

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

REBECCA SANCHEZ-DIAZ,

Petitioner,

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

**Civil Action Case No. EP-26-CV-00351-
DCG**

**Petitioner's Response to Respondent's
Order to Show Cause (ECF NO.6) and
attachments**

**PETITIONER'S RESPONSE TO COURT ORDER, REQUEST FOR NEXT FRIEND
RECOGNITION, AND SUPPLEMENTAL BRIEF**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Petitioner, Rebecca Sanchez-Diaz, through undersigned counsel, respectfully submits this response to the Court's Order of March 26, 2026. This submission addresses the Court's concerns regarding prior communication, formalizes the request for next friend recognition, and supplements the record regarding the unconstitutional duration of Petitioner's detention.

I. RESPONSE TO COURT ORDER

Petitioner acknowledges the communication submitted by Mr. Andrew Brashear on March 25, 2026. While made under urgent circumstances due to concern for Petitioner's continued eight month detention. This filing ensures that all matters are properly presented on the record through appropriate legal channels.

II. REQUEST FOR NEXT FRIEND RECOGNITION (28 U.S.C. § 2242)

Petitioner respectfully requests that Mr. Andrew James Brashear be recognized as next friend.

Petitioner's eight month detention at the El Paso Processing Center significantly restricts her physical ability to sign time sensitive legal filings and verifications, access legal resources, and communicate effectively with the Court. These limitations prevent her from fully litigating this matter on her own behalf.

Mr. Brashear, as her lawful spouse, maintains a close, significant, and ongoing relationship with Petitioner and is committed to acting in her best interests under the continuous guidance of counsel.

A sworn declaration supporting next friend status is attached as Exhibit A.

III. SUPPLEMENTAL BRIEF ON PROLONGED DETENTION

Petitioner has been detained for approximately eight months without an individualized bond hearing.

Petitioner directs the Court's attention to *Matter of Feng*, 2026 WL 472635, where the court held that prolonged immigration detention without a bond hearing violated the Fifth Amendment Due Process Clause and required judicial intervention.

While the detention period in *Feng* was approximately five months, Petitioner's detention has now extended to eight months without any individualized assessment. This substantially longer period of confinement, combined with the absence of procedural safeguards, further exacerbates the constitutional violation.

The Fifth Circuit has recognized that civil detention must bear a reasonable relation to its purpose and may become constitutionally excessive when it is prolonged without adequate procedural safeguards. See, e.g., *Zadvydas v. Davis*, 533 U.S. 678 (2001).

At this stage, the continued deprivation of liberty without a hearing or individualized findings is not merely procedurally deficient but constitutionally untenable. Courts addressing prolonged detention have recognized that, where due process violations persist without meaningful government justification, relief must be effective in remedying the ongoing injury.

Petitioner's financial stability and ability to support herself and her spouse are further demonstrated by his 2024 Federal and State tax returns, attached hereto as Exhibits B through E.

Accordingly, **immediate release** under reasonable conditions is warranted. In the alternative, the Court should order a prompt individualized bond hearing within fourteen days.

IV. CONCLUSION AND REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Accept this filing as a response to the Court's Order;
2. Recognize Mr. Andrew James Brashear as next friend pursuant to 28 U.S.C. § 2242;
3. Consider the supplemental authority regarding prolonged detention;
4. Order Petitioner's immediate release under reasonable conditions, without an order to conduct an individualized bond hearing ; and
5. Grant such other relief as the Court deems just and proper.

Dated: March 31st, 2026,

Respectfully submitted,

/s/Gracilene Brooks

Gracilene Brooks

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that on the 30st day of March 2026, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully Submitted

/s/Gracilene Brooks

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