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Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
MILAN, NM

Vijay Kumar

Petitioner,

v.

Mary De Anda-Ybarra, Field Office Director
of Enforcement and Removal Operations, **ERO**
El Paso Field Office, Immigration and Customs
Enforcement; **Kristi Noem**, Secretary, U.S.
Department of Homeland Security; **Todd M.**
Lyons, Acting Director of the United States
Immigration and Customs Enforcement;
Pamela Bondi, U.S. Attorney General;
Executive Office for Immigration Review,
George Dedos, Cibola County Correctional
Center

Respondents

Alien No.



Case No. 1:26-cv-00282-MLG-LF

**PETITIONER' S REPLY TO THE
GOVERNMENTS RESPONSE**

1 Petitioner, through counsel, respectfully submits this reply. Respondents acknowledge that
2 this Court’s prior decisions would control the statutory issue presented here and that the facts are
3 not materially distinguishable for purposes of determining whether detention is governed by 8
4 U.S.C. § 1226(a).

5 Accordingly, under this Court’s existing precedent, Petitioner’s detention falls under §
6 1226(a). The appropriate remedy, as this Court has previously ordered in materially similar cases,
7 is an individualized bond hearing. Accordingly, should the Court order a bond hearing pursuant to
8 § 1226(a), Petitioner respectfully requests that the Court include the following safeguards to ensure
9 that the hearing is meaningful and constitutionally adequate:
10

11 **1. Allocation of Burden**

12 The Department of Homeland Security should bear the burden of establishing, by clear and
13 convincing evidence, that Petitioner presents either a current danger to the community or a flight
14 risk warranting continued detention.

15 **2. Meaningful Evidentiary Standard**

16 In undersigned counsel’s experience in similar cases, bond hearings are at times denied on
17 generalized assertions of flight risk without substantial, individualized evidence supporting that
18 conclusion. Petitioner respectfully seeks assurance that any custody determination be based on
19 specific, articulable evidence presented by the government, rather than speculative or conclusory
20 reasoning, so that he has a fair and meaningful opportunity to obtain release.
21

22 **3. Individualized Determination**

23 The Immigration Judge should be directed to make an individualized determination based
24 on current evidence, rather than relying solely on the fact of detention or procedural posture.

25 **4. Prompt Scheduling**

1 The bond hearing should occur within a defined period (e.g., within 7–10 days of this
2 Court’s order) to prevent further prolonged detention.

3 Petitioner raises these safeguards not to impugn the integrity of the Immigration Court, but
4 to ensure that the bond hearing—if ordered—fully comports with due process and provides a
5 genuine opportunity for release consistent with § 1226(a).

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9 Respectfully submitted,

10 DATED this February 12 of 2026.

11
12 s/ Jasmine Pandher
13 JASMINE PANDHER, ESQ.
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17 ATTORNEY FOR PETITIONER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 12, 2026, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing.

s/ Jasmine Pandher
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