

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

Willian Fabian MAZABANDA POAQUIZA,

Petitioner,

v.

WARDEN, ERO EL PASO CAMP EAST MONTANA; MARY DE ANDA-YBARRA, in her official capacity as Field Office Director, El Paso Field Office, U.S. Immigration and Customs Enforcement; TODD M. LYONS, in his official capacity as Director of Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

Case No. EP-26-cv-126-KC

PETITIONER'S MOTION TO ENFORCE JUDGMENT

Petitioner respectfully moves this Court to enforce its habeas judgment and order Respondents to immediately remove an ankle monitor they have affixed to Petitioner and to cease subjecting Petitioner to any conditions of release not provided for in this Court's Order or the Order of the Immigration Judge following the bond hearing ordered by this Court. *See* ECF No. 5; ECF. No 6-1.

On January 9, 2026, Petitioner was arrested and detained without bond pursuant to Respondents' new mandatory detention policy. ECF No. 1 at 2. On January 30, 2026, this Court issued an Order partially granting Petitioner's Petition for Writ of Habeas Corpus on procedural due process grounds. ECF No. 5 at 2-3. The Court ordered that "on

or before February 6, 2026, Respondents shall either: (1) provide Mazabanda Poaquiza with a bond hearing before an IJ, at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Mazabanda Poaquiza's continued detention; or (2) release Mazabanda Poaquiza from custody, under reasonable conditions of supervision." ECF No. 5 at 3. On February 6, 2026, Respondents reported to the Court that an Immigration Judge ordered Petitioner released from custody under bond of \$3,000 and that Petitioner posted bond and was released from custody. ECF No. 6 at 1.

However, before releasing Petitioner, Respondents affixed an ankle monitor to his leg. *See* Exh. 1, Declaration of Petitioner In Support of Motion to Enforce Judgment, at 2. The monitor causes Petitioner physical pain and embarrassment, consistently malfunctions and interferes with Petitioner's sleep, and compromises the liberty of Petitioner protected by this Court's Order. *Id.* Additionally, Respondents have purported to require Petitioner to attend ICE "check-ins" at an office in Minnesota. *Id.* Neither the ankle monitor nor the check-in requirement were provided for by this Court's Order or the Order of the Immigration Judge. *See* ECF No. 5; ECF No. 6-1.

This Court should grant the motion for the reasons it explained in a decision resolving a materially indistinguishable dispute two days ago. *See Montes Aguillon v. Bondi*, No. EP-26-cv-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026). In *Montes Aguillon*, this Court partially granted on due process grounds the habeas petition of an individual subjected to mandatory immigration detention, ordering release or a bond hearing under the same terms as in this case. *Id.* at *1. The petitioner there was released following a bond hearing, but an ankle monitor was affixed to her despite

nothing in the Court’s order or the Immigration Judge’s order authorizing such monitoring. *Id.* The Court ordered removal of the ankle monitor, holding that “Respondents may not impose additional conditions of release that are not included in an IJ’s bond order.” *Id.* at *2; *see also id.* (“Respondents do not have the statutory or regulatory authority to impose additional conditions of release not ordered by the IJ.”). The Court cited several cases relevant to its analysis. *See id.* at *1-2 citing *N-N-v. McShane*, No. 25-cv-5494, --- F. Supp. 3d ----, 2025 WL 3143594, at *3 (E.D. Pa. Nov. 10, 2025); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025); *Rivas v. Baltazar*, No. 26-cv-442, 2026 WL 444732, at *4 (D. Colo. Feb. 17, 2026); *A.B.D. v. Wamsley*, No. 25-cv-2014, 2026 WL 178306, at *8,*13 (D. Or. Jan. 22, 2026); *Batz Barreno v. Baltasar*, No. 25-cv-3017, ---- F. Supp. 3d ----, 2026 WL 120253, at *2 (D. Colo. Jan. 15, 2026); *Campbell v. Almodovar*, No. 25-cv-9509, 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025); *Khabazha v. United States Immigr. & Customs Enft.*, No. 25-cv-5279, 2025 WL 3281514, at *9 (S.D.N.Y. Nov. 25, 2025); *Hogarth v. Santacruz*, No. 25-cv-9472, 2025 WL 3211461, at *13 (C.D. Cal. Oct. 23, 2025)).

The question presented by this motion is materially indistinguishable from the question resolved in *Montes Aguillon*, and for the reasons explained in the Court’s decision there and the cases cited therein, the Court should grant the instant motion.

Dated: Friday, February 27, 2026

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on Friday, February 27, 2026, counsel for petitioner, Joseph Gillespie, conferred with counsel for the U.S. Attorney's Office, Nathan Ripley, regarding the above and foregoing motion, and the motion and relief sought is opposed.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on Friday, February 27, 2026, the above and foregoing motion was served on all parties of record via the Court's ECF system.

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