

WESTERN DISTRICT OF TEXAS
UNITED STATES COURT
EL PASO DIVISION

FILED

MAR 11 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Taras Pilipenko, *Pro Se*

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Petitioner,

v.

Case No. 3:26-CV-0348-DCG

Kristi Noem, et al.,

Respondents.

PETITIONER'S RESPONSE TO
RESPONDENT'S RESPONSE TO PETITION

The Respondent's argue that the, "Petitioner is lawfully detained as an arriving alien in removal proceedings". They cite the Fifth Circuits recent panel opinion in the *Buenrostro-Mendez v. Bondi* case where the panel held that the statue does not entitle people in the Petitioner's position to a bond hearing when they are detained pending removal. Respondent's state that, "Petitioner is receiving the process he is owed during removal proceedings, and his continued detention during that process is not unconstitutional". Respondents ask for the Court to deny his Petition.

Petitioner argued, in his Petition, that he is being detained under the incorrect statue. Since he was paroled into the United States, and has lived in the U.S. for over 3 years while reporting for all required Immigration and Customs Enforcement check-ins, he does not fall under §1225(b)(1)(A)(ii) but should be under the statue of §1226 and therefore allowed a bond hearing.

However, even if the statutory interpretation is in favor of the Respondents, Petitioner's "Count Two Procedural Due Process Violation", in his Petition is valid.

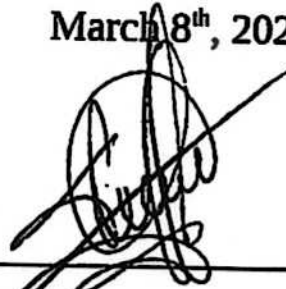
In *Marceau v. Noem*, No. 3:26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) the Court states, "*Buenrostro-Mendez* has no bearing on this Court's determination of whether [a habeas petitioner] is being detained in violation of her constitutional right to procedural due process." And in the case of *Marceau* the Court of Western District of Texas partially granted the Habeas petition on the ground of Procedural Due Process Violation.

Conclusion

The Petitioner filed his Petition for Habeas Corpus prior to the 5th Circuit's opinion in the *Buenrostro-Mendez* case. Since the filing of his Petition there has been a decision made that affects the statutory interpretation but, as this Court has already held, does not affect the procedural due process interpretation. The Court should partially grant the Petition on the Procedural Due Process Violation grounds.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this on

March 8th, 2026.



Taras Pilipenko, *Pro Se*

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