

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

CHRISTIAN DAVID ORTIZ
MONTAGUANO,

Petitioner,

v.

Pamela Bondi, Attorney General, Kristi Noem, Secretary, U.S. Department of Homeland Security, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement, U.S. Immigration and Customs Enforcement, Mary De Anda-Ybarra, Director, El Paso Field Office Immigration and Customs Enforcement, and Warden, Director of the El Paso Camp East Montana

Respondents.

Case No. 3:26-cv-00112-DCG

**PETITIONER'S REPLY TO
RESPONDENTS' ABBREVIATED
RESPONSE TO HABEAS PETITION**

The Court, in its Order to Show Cause, ordered that Respondents must identify each factual allegation contained in Petitioner's petition that Respondents dispute. ECF No. 3. Respondents, however, do not address or dispute any of Petitioner's factual allegations. Instead, Respondents argue that Petitioner is subject to mandatory detention despite acknowledging that "the factual and legal issues presented in the instant habeas petition do not differ in any way" than prior rulings from Courts in the Western District of Texas in *Navarro v. Bondi*, No. 5:25-cv-1468-FB (W.D. Tex. Dec. 2, 2025); *Moradi v. Thompson et al.*, No. 5:25-cv-1470-OLG (W.D. Tex. Dec. 18, 2025); *Reyes v. Thompson et al.*, No. 5:25-cv-1590-XR, 2025 WL 3654265 (W.D. Tex. Dec. 12, 2025); *Acosta-Balderas v. Bondi et al.*, No. 5:25-cv-1629-JKP, 2025 WL 3654331 (W.D. Tex. Dec. 11,

2025); *Tisighe v. De Anda-Ybarra et al.*, 3:25-CR-593-KC (W.D. Tex. Dec. 5, 2025); *Chauhan v. Noem et al.*, 3:25-cv-574-DB (W.D. Tex. Dec. 8, 2025); and *Gvedashvili v. Mooneyham et al.*, 6:25-cv-552-ADA-DTG (W.D. Tex. Dec. 22, 2025). ECF No. 4 at 2.

Indeed, courts in this District and across the country have analyzed and rejected respondents' overly broad interpretation of 8 U.S.C. § 1225(b)(2), instead determining that non-citizens who have resided in the United States for many years are subject to 8 U.S.C. § 1226(a) and are eligible for a bond hearing. Such is the case here, where Petitioner has resided in the United States since July 2023 with no criminal history whatsoever. Courts in this district have additionally determined that the appropriate relief for cases with a similar factual and legal background to the instant petition is immediate release from custody. *See e.g., Navarro*, No. 5:25-cv-1468-FB; *Reyes*, 2025 WL 3654265 at *4; *Acosta-Balderas*, 2025 WL 3654331 at *6; and *Gvedashvili*, 6:25-cv-552-ADA-DTG, ECF No. 10 at 7.

Accordingly, due to Respondents' failure to address any of Petitioners factual allegations and in light of prior rulings in this District, Petitioner requests that the Court order his return to Minnesota and immediate release from custody, or alternatively, order that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) within five days of the Court's order.

Dated: February 7, 2026

Respectfully submitted,

/s/ Shashi K. Gowda

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CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant, the undersigned certifies and states that the true and correct copies of this Reply To Abbreviated Response to Habeas Petition, will be served upon all counsels of record via the CM/ECF system, on or before February 7, 2026.

/s Shashi K. Gowda
Shashi K. Gowda