

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

Eduardo Isidro Alvarado,

Petitioner,

v.

**KRISTI NOEM, Secretary of the Department
of Homeland Security,**

**PAMELA BONDI, Attorney General of the
United States;**

**TODD LYONS, Acting Director and Senior
Official Performing the Duties of the
Director of U.S. Immigration and Customs
Enforcement;**

**MARISA FLORES, Director of El Paso Field
Office of U.S. Immigration and Customs
Enforcement,**

**MARY DE ANDA-YBARRA, Field Office
Director of the El Paso Field Office of U.S.
Immigration and Customs Enforcement,
Enforcement and Removal Operations;**

**ANGEL GARITE, Assistant Field Office
Director of the El Paso Field Office of U.S.
Immigration and Customs Enforcement,
Enforcement and Removal Operations.**

**CURTIS TAYLOR, Major General, U.S.
Army at Camp Bliss.**

Respondents.

Case No. 3:26-cv-00393-KC

**PETITIONER'S REPLY TO
RESPONDENT'S REPLY TO
PETITIONER'S HABEAS
CORPUS PETITION**

LEGAL ARGUMENT

The *Buenrostro-Mendez* decision confined its analysis and holding only on the statutory interpretation issue and did not reach the due process claim issue which this court must still decide. *Buenrostro v. Bondi*, No. 25-20496, ---- F.4th ---- 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026). This Court has held, “*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.” *Marceau v. Noem*, No. 3:26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026). And one other district court in the Fifth Circuit has held the same, granting an immigration detainee’s habeas claim days after the decision in *Buenrostro-Mendez*. See Order, *Hassen v. Noem*, No. 3:26-cv-48-DB, at *4 n.1 (W.D. Tex. Feb. 9, 2026), ECF No. 8 (“*Buenrostro-Mendez* does not change this case’s outcome on procedural due process grounds.”).

Moreover, this Court’s many immigration habeas decisions finding due process violations are based on *Mathews v. Eldridge* principals. See, e.g., *Martinez*, 2025 WL 2965859, at *3–5; *Santiago v. Noem*, No. 3:25-cv-361-KC, 2025 WL 2792588, at *10–13 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 685–87 (W.D. Tex. 2025). Thus, *Buenrostro-Mendez* does not preclude Isidro Alvarado’s procedural due process claim and his habeas petition should be granted.

DATED: February 19, 2026

/s/ Alyssa Nguyen-Schmitz

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