outcomes has become impossible to ignore. As a result, courts across the country have, with increasing frequency, ceased "order[ing] even initial bond hearings in cases like this one involving unlawful detention under § 1225(b) because Respondents' conduct can no longer be attributed to mere negligence or ineptitude, . . . and doing so would effectively allow the Government to transform an unlawful detention into a lawful one through *post-hoc* justifications." *Zheng*, F. Supp. 3d, 2026 U.S. Dist. LEXIS 60485, 2026 WL 800203, at *11 (collecting cases). Given this reality, the Court will order Pal's immediate release.

Amrit Pal v. Lyons, Civil Action No. 26-cv-1102-WJM, 2026 U.S. Dist. LEXIS 75654, at *10-11 (D. Colo. Apr. 7, 2026)

In its Final Judgment, the Court invited Petitioner to "file a motion to reopen" should she seek "additional relief." ECF Doc. 7. Respondents' disregard of this Court's Order, requiring the Government to establish flight risk by clear and convincing evidence to justify denial of bond by the Immigration Judge, ECF Doc. 4 at 6, compels Petitioner to accept that invitation. Accordingly, Petitioner asks this Court to enter an order for Respondents to immediately release Petitioner from detention.

Respectfully submitted,

/s/ Stephen W. Spurgin

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CERTIFICATE OF SERVICE

I, Stephen W. Spurgin, certify that a true and correct copy of Petitioner's Motion to Reopen was delivered to Respondents' counsel via the CM/ECF system on this day.

/s/ Stephen W. Spurgin

Stephen W. Spurgin
April 15, 2026