

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

Yoselin Suleyma Jimenez-Menendez and
Evelyn Vanessa Jimenez-Menendez,

Petitioners,

vs.

KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security, PAMELA BONDI, in her official capacity as Attorney General of the United States, TODD LYONS, in his official capacity as Acting Director, United States Immigration and Customs Enforcement, JOEL GARCIA, in his official capacity as Director of the Immigration and Customs Enforcement El Paso Field Office, and JOHN DOE, in his official capacity as the Warden of the El Paso Processing Center in El Paso, Texas,

Respondents.

Case No.: 3:26-CV-374

**REPLY IN SUPPORT OF
EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

Respondents' arrest and detention of Petitioners is unlawful and must come to an end. On February 10, 2026, this Court ordered Respondents to show cause why Petitioners' "application for a writ of habeas corpus should not be granted." (ECF No. 2). Respondents have failed to do so. Since their illegal detention by Respondents more than a month ago, Petitioners have been stripped of their personal possessions, including identification documents and cell phones, and transferred over a thousand miles away from their family,

community, and employment. Because Petitioners' detention violates procedural due process, the Court should grant the Petition, order Petitioners' immediate release, require Respondents to return Petitioners (and their possessions) to Minnesota, and enjoin Respondents from unlawfully re-detaining them.

ARGUMENT

I. Petitioners' Detention Violates Procedural Due Process.

In its Order to Show Cause, the Court observed that, "[a]s alleged, [Petitioners'] case appears materially indistinguishable from several others in which this Court has found a procedural due process violation." (ECF No. 2 at 1 (citing *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 668–88 (W.D. Tex. 2025).) The Court therefore directed Respondents to "explain whether the facts of Petitioners' case warrant a different outcome." (*Id.* at 1–2.) Respondents have not done so.

Respondents rely almost entirely on the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), asserting that it forecloses relief here. That contention overstates the reach of *Buenrostro-Mendez* and ignores settled constitutional principles that cannot be eliminated by statute or executive action. Petitioners' detention violates procedural due process and independently warrants habeas relief.

This Court has already rejected Respondents' argument that *Buenrostro-Mendez* controls the procedural due process analysis in cases such as this one. *See, e.g., Marceau v. Noem*, No. EP-26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) ("*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.”). Another court in the Fifth Circuit has reached the same conclusion. *See Hassen v. Noem*, No. EP-26-cv-48-DB, 2026 WL 446506, at *2 n.1 (W.D. Tex. Feb. 9, 2026) (“*Buenrostro-Mendez* does not change this case’s outcome on procedural due process grounds.”).

Re-detainment without justification has consistently been found to be a due process violation under the *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976), factors. *See, e.g., Lopez-Arevelo*, 801 F. Supp. 3d at 685–87; *Martinez v. Noem*, No. EP-25-cv-430-KC, 2025 WL 2965859, at *3–5 (W.D. Tex. Oct. 21, 2025); *Sornoza Intriago v. De Anda-Ybarra*, No. EP-26-cv-277-KC, Dkt. No. 4 at 4 (W.D. Tex. Feb. 12, 2026). As numerous courts have recognized, Respondents’ “decision to release an individual from custody creates an implicit promise, upon which that individual may rely, that their liberty will be revoked only if they fail to live up to the conditions of release.” *Lozada v. LaRose*, 25-cv-3614, 2026 WL 184205, at *2 (S.D. Cal. Jan. 23, 2026) (citation modified); *see also Morrissey v. Brewer*, 408 U.S. 471, 782 (1972).

Furthermore, this Court has previously rejected Respondents’ argument regarding *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020). *See Lopez-Arevelo*, 801 F. Supp. 3d at 682–85 (“In sum, *Thuraissigiam* does not prohibit [petitioner] from pursuing his due process claim, for two reasons. First, because he challenges his detention, not his deportability. And second, because he was detained after years of presence in the United States, rather than on the threshold of initial entry.”).

