

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ARNOLDO TIUL CAAL, and K.M.T.B., a
Minor Child by and through Her Parent and
Guardian Arnoldo Tiul Caal,

Civil Case No. 5:26-cv-625-OLG

PETITIONER,

v.

KRISTI NOEM, et al.,

RESPONDENTS.

JOINT ADVISORY PETITIONERS HAVE BEEN RELEASED FROM CUSTODY

Now Comes Petitioners, Arnoldo Tiul Caal and K.M.T.B., and Respondents, (collectively the "Parties"), by and through their respective undersigned counsels, and files this Joint Advisory Petitioners Have Been Released from Custody.

On February 2, 2026, Petitioners' initiated the above captioned proceedings when a Habeas Petition seeking an order requiring ICE's to immediately release Petitioners from ICE custody was filed. (ECF No. 1.) Thereafter, the Court issued a Show Cause Order which, among other things, ensured the expedited consideration of the matter by ordering the government to respond within five days of being served with the Court's Order.¹ (ECF No. 2.) Prior to the deadline for filing a response, on February 6, 2026, Petitioners were both released from ICE's custody, placing them back on ORR. Because Petitioner's principal prayer for relief was release from ICE custody, (ECF No. 1 at 74), which has

¹ Petitioners' undersigned counsel recognized this fact and should have listened to his inner former law clerk before he subsequently filed the TRO/Mot. for Preliminary Injunction later that day. (ECF No. 3.) As this Court's Order denying the TRO pointed out, it had already set this petition on an expedited course for consideration. (ECF No. 5.)

already occurred, the Parties agree the Petition is now moot. *See Bacillo-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020); *Ortez v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988); *Riley v. I.N.S.*, 310 F.3d 1253, 1257 (10th Cir. 2002); *Virani v. Huron*, 2020 WL 7405655, at *3 (W.D. Tex. Dec. 17, 2020).

Furthermore, the Parties agree that, given controlling Fifth Circuit precedent on awarding EAJA fees in habeas cases, there are no further matters in dispute between them for this Court to resolve.

Respectfully submitted,

/s/ Dan Gividen

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the U.S. District Court and counsel for the government in accordance with the Federal Rules of Civil Procedure on February 6, 2026.

/s/ Dan Gividen
DAN GIVIDEN
Attorney for Petitioner