

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO, TEXAS

JOSE V. PINEDA-ROMERO,	)	Immigration No. A221-284-299
	)	
Petitioner	)	
	)	GEN NO. EP-26-cv-257-KC
vs.	)	
	)	
SAMUEL OLSON, Field Office Director for	)	
Detention and Removal, U.S. Immigration	)	
and Customs Enforcement, Department of	)	
Homeland Security and WARDEN of ERO	)	
El Paso East Montana	)	
	)	
Respondents	)	

MOTION TO ENFORCE COURT ORDER

NOW COMES the Petitioner, JOSE PINEDA-ROMERO ("JOSE") by and through his attorneys, DAVID G. PUGH and THE PUGH LAW GROUP, PC 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 (sometimes referred to herein as the "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, which was heard after 1:00 PM MST. The hearing was heard by Immigration Judge Dean Tuckman, although the case had been previously heard by Immigration Judge Jessica Miles.
3. At this Bond Redetermination hearing, Judge Tuckman correctly placed the burden on the Government to demonstrate flight risk and dangerousness.
4. The Government DHS attorney argued only flight risk, stating (i) that the Petitioner had unlawfully entered the United States, and (ii) as an applicant for withholding only was a flight risk. 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 minor United States Citizen child (approximately 2 years 6 months of age) suffered from a debilitating disease, and referenced the significant medical evidence produced as evidence for the hearing. The birth certificate of the child was also attached as evidence even though, again, the DHS bore the burden in the hearing.
6. The Petitioner also argued that the Government's argument concerning withholding would stand for the proposition that every applicant for withholding only is per se ineligible for bond. That dystopian outlook is certainly not the state of the law.
7. The judge denied bond on the basis that the Petitioner was a flight risk for three reasons: (i) he entered the United States unlawfully, (ii) he was an applicant withholding only and not asylum and (iii) he had a pending unresolved DUI from

Illinois at the time of his detention. The judge gave no weight or certainly persuasive weight to the medical evidence of the Petitioner's child.

8. There was no argument from the DHS concerning dangerousness, and the judge ruled only on flight risk.
9. The Immigration Court's order is attached hereto as Exhibit A.
10. The Immigration Judge ignored the Court's clear guidance in the Order, but decided instead to extrapolate flight risk as a determinative factor. This further deprives the Petitioner of his private liberty interest.
11. The Court's ruling was first based on the fact that he entered unlawfully. To state the obvious, the vast majority of persons presenting before an Immigration Judge in a removal proceeding entered unlawfully. That does not make them a flight risk.
12. Second, the Court ruled that the Petitioner was a flight risk because he had not timely filed his application for asylum, and was therefore only eligible for withholding of removal. Again, the Court paints with a massive brush which would haul every applicant for withholding as mandatorily detained. That is not evidence of flight risk.
13. Finally, the Court noted (and DHS did not) that the Petitioner has a pending DUI. This is clearly not evidence of flight risk. He is presumed innocent of those charges and in fact has every incentive to appear in court on his defense. That is not evidence of flight risk.
14. 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.

ATTORNEYS FOR PETITIONER

Respectfully submitted,
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By: **/s/ David G.**
Pugh

VERIFICATION OF COUNSEL

I, David G. Pugh, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ David G. Pugh
David G. Pugh