Here, Petitioners were previously paroled, have no criminal history, and have been living and working in the United States for more than a year without incident. Respondents have identified no basis justifying re-detention of Petitioners and have not come forth with a warrant. Under these circumstances, Respondents' re-detention of Petitioners is a violation of procedural due process, and the Court should grant habeas relief.¹

II. The Appropriate Relief for Petitioners is Immediate Release From Custody.

When an immigration detainee is held in violation of due process, the appropriate remedy is immediate release from custody. *See M.S.L. v. Bostock*, No. 6:25-cv-01204-AA, 2025 WL 2430267, at *15 (D. Or. Aug. 21, 2025) (ordering petitioner's immediate release from custody); *Ahmed M. v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026); *Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("Habeas is at its core a remedy for unlawful executive detention. . . . The typical remedy is, of course, release.").

If the Court determines, in the alternative, that a bond hearing is the appropriate form of relief, Petitioners respectfully request that the Court make clear that Respondents bear the burden of justifying continued detention by clear and convincing evidence, and that Respondents be afforded only a brief, defined period in which to conduct such a

¹ Respondents also raise arguments concerning failure to distinguish precedent, exhaustion of administrative remedies, the availability of relief under the APA, and *Bautista v. Noem*. These arguments fail. *Buenrostro-Mendez* had not yet issued when the Petition was filed and therefore could not have been addressed by Petitioners. The Court has already rejected Respondents' exhaustion theory. *See Lopez-Arevelo*, 801 F. Supp. 3d at 680–81. Because Petitioners prevail on their procedural due process claim, the Court need not reach Respondents' APA argument. And *Bautista* does not bear on the Court's analysis, as Petitioners do not rely on that decision.

hearing—after which Petitioners must be released. *See Lopez-Arevelo*, 801 F. Supp. 3d at 688.

III. Respondents Must Coordinate a Safe Release to Minnesota and the Return of Petitioners' Personal Property.

Petitioners were unlawfully detained in Minnesota and transferred to Texas. Fundamental fairness requires Respondents to bear the responsibility and cost of returning Petitioners to Minnesota so that they may be safely reunited with their family and community, and courts have routinely required this. *Adriana M.Y.M., v. Easterwood*, No. 26-cv-213 (JWB/JFD), 2026 WL 184721, at *5 (D. Minn. Jan. 24, 2026) (“Respondents shall immediately initiate Petitioner’s return to Minnesota for the sole purpose of effectuating release. Respondents shall not delay initiating Petitioner’s return based on administrative convenience, transportation availability, or detention-capacity considerations.”); *Luis E. M. C., v. Bondi*, No. 26-cv-333 (JRT/DTS), 2026 WL 184538, at *3 (D. Minn. Jan. 23, 2026) (“Respondents shall immediately return Petitioner to the State of Minnesota within 72 hours, where he must be released from custody.”); *Cervantes-Garcia v. Bondi*, No. 1:26-cv-98-RP, 2026 WL 196519, at *8 (W.D. Tex. Jan. 23, 2026) (ordering Respondents to “release Petitioner under conditions *no more restrictive than those in place prior to the detention* at issue in this case” and to notify Petitioner’s counsel prior to the release of “the exact location and time of Petitioner’s release” (emphasis added)).

Respondents should also be ordered to return all personal property confiscated at the time of Petitioners’ detention, including work permits, driver’s licenses or state

identification cards, Social Security cards, cell phones, and other personal effects. In other cases, Respondents have refused to return these items. *See Garcia Martinez v. Lyons*, 3:26-cv-106-KC, Dkt. No. 6 (W.D. Tex. Jan. 29, 2026); *see also da Silva v. LaForge*, No. 25-cv-17095 (EP), 2026 WL 45165, at *4 (D.N.J. Jan. 7, 2026) (holding court had authority to hear immigration petitioner's challenge to his conditions of release, which included ICE's continued retention of his documents).

To ensure Petitioners' safe return to Minnesota and re-integration into their lives—which Respondents needlessly and unlawfully disrupted—the Court should order Respondents to return Petitioners' property immediately and provide for a safe return to Minnesota at no cost to Petitioners.

CONCLUSION

There is no lawful basis upon which to detain Petitioners. Petitioners respectfully request that the Court grant the Petition for Writ of Habeas Corpus, order their immediate release from custody, require Respondents to return them safely to Minnesota at no cost, and ensure the prompt return of all personal effects and clothing taken at the time of detention.

[signature page follows]

Respectfully submitted,

Dated: February 18, 2026

/s/ Robert Painter

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* *Pro Hac Vice Applications Forthcoming*

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