

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Lazaro HERNANDEZ-DIAZ,
Petitioner,

v.

**U.S. DEPARTMENT OF HOMELAND
SECURITY; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; Pamela
BONDII, U.S. Attorney General; Mary De
ANDA-YBARRA, Field Office Director of
Immigration and Customs Enforcement,
Enforcement and Removal Operations, El
Paso Field Office,**
Respondents.

Case No. 3:26-cv-00437-
DB

Reply to Respondents' Response to Petitioner's Petition for Writ of Habeas

On February 18, 2026, Respondents responded to Petitioner's petition for Writ of Habeas Corpus. *See* ECF No. 4. Respondents argue that Petitioner's claims lack merit, and [his] petition should be denied. *Id.*

Specifically, Respondents claim that if this Court relinquishes jurisdiction of the matter, they promise to send Petitioner to a special unnamed detention facility in Arizona outside this Court's jurisdiction, and, in that unnamed facility in Arizona they can facilitate Petitioner's removal to Mexico. *See* ECF No. 4 at 2; *see also* ECF No. 4-1 at 3-4. Respondents also blame this Court for their inability to remove Petitioner to Mexico given its recent order, ECF No. 3, to keep Petitioner within this Court's jurisdiction to address these matters. *See* ECF No. 4-1 at 3.

Respondents fail to understand that Petitioner has been under their control since July 17, 2025, and for 7-months have been unable to remove Petitioner to Mexico. Respondents state they have made several efforts to obtain Diaz ~~compliance~~ with removal to Mexico. ECF No. 4 at 3 (emphasis added). But Respondents do not explain what they mean by compliance. Respondents have not produced documents showing Mexico is willing and ready to accept Petitioner. Instead, it sounds like Petitioner is refusing to be forced to unlawfully cross into Mexico. Forcing Petitioner to cross the international border without documentation ensuring Petitioner is permitted to enter Mexico is akin to encouraging or inducing an alien to come to or enter Mexico. *See generally e.g.*, 8 U.S.C. § 1324 [alien smuggling]. Failing to provide proper documentation permitting entry of Petitioner into Mexico is what is non-compliance. ECF No. 4-1 at 3. Therefore, Petitioner cannot, and should not be, punished with longer detention because he refused to unlawfully cross into Mexico.

Moreover, the Court should not grant Respondents requests to take Petitioner out of the reach of this Court's jurisdiction. Petitioner waited the *Zadvydas v. Davis*, 533 U.S. 678 (2001), contemplated 6 months to file for habeas. Now, Respondents argue they are ready to take Petitioner out; but only if the Court permits Respondents to take Petitioner to an unknown Arizona location that specializes in removing individuals like Petitioner. *See* ECF 4-1 at 3 (ERO transfers the individual to a facility in Arizona that effectuates third country removals to Mexico for detainees who have failed to comply with removal orders.). This request is no doubt ominous. And begs the bigger questions, what occurs at this unnamed facility in Arizona? What

tools does ERO in the Arizona facility use to effectuate[] an individual s removal that ERO in El Paso does not possess.

Nonetheless, Respondents here make clear that they cannot remove Petitioner. For these reasons, Petitioner s petition should be granted.

Dated: February 19, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mario R. Urizar", is written over a horizontal line.

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