

**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

**REPLY TO
RESPONDENT'S
ADVISORY TO THE
COURT AND MOTION FOR
RECONSIDERATION OF
COURT'S ORDER OR
ALTERNATIVELY,
MOTION TO STAY**

LEGAL ARGUMENT

This Court ordered Petitioner to respond as to whether he is in fact subject to a final order for removal and whether this warrants reconsideration by the Court. *See* February 26, Order 10, ECF No. 10. Having practiced for over 20 years, there is no way for counsel to know whether the deportation document provided by ICE actually reflects it is her client as the name is different. In the past, files provided by ICE was not always accurate. Counsel does not have access to the ICE files and a FOIA request takes many months to obtain so she is reliant upon her client and opposing counsel for information.

According to the client he was given a voluntary departure by the Judge in 2010, not a removal order. But it is not uncommon for clients to be confused whether they are granted a voluntary departure or a removal order as in either scenario they are required to leave the United States. When counsel and her assistant looked at the automated system with the court it reflected Petitioner was given a voluntary departure by the Judge in 2010. The system has since been updated to reflect “bond decision information.” *See* Ex. A.

Counsel mailed the removal document to the client but when she spoke to the client he had not yet received the removal document but he is adamant he has never used any alias in his life and he never used the name “Misael Aguilar-Gutierrez” and his name is not hyphenated. He also said he was never deported at an airport and the document shows he was put on a plane to leave the United States in Arizona. This attorney is therefore reliant upon ICE and her client to be candid with the court whether this is actually her client who has the order for removal and if so, ICE should have done their

due diligence as they were in the best position to know whether Petitioner had a previous order for removal. The government's failure to do due diligence should not warrant reconsideration for the reasons counsel argued in her Response to the Government's Motion. *See* ECF No. 9.

DATED: March 5, 2026

/s/ Alyssa Nguyen-Schmitz
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