

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

SAUL NAJERA MACHUCA,

Petitioner,

v.

Mary De Anda-Ybarra, et al.,

Respondents.

Case No. 3:26-CV-00049-DCG

**PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY CONCERNING
BUENROSTRO-MENDEZ AND RECENT FIFTH CIRCUIT AUTHORITY**

1. Introduction

Petitioner, SAUL NAJERA MACHUCA, respectfully submits this Notice of Supplemental Authority to inform the Court of recent decisions bearing directly on the issues presented in the fully briefed habeas petition. Since the completion of briefing, January 30, 2026, courts have issued decisions addressing the scope of detention and judicial review, including a recent decision from the Fifth Circuit Court of Appeals. These authorities reinforce Petitioner's position that continued detention in this case raises serious constitutional concerns warranting relief.

2. Background

Petitioner filed his Petition for Writ of Habeas Corpus on January 14, 2026. ECF No. 1. At the time of the filing, Petitioner was in the physical custody of the Respondents at the ERO El Paso Camp East Montana. Petitioner has been in custody for more than 100 days and remains in detention at this facility.

Petitioner is a Mexican national who has lived in the United States for over two decades; he lives in the Chicago, Illinois metropolitan area with his fiancé and his U.S. citizen child and stepchildren. He was arrested by Immigration and Customs Enforcement ("ICE") in November 2025, while he was working a job site as a roofer. He was detained without any individualized determination of danger or flight risk; ICE simply relied on recently adopted DHS and Executive Office for Immigration Review ("EOIR") policies asserting that all noncitizens charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) are arriving aliens subject to mandatory detention under 8 U.S.C. § 1225.

1 Petitioner's case is materially indistinguishable from other cases where this Court has
2 found procedural due process violations. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-
3 DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025); *Martinez v. Noem*, No. 3:25-cv-430-KC,
4 2025 WL 2965859, at *1-2 (W.D. Tex. Oct. 21, 2025). *See also Cumbe Lema v. De Anda-*
5 *Ybarra*, No. EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026) (granting the petitioner's writ for
6 habeas corpus following the Fifth Circuit's decision in *Buenrostro-Mendez*); *Hassan v. Noem*,
7 No. EP-26-CV-00048-DB (W.D. Tex. Feb. 9, 2026) (same).

8 3. Effect of *Buenrostro-Mendez v. Bondi* on Petitioner's Habeas Claim

9 The Fifth Circuit's precedential decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496,
10 2026 WL 323330 (5th Cir. 2026) issued on February 6, 2026, determines that Respondents'
11 statutory interpretation of § 1225(b)'s mandatory detention provision is correct. This decision
12 should not change the analysis of Petitioner's current habeas claim. Petitioner has raised both a
13 statutory claim and a constitutional due process claim. ECF No. 2. The *Buenrostro-Mendez* panel
14 opinion held that the statute does not entitle people like Petitioner to a bond hearing when they
15 are detained pending removal proceedings, but the *Buenrostro-Mendez* court did not reach the
16 due process question, confining its analysis and holding only to statutory interpretation. *See*
17 *generally, Buenrostro-Mendez*, 2026 WL 323330, at *1-10. Furthermore, this case has been
18 remanded to the district court, not for dismissal, but for "further proceedings consistent with this
19 opinion." *Id.* at *10. Presumably, those further proceedings will entail consideration of
20 *Buenrostro-Mendez's* due process claim, which the district court declined to reach in the first
21 instance. *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886349, at *3 n.4 (S.D. Tex.
22 Oct. 7, 2025). Furthermore, this Court has already granted habeas claims since the decision was
23 issued in *Buenrostro-Mendez* where the petitioners are meaningfully indistinguishable from
24

1 Petitioner. *Cumbe Lema*, No. EP-26-CV-249-KC (W.D. Tex. Feb. 9, 2026); *Hassan*, No. EP-26-
2 CV-00048-DB (W.D. Tex. Feb. 9, 2026).

3 **4. Conclusion**

4 In sum, *Buenrostro-Mendez* has no bearing on this Court's determination of whether
5 Petitioner is being detained in violation of his constitutional right to procedural due process and
6 the matter should move forward before this Court for consideration on the merits. Petitioner has
7 now been detained for more than 100 days and Respondents' ongoing detention of Petitioner
8 without a bond redetermination hearing to determine whether he is a flight risk or danger to
9 others continues to violate his right to due process.

10
11 DATED this 16th day of March 2026

12 /s/ William A. Quiceno
13 William A Quiceno
14 Attorneys for Petitioner

15 Kempster, Corcoran, Quiceno & Lenz-Calvo, Ltd.
16 332 S Michigan Avenue, Suite 1428
17 Chicago, Illinois 60604
18 312-341-9730, Ext. 134
19 312-341-0399
20 Williamq@klc-ltd.com
21
22
23
24