

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

HERBER ROLANDO GARCIA-MORALES,
Petitioner.

Civil Action No. 3:26-cv-00001

Immigration No. 

v.

**PLAINTIFF'S VERIFIED PETITION
FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241
AND REQUEST FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security;

TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

MARY DE ANDA-YBARRA, in her official capacity as Field Office Director, ICE Enforcement and Removal Operations, El Paso Field Office;

Warden (or Facility Administrator) of the ERO El Paso Camp East Montana, Texas, in his or her official capacity; and **DAREN K. MARGOLIN**, in his official capacity as Director of the Executive Office for Immigration Review.

Respondents.

JOINT MOTION TO DISMISS PETITION AS MOOT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Petitioner Herber Rolando Garcia Morales ("Petitioner") and Respondents, by and through undersigned counsel, jointly move the Court to dismiss this action as moot.

I. BACKGROUND

1. On January 1, 2026, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.
2. Petitioner's Petition sought relief from immigration detention, including injunctive relief requiring an individualized custody redetermination hearing or release from detention.
3. The parties have conferred and agree that Petitioner has now been released from immigration detention.

II. ARGUMENT

4. Because Petitioner has been released from immigration detention, the relief sought in the Petition is no longer available, and there is no longer a live case or controversy for the Court to adjudicate.
5. Accordingly, this action is moot and should be dismissed.

III. PRAYER

WHEREFORE, the parties respectfully request that the Court dismiss this action without prejudice as moot, and grant such other relief as the Court deems just and proper.

Respectfully submitted,

FOR PETITIONER:

RIVERA HERNANDEZ CAMPOS, PLLC
5835 Callaghan Rd., Suite 503
San Antonio, TX 78228
Tel: (210) 922-8541
Fax: (210) 922-8547
Email: rcampos@rhc.law

By: /s/ Roberto A. Campos Garduno

Roberto Adrian Campos Garduno

Texas Bar No. 24116159

Attorney for Petitioner

FOR RESPONDENTS:

NATHAN RIPLEY

Special Assistant United States Attorney

U.S. Attorney's Office | Western District of Texas

700 E. San Antonio Ave., Suite 200

El Paso, Texas 79901

Tel: (915) 546-3374

Email: Nathan.Ripley@usdoj.gov

By: /s/ Nathan Ripley

Nathan Ripley

Special Assistant United States Attorney

Attorney for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2026, a true and correct copy of the foregoing was filed via the Court's CM/ECF system, which will send notice to all counsel of record.

Date: February 13, 2026

RIVERA HERNANDEZ CAMPOS, PLLC
5835 Callaghan Rd., Suite 503
San Antonio, TX 78228
Tel: (210) 922-8541
Fax: (210) 922-8547
Email: rcampos@rhc.law

By: /s/ Roberto A. Campos Garduno
Roberto Adrian Campos Garduno
Texas Bar No. 24116159
Attorney for Petitioner