

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

OCANA-CASTILLO, FELIPE

Petitioner,

v.

MARY DE ANDA-YBARRA, Field Office
Director, EL Paso Field Office, Immigration
and Customs Enforcement, in his official
capacity;

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

PAMELA BONDI, U.S. Attorney General, in
her official capacity;

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

WARDEN ERO El Paso Camp East Montana,
in his official capacity,

Respondents.

Case No. 3:26-CV-00107-LS

**SUPPLEMENT TO
PETITION FOR A WRIT OF
HABEAS CORPUS**

REPONSE TO THE COURT'S JANUARY 29, 2026 ORDER

1. Petitioner files this short supplemental brief in response to this Court's January 29, 2026 order directing the parties to address whether Petitioner was arrested pursuant to a warrant. This Court issued the Order before the Fifth Circuit's February 6, 2026 decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. 2026), determining Respondents' statutory interpretation of Section 1225(b)'s mandatory detention provision is correct.

2. The *Buenrostro-Mendez* panel opinion held that the statute does not entitle people to a bond hearing when they are detained pending removal proceedings. *Buenrostro-Mendez*, 2026 WL 323330, at *1. However, the *Buenrostro-Mendez* court did not reach the due process question, confining its analysis and holding to statutory interpretation. *See generally Buenrostro-Mendez*, 2026 WL 323330, at *1–10. And the case was remanded to the district court, not for dismissal, but “for further proceedings consistent with this opinion.” *Id.*

3. Now that the 5th Circuit has ruled, some of the Court's queries may no longer be pertinent. Nevertheless, Petitioner files this supplement in response to the Court's request.

4. On November 17, 2025 Petitioner was stopped and arrested by LaPorte County, Indiana police for an outstanding warrant for minor traffic violations that have now been dismissed. On November 22, 2025, Mr. Ocana-Castillo was taken into custody without incident and transported to the ICE/ERO District Office for processing. Alienage and inadmissibility were determined and a detainer was lodged with the La Porte County, IN Sheriff's Department. An alien warrant of arrest (I-200) was signed on November 17, 2025. See attached.

5. References to “Attorney-General” do not necessarily mean the warrant is a judicial warrant. Indeed, courts have interpreted references to the “Attorney General” to mean

the Secretary of DHS. *See Ramos v. Lyons*, 2025 WL 3199872, FN 1 (C.D. Cal. Nov. 12, 2025) (citing *Clark v. Martinez*, 543 U.S. 371, 374 n.1 (2005)).

6. Petitioner intends to file a short reply to his Petition, separately addressing arguments raised in Respondents' response brief, filed on February 9, 2026, and specifically addressing the procedural due process arguments, and preserving the statutory arguments, as well as distinguishing *Buenrostro-Mendez*. Petitioner requests leave to file his reply brief by February 23, 2026.

DATED this 12th day of February, 2026

Respectfully submitted,
Frederic C. Goodwill, II

Attorneys for Petitioner

VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 12th day of February, 2026.

Frederic C. Goodwill, II

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