

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

Leida Marcelina PEREZ LOPEZ,

Petitioner,

v.

TODD M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement, U.S.
Department of Homeland Security;
KRISTI NOEM, Secretary of U.S. Department of
Homeland Security;
PAMELA BONDI, Attorney General of the
United States;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW;
WARDEN of El Paso Processing Center, El Paso
Texas,

In their official capacities,

Respondents.

Case No.: 3:26-cv-459-KC

**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE
TO PETITION FOR HABEAS CORPUS**

In reply to Respondents' response, Petitioner submits the following. She agrees with the Respondents that a bond hearing is not an appropriate remedy here, and since the parties agree, this Court should order immediate release.

Petitioner has a Due Process Right to her Deferred Action

Respondents begin their response by explaining Ms. Perez Lopez's unsubstantiated criminal history, as though that somehow justifies her detainment by immigration in violation of her deferred action. In August 2025, HSI learned that Ms. Perez Lopez was the suspect in an alleged abuse case. Despite this awareness, Respondents took no steps to terminate her deferred

action as required by the DALE program. Instead, approximately 5 months later, ICE agents followed Ms. Perez Lopez from her home, detained her, and shipped her hundreds of miles from her family. Her deferred action remains valid, and the allegations against her remain unproven. The Santa Fe District Attorney refused charges, saying the case was not investigated properly. *See* Dkt. 5 at 4-5 (Factual Background).

While Respondents may try to terminate Ms. Perez Lopez's deferred action, they must follow the proper procedures. Dkt. 4, Ex. 2 at 12 (Procedures for Terminating DALE Deferred Action). The procedures for termination require notice and an opportunity to respond. *Id.* Respondents have had 5 months from the date of learning of the allegations until now to initiate the process, which they failed to do. Instead, Respondents seek to circumvent the proper procedures by unlawfully detaining her. Seizing her deferred action without due process violates both her Fourth and Fifth Amendment rights.

Ms. Perez Lopez does not simply argue that her detention without a bond hearing is unlawful, but that it was unlawful for ICE to detain her at all while she maintains her deferred action. In a similar case, the District Court ordered the immediate release of the Petitioner because the Respondents should have never detained the Petitioner while she had valid deferred action. *Gama v. Bondi*, 2:25-cv-01925-TL, (W.D. Wash. Dec. 12, 2025); *see also United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (agency action that violated agency procedures, rules, or instructions should be set aside).

Because Respondents were required to follow the proper procedures to revoke her DALE deferred action, and they failed to do so, the only appropriate action is Petitioner's immediate release from detention.

Respectfully submitted on this 26th day of February 2026,

/s/ Jennifer Scarborough
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CERTIFICATE OF SERVICE

All Parties were served through the Court's ECF system. Dated 02/26/2026

/s/ Jennifer Scarborough
Jennifer Scarborough
Attorney for Petitioner