

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

MOISES ANGEL FUENTES,	§	
<i>Petitioner,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 5:25-cv-00153
	§	
KRISTI NOEM, Secretary, Department of	§	
Homeland Security, <i>et al.</i> ,	§	
<i>Respondents.</i>	§	

**RESPONDENTS' STATUS REPORT ON OUTCOME OF PETITIONER'S BOND
HEARING IN PENDING REMOVAL PROCEEDINGS**

The Court ordered the parties to provide the Court with a status update concerning the outcome of any bond hearing conducted pursuant to the Court's Memorandum and Order entered on October 16, 2025 (Dkt. No. 15). Respondents, Kriti Noem, the Secretary of Homeland Security, *et al.*, file this status report in accordance with the Court's instruction.

BACKGROUND

1. On September 20, 2025, Petitioner filed his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (hereafter "Habeas Petition") (Dkt. No. 1), along with a Motion for Preliminary Injunction and Temporary Restraining Order (Dkt. No. 2), claiming: (1) the mandatory detention provision of 8 U.S.C. § 1225(b)(2) is unlawfully applied to Petitioner and violates the INA because Petitioner should be detained under 8 U.S.C. § 1226(a); and (2) the detention of Petitioner "without a bond redetermination hearing" pending removal proceedings violated procedural and substantive due process under the Fifth Amendment. Dkt. No. 1, ¶¶ 50-56.

2. Per the Court's Order (Dkt. No. 4), Respondents filed their Opposition to the Habeas Petition and Motion to Dismiss on October 6, 2025 (Dkt. No. 9). Respondents argued that the habeas claims lacked merit and should be dismissed for two significant reasons: (1) Petitioner

was not denied an opportunity for a bond hearing, he simply failed to request a bond redetermination hearing from an Immigration Judge at any point prior to filing the Petition in this Court, thus, his claim is not ripe and should be dismissed for failure to exhaust available administrative remedies available to him in removal proceedings; and (2) Petitioner is lawfully detained under Section 235(b) of the INA, 8 U.S.C. § 1225(b)(2), and is therefore subject to mandatory detention without release on a bond. Dkt. No. 9, ¶¶ 1-2.

3. On October 16, 2025, the Court entered a Memorandum and Order granting in part the Petitioner's Habeas Petition and denying as moot the Motion for Temporary Restraining Order. Dkt. No. 15 at 1. The Court denied Respondents' Motion to Dismiss and ordered Respondents to release Petitioner "unless he is provided a bond hearing under 8 U.S.C. § 1226(a) by October 24, 2025." Dkt. No. 15 at 11-12. The Court furthered ordered "the parties shall provide the Court with a status update concerning the outcome of any bond hearing" conducted pursuant to the Court's Memorandum and Order "[n]o later than **October 28, 2025, at 5:00 p.m.**" *Id.* at 12.

**STATUS UPDATE CONCERNING OUTCOME OF BOND HEARING
CONDUCTED ON OCTOBER 22, 2025**

4. In accordance with the Court's Memorandum and Order, the Department of Homeland Security/U.S. Immigration and Customs Enforcement ("DHS/ICE") requested a bond redetermination hearing, and one was held on October 22, 2025, before Laredo Immigration Judge Emmanuel Garcia. *See Gov't Ex. 1* ("Order of the Immigration Judge"). After full consideration of the evidence presented at the bond hearing, Judge Garcia denied Petitioner's release on a bond on grounds that Petitioner did not meet his burden to show that "he would not be a danger to the community if released from custody." *Gov't Ex. 1* at 1.

5. Specifically, Judge Garcia reasoned that Petitioner admitted at the bond hearing that he was involved in a 2016 incident where he was charged with driving while intoxicated. *Id.*

While Judge Garcia recognized that the charge was dismissed, Petitioner admitted at the hearing that “he had drank six beers before this incident, and he was involved in an accident during this incident” and additionally Petitioner “continued over the last three years to be involved in at least two vehicular accidents where he was found at fault.” *Id.* Based on the Immigration Judge’s own discretion, he denied Petitioner a bond as he found Petitioner to be a danger to the community. *Id.* at 1-2. Petitioner reserved his right to appeal the Immigration Judge’s bond decision to the Board of Immigration Appeals. *See id.* at 2.

CONCLUSION

Respondents respectfully submit this Status Report to provide an update to the Court that the Immigration Judge presiding over Petitioner’s removal proceedings denied Petitioner a bond as the Immigration Court found Petitioner to be a danger to the community. Petitioner remains under the custody of DHS/ICE at the Rio Grande Processing Center in Laredo, Webb County, Texas.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Baltazar Salazar, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on this 28th day of October, 2025, a copy of the foregoing was served on counsel for Petitioner via CM/ECF email notification.

By: *s/ Baltazar Salazar*
BALTAZAR SALAZAR
Assistant United States Attorney