

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

GLEND A MIC A EL A PER E Z AGUSTIN :

Petitioner, :

-against- :

KRISTI NOEM, IN HER OFFICIAL CAPACITY, :
SECRETARY, U.S. DEPARTMENT OF HOMELAND :
SECURITY; :

PAMELA BONDI, IN HER OFFICIAL CAPACITY, :
U.S. ATTORNEY GENERAL; :

TODD LYONS, IN HIS OFFICIAL CAPACITY, :
ACTING DIRECTOR, IMMIGRATION AND :
CUSTOMS ENFORCEMENT; :

MARY DE ANDA-YBARRA, IN HIS OFFICIAL :
CAPACITY ICE FIELD OFFICE DIRECTOR :
DETENTION AND REMOVAL; :

WARDEN, WARDEN, ERO EL PASO CAMP EAST :
MONTANA :

Respondents.

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**PETITION FOR
WRIT OF HABEAS CORPUS**

Case No. 3:26-cv-453-KC

PETITIONER'S MOTION TO ENFORCE

INTRODUCTION

1. On February 26, 2026, this Court granted the Petition for Ms. Perez Agustin, and ordered Respondents to either (1) provide her with a bond hearing before an immigration judge

("IJ"), at which the Government was to bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, her continued detention; or (2) release her from custody, under reasonable conditions of supervision. Feb. 26, 2026, Order 3, ECF No. 4.

RESPONDENTS ARE IN VIOLATION OF THIS COURT'S ORDER

2. **First, Respondents have failed to comply with the Immigration Judge's March 2, 2026 bond order to release Ms. Perez-Agustin only on a \$1,500 monetary bond.** The Immigration Judge only ordered a monetary bond, but Respondents placed an ankle monitor on her **and ordered ICE check-ins.** Because the Immigration Judge did not authorize any conditions of release other than a monetary bond, Respondents are in violation of the Immigration Judge's order. *See N.N. v. McShane*, 2025 WL 3143594 (E.D. Pa. Nov. 10, 2025) and *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025) (both ruling ICE's release conditions, including ankle monitoring, not present in the immigration judge's order violated Due Process and the *Accardi* doctrine).
3. **Respondents cannot claim to have complied with this Court's order to hold a bond hearing if they then refuse to comply with the bond order.** By their actions, Respondents have rendered the Immigration Bond Hearing meaningless. Petitioner remains in custody as she is subject to 24/7 monitoring.

Dated: April 6th, 2026

Respectfully submitted,

Counsel for Petitioner

/s/ DAVID H. SQUARE

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Western District of Texas by using the CM/ECF system.

/s/ David H. Square

David H. Square