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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

OSWALDO NICOLAS CAAL-CAAL

Petitioner,

v.

Michael T. ROSE, Field Office Director of Enforcement and Removal Operations, Philadelphia 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;

Jamal LAWRENCE, Warden of PHILADELPHIA FEDERAL DETENTION CENTER.

Respondents.

Case No. 2:26-cv-00556

MOTION TO ENFORCE

MOTION TO ENFORCE

Petitioner Oswaldo Nicolas Caal-Caal, in filing this Motion to Enforce, avers the following:

1. On February 13, 2026, this Court granted Petitioner's habeas petition (ECF No. 1) and ordered a bond redetermination hearing be held by February 20, 2026 (ECF No. 4).

2. On February 12, 2026, prior to this Court's order in the above captioned case, the Chief Counsel's Office (DHS) filed a bond redetermination request in Petitioner's ECAS account, but the documentation filed in support of the bond hearing was not related to Petitioner's case. *See* Tab A. Rather, it was in the name of Vicente Caal-Caal, bearing a different A number, but was erroneously filed under Petitioner's name and A number. Vicente Caal-Caal has no known relation to Petitioner, is not represented by undersigned counsel, and has no involvement in the instant petition.

3. At the time of that filing, this Court had not yet issued its order in Petitioner's case, so a bond hearing could not have been filed for Petitioner at that time.

4. On February 12, 2026, the Executive Office for Immigration Review (EOIR) scheduled a bond hearing for 9 am on February 17, 2026, but, as discussed above, the bond documents, including the habeas grant that led to the bond hearing, were for Vicente Caal-Caal, who had filed a habeas petition in the Western District of Pennsylvania, which was apparently granted a few days before this Court entered an order in Petitioner's case.

5. Undersigned counsel's associate, Attorney Ben Huvos, attended the bond hearing on behalf of Petitioner, although it was clear the bond request for Petitioner was filed in error, as the documents bore the name of Vicente Caal-Caal, and contained an order from Judge Haines in the Western District of Pennsylvania. Notably, DHS could not have filed a bond request for Petitioner

on the date of February 12 2026, as it pre-dated this Court's order.

6. At the February 17, 2026 bond hearing, Immigration Judge Ryan recognized the error and withdrew the bond request for Vicente Caal Caal that was filed under the incorrect A number of the Petitioner, with leave for the government to refile the bond request.

7. Respondents were represented at this bond hearing by Attorney Jon Staples of U.S. Immigration and Customs Enforcement's Office of the Principal Legal Advisor. Attorney Staples did not make any comments on the record concerning Petitioner's habeas grant or the refiling of the proper bond request.

8. Immigration Judge Ryan did not set a new bond hearing for Petitioner at the time, as the government has not provided the immigration court with this Court's order granting Petitioner's habeas petition and ordering a bond hearing.

9. To date, Respondents have failed to file a bond redetermination request or schedule a bond hearing for Petitioner, despite being informed on the record that the paperwork filed under Petitioner's A number on February 12, 2026 was incorrect.

10. Accordingly, Respondents have failed to comply with the Court's February 13, 2026 order to hold a bond hearing for Petitioner by February 20, 2026.

11. As Respondents failed to provide Petitioner with a meaningful bond hearing by this Court's deadline and have not articulated plans to comply with this Court's order, Petitioner now requests that this Court find that Respondents have not complied with this Court's order to provide Petitioner a bond hearing by February 20, 2026.

12. To date, Respondents have not requested an extension of the deadline set by this court or provided an explanation as to why a bond redetermination request was not filed and a bond hearing scheduled, and thus should not be afforded additional time to schedule a bond hearing.

13. Petitioner requests that this Court find that the proper redress from the violation of this Court's order is Petitioner's immediate release from immigration custody. Petitioner's due process rights continue to be violated with each day that he remains detained, thus the appropriate remedy is to immediately release him from Respondents' custody.

DATED this 20th of February 2026.

/s/ Taylor S. Adams
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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

OSWALDO NICOLAS CAAL-CAAL v. ROSE, ET AL.	Case No. 2:26-cv-00556 **MOTION TO ENFORCE**

EXHIBIT LIST

Exhibit		Page
A.	February 12, 2026 Notice of Custody Redetermination Hearing in Immigration Proceedings and Habeas Grant for Vicente Caal-Caal;	1-2
B.	February 17, 2026 Order of the Immigration Judge withdrawing bond request noting it was filed in error.	3-4

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

OSWALDO NICOLAS CAAL-CAAL

Petitioner,

v.

Michael T. ROSE, Field Office Director of Enforcement and Removal Operations, Philadelphia 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;

Jamal LAWRENCE, Warden of PHILADELPHIA FEDERAL DETANTION CENTER.

Respondents.

Case No. 2:26-cv-00556

[PROPOSED] ORDER GRANTING PETITIONER'S MOTION TO ENFORCE

THIS MATTER comes before the Court on Petitioner's Motion to Enforce. Having considered the motion, the memorandum and exhibits in support thereof, and any subsequent submissions related to the motion, the Complaint, and the applicable law, the Court ORDERS as follows:

1. Petitioner's Motion to Enforce is GRANTED.
2. The Court further ORDERS that Respondents, and all of their officers, agents, servants, employees, attorneys, successors, assigns, and persons acting in concert or participation with them, must immediately release Petitioner from their custody.
3. No security bond is required under Federal Rule of Civil Procedure 65(c).

It is so ORDERED.

DATED this 20th day of February 2026.

PAUL DIAMOND
UNITED STATES DISTRICT JUDGE

IMMIGRATION COURT
625 EVANS STREET, ROOM 148A
ELIZABETH, NJ 07201

CAAL-CAAL, OSWALDO NICOLAS
MOSHANNON VALLEY PROCESSING CE
555 GEO DRIVE
PHILIPSBURG, PA 16866

FILE: A [redacted]

RE: CAAL-CAAL, OSWALDO NICOLAS

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN **SCHEDULED**/~~RESCHEDULED~~ FOR A CUSTODY REDETERMINATION HEARING BEFORE THE IMMIGRATION COURT ON **Feb 17, 2026 AT 09:00 A.M.** AT THE FOLLOWING ADDRESS:

625 EVANS STREET ROOM 148A
ELIZABETH, NJ 07201

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [ ] ALIEN **[P] ALIEN c/o Custodial Officer** [ ] ALIEN's ATT/REP **[P] DHS**
DATE: Feb. 12, 2026 **BY: COURT STAFF** ZJH
Attachments: [x] EOIR-33 [ ] EOIR-28 **[x] Legal Services List [x] Other**

U7

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICENTE CAAL-CALL,	**Civil Action No. 3:25-cv-00542**
Petitioner,	
vs.	
BRIAN McSHANE, Field Office Acting Director of Enforcement and Removal Operations Philadelphia Field Office, Immigration and Customs Enforcement, et al.,	
Respondents.	

JUDGMENT

AND NOW, this 10th day of February, 2026, it is hereby ORDERED, ADJUDGED AND DECREED that final judgment is entered pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of Petitioner and against Respondents.

STEPHANIE L. HAINES
United States District Court Judge

EOIR - 1 of 1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:
CAAL-CAAL, OSWALDO NICOLAS

To:
O'Brien, Erin Mary
150 Strafford Avenue
Suite 115
Wayne