

United States District Court
Western District of Texas
El Paso Division

Julio Cesar Pomboza Pinto,
Petitioner,

v.

Case No. 3:26-CV-00195-DCG

Mary De Anda-Ybarra, Field Office
Director of Enforcement and Removal
Operations, El Paso Field Office,
Immigration and Customs Enforcement, *et al.*,
Respondents.

**Federal Respondents' Response to the Petitioner's
Petition for a Writ of Habeas Corpus**

Federal¹ Respondents provide this response to Petitioner's habeas petition. ECF No. 1. Any allegations that are not specifically admitted herein are denied. Petitioner is not entitled to the relief he seeks, including attorney's fees under the Equal Access to Justice Act ("EAJA")², and this Court should deny this habeas petition without the need for an evidentiary hearing. Any non-habeas claims should be severed or dismissed.³

Petitioner was granted voluntary departure on February 20, 2026. *See* Exh. A, Order (redacted). He was released from ICE custody and removed from the United States on March 5, 2026. *See* Exh. B, Detention History (redacted). Because Petitioner has been released from

¹ The Department of Justice represents only federal employees in this action.

² *Barco v. Witte*, 65 F.4th 782 (5th Cir. 2023).

³ Petitioner did not pay the filing fee for non-habeas claims. *See Ndudzi v. Castro*, No. SA-20-CV-0492-JKP, 2020 WL 3317107 at *2 (W.D. Tex. June 18, 2020) (citing 28 U.S.C. § 1914(a)). "When a filing contains both habeas and non-habeas claims, 'the district court should separate the claims and decide the [non-habeas] claims' separately from the habeas ones given the differences between the two types of claims. *Id.* (collecting cases and further noting the "vast procedural differences between the two types of actions"). Given the differences, the Court should either sever the non-habeas claims or dismiss them altogether without prejudice if severance is not warranted. *Id.* at *3.

custody, his habeas petition is now moot and should be dismissed or denied as moot. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020) (habeas relief mooted where noncitizen released from custody); *Chavez-Gallegos v. Castro*, No. 5:19-cv-00225-OLG, 2020 WL 13556697 at *2 (W.D. Tex. Feb. 7, 2020) (petitioner's release from custody and subsequent voluntary departure renders habeas petition moot); *Gilbert M. v. Johnson*, No. 3:18-cv-2592-L-BK, 2019 WL 13252512 at *1 (N.D. Tex. Aug. 23, 2019) (release from custody for voluntary departure or removal renders habeas petition moot) (report and recommendation adopted, 2019 WL 13252510, Sept. 13, 2019).

CONCLUSION

Because Petitioner has been released from custody and departed from the United States, and obtained the relief sought in this habeas petition, the petition is moot and should be dismissed in its entirety or denied as moot. Therefore, Respondents respectfully request that the habeas petition be dismissed or denied as moot.

Dated: April 6, 2026

Respectfully submitted,

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United States Attorney

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