

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

Bayron Adonay Garcia Hernandez,
Petitioner,

v.

Mary De Anda Ybarra, et. al.
Respondents.

Civil Action No. 3:26-cv-318-KC

**RESPONSE TO ORDER GRANTING PETITION ECF NO. 5
AND SHOW CAUSE ORDER ECF NO. 6**

Federal Respondents respectfully submit this response to the Court's Order to Show Cause, ECF No. 6. Federal Respondents sincerely apologize to the Court for failing to timely file the required response. The missed deadline was not intentional or the result of disregard for the Court's order. The failure occurred because the order was not properly forwarded or calendared during a period in which Federal Respondents have been managing an unusually high volume of filings and time-sensitive matters especially given the new precedent set by the 5th Circuit in habeas matters. While these facts are offered as an explanation for the unintentional lapse, Federal Respondents recognize that it does not excuse noncompliance with the Court's directive.

Federal Respondents take the Court's orders seriously and regret any burden caused to the Court and Petitioner. Federal Respondents remain committed to respecting the Court's authority, complying with all deadlines, and litigating this matter with the professionalism the Court expects.

Federal Respondents respectfully request that the Court accept this explanation and permit the case to proceed on the merits.

Furthermore, pursuant to the Court's Order in ECF No. 5, Federal Respondents file this advisory to inform the court that Petitioner was released from custody on February 23, 2026.

Dated: February 24, 2026

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Adrian Acosta
Adrian Acosta
Assistant United States Attorney
Texas Bar No. 24097275
700 E. San Antonio, Ste. 2000
El Paso, Texas 79901
(915) 534-6555
(210)384-7312 (fax)
Adrian.Acosta@usdoj.gov

Attorneys for Federal Respondents