

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

JUAN ANTONIO OLVERA
FLORES,

Petitioner,

v.

C/A No. 3:26-CV-0065-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

FEDERICO AGUILAR-SALDIVAR,

Petitioner,

v.

C/A No. 3:26-cv-00220-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

ERIKA OLIVERA CORTES,

Petitioner,

v.

C/A No. 3:26-cv-00124-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

LUIS NEGRETE TOCTE,

Petitioner,

v.

C/A No. 3:26-cv-00119-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

EDGAR WILFRIDO GUAQUIPANA
MASABANDA,

Petitioner,

C/A No. 3:26-CV-00098-LS

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

MARIA TEODOMIRA BELTRAN
ROMERO,

Petitioner,

C/A No. 3:26-CV-00137-LS

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

ROSMAN MURCIA PEREZ,

Petitioner,

C/A No. 3:26-CV-00196-LS

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

JAVIER ENRIQUE LAGOS
IZAGUIRRE,

Petitioner,

C/A No. 3:26-CV-00174-LS

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

Myrian Narcisa Gavilanez Toaquiza,

Petitioner,

v.

C/A No. 3:26-CV-00274-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

TALAT SHAZAD,

Petitioner,

v.

C/A No. 3:26-CV-00070-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

ABDILAHIWALI AHMED
ABDIKADIR,

Petitioner,

v.

C/A No. 3:26-CV-00208-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

JHAMYLTON CISNEROS
SAMAYOA,

Petitioner,

v.

C/A No. 3:26-CV-00276-LS

MARY DE ANDA-YBARRA, et al.,

Respondents.

LUIS FERNANDO NAULA JUCA,

Petitioner,

C/A No. 3:26-CV-00271-LS

v.

MARY DE ANDA-YBARRA, et al.,

Respondents.

MOTION TO CONSOLIDATE

Petitioners hereby move, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, to consolidate the upcoming hearings in the above captioned cases currently pending in the United States District Court for the Western District of Texas, El Paso Division. All cases involve the same challenge to the Department of Homeland Security's policy of determining that individuals who either entered the United States, were released on parole or supervision, were encountered again years later and arrested without a warrant, or individuals who entered the United States and were encountered years later and arrested without a warrant, are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

Rule 42(a) of the Federal Rules of Civil Procedure authorizes a court to consolidate actions that "involve a common question of law or fact." This Court has "broad discretion" in determining whether the cases involve common questions of law or fact or whether consolidation would serve judicial economy. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761-62 (5th Cir. 1989). "The purpose of consolidation is to 'avoid unnecessary costs or delay.'" *Centex Homes v. Arias & Assocs., Inc.*, No.

CV-SA-12-CA-53-OG, 2012 WL 12886439, at *14 (W.D. Tex. May 8, 2012), *report and recommendation adopted sub nom. Homes v. Arias & Assocs., Inc.*, No. SA-12-CA-53-OLG, 2012 WL 12886602 (W.D. Tex. May 31, 2012) (internal citations omitted). Some factors to be considered in determining whether consolidation is proper, include: (1) the cases are pending before the same court; (2) a common party is involved in the cases; (3) common issues of law and/or fact are involved; (4) no risk of prejudice or confusion if the cases are consolidated; and (5) judicial resources will be reserved. *See Frazier v. Garrison I.S.D.*, 980 F.2d 1514, 1531–32 (5th Cir. 1983).

Here, the factors weigh in favor of consolidation. These cases are all pending before the same court and the same judge. The respondents are the same in all cases. The issues of law and fact are the same in all cases. All Petitioners were ordered to provide supplemental briefing to address the issuance of warrants and habeas eligibility. Petitioners all entered the United States unlawfully, were released on parole or supervision, and were recently detained in the interior of the United States without warrants or entered the United States and were encountered years later and arrested without a warrant. Respondents contend that Petitioners are ineligible for bond and subject to mandatory detention. Petitioners contend that Respondents must immediately release Petitioners or provide timely bond hearings to comport with due process. Petitioners further assert that the Fifth Circuit's recent decision in

Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026) does not bar review as it is limited to a statutory construction question and does not address or consider whether the Fifth Amendment tolerates suddenly detaining individuals who have been free within the United States for an extended period and denying them an opportunity to seek review from custody.

There is nothing to cause any risk of prejudice or confusion if the cases are consolidated. Consolidation would conserve judicial economy because it would prevent briefing the same issue multiple times and would give the Court the opportunity to resolve the common legal issue once and for all. Finally, consolidation would prevent Petitioners' Counsel from making numerous trips to El Paso to repeat the same argument.

For the foregoing reasons, consolidation is appropriate under the circumstances of these cases as it will not cause any inconvenience, confusion, or prejudice to any party, nor will it cause a delay in scheduled proceedings. Accordingly, the Court should grant the Petitioners' motion to consolidate the upcoming hearings in these cases.

Respectfully submitted,

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Date

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