UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ISRAEL MORA PIMENTEL, Petitioner, v. Sylvester M. ORTEGA, Field Office Director of Enforcement and Removal Operations, San Antonio Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Reynaldo CASTRO, Warden of South Texas Detention Facility, Respondents.	Case No. 5:26-cv-00507

PLAINTIFFS' MOTION FOR LEAVE TO FILE PLAINTIFFS' FIRST AMENDED PETITION AND APPLICATION FOR PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241

INTRODUCTION

1. Petitioner respectfully moves the Court, pursuant to Rule 15 of the Federal Rules of Civil Procedure, for leave to file an AMENDED COMPLAINT. The new complaint maintains most of the counts and allegations against the same defendants from the original complaint, but accounts for the significant legal developments that have occurred since the original complaint was filed, including the recent 5th circuit decision *Buenrostro-Mendez v. Bondi.*

STATEMENT OF FACTS

2. Petitioner ISRAEL MORA PIMENTEL, filed their Original Petition for Writ of Habeas Corpus on January 29, 2026.

3. This honorable court issued an Order to show Cause and gave the Respondents a deadline to file their response, February 3, 2026.

4. On February 6, 2026, the 5th Circuit Court of Appeals issued the decision *Buenrostro-Mendez v. Bondi.*

5. Respondents filed their reply response untimely on February 9, 2026 citing this case.

ARGUMENT PLAINTIFF HAS MET THE STANDARD FOR OBTAINING LEAVE TO FILE AN AMENDED COMPLAINT UNDER FEDERAL RULE OF CIVIL PROCEDURE 15

6. Pursuant to Federal Rule of Civil Procedure 15(a)(2), "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should

freely give leave when justice so requires."[1] The decision whether to grant leave to amend a pleading is within the sound discretion of the district court.[2]

7. There must be a justification for denial of an amendment. In determining whether to allow an amendment of the pleadings, a court considers the following: "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment."[3]

8. Given the significant factual and legal developments last week, good cause for amending the Complaint is immediately clear and in the interests of justice. The petitioner is the same. The Respondents are the same. The facts are the same.

9. There is clearly sound discretion for allowing the amendment of pleadings to include challenges to the new 5th circuit decision.

10. There has been no bad faith or delay by the Petitioner. The substantive legal changes that have given rise to the need to amend the pleadings has only just occurred. There will be no undue delays associated with the allowance to amend pleadings, as a new complaint on this same issue may also be filed. In fact, amended pleadings may offer efficiencies in judicial economy that may actually reduce delay. The interests of justice and judicial economy will undoubtedly be served by having all allegations properly before the Court as in the proposed amended complaint.

11. The amendments are narrowly tailored to reflect the present circumstances and Petitioner's present understanding of the law associated with the ever-changing landscape of

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[1] Fed. R. Civ. P. 15(a)(2)
[2] Ward v. Am. Red Cross, 3:13-CV-1042-L, 2013 WL 2916519 (N.D. Tex. June 14, 2013) (citing Foman v. Davis, 371 U.S. 178, 182 (U.S. 1962))
[3] Id. (again citing Foman v. Davis, 371 U.S. 178, 182 (U.S. 1962))

immigration detention. If the amendment is allowed, then this action can more effectively proceed on the merits and come to a timely end without any delays.

12. Respondents will not suffer any undue prejudice by virtue of the Court's allowance of the proposed amendment. The determination of whether prejudice would occur often includes assessing whether allowing an amendment would result in additional discovery, cost, and preparation to defend against new facts or new theories.

13. The proposed amended complaint does not involve the addition of any new parties.

14. Respondents cannot be prejudiced, or caught off guard, by the new arguments made in the proposed amendment, since the Respondent, in their templated response, already filed their arguments related to these additional claims.

15. In the interest of justice, this Court should grant Plaintiff's motion for leave to file the proposed amended complaint.

CONCLUSION

16. For the reasons identified above, Petitioner requests that the Court grant Petitioner's motion for leave to file the proposed amended complaint.

DATED this 12th day of February, 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud
Texas State Bar No. 24107699

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ATTORNEY FOR PETITIONER

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, ISRAEL MORA PIMENTEL and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO FILE PLAINTIFFS' FIRST AMENDED PETITION AND APPLICATION FOR PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241** are true and correct to the best of my knowledge and belief.

DATED this 12th day of February, 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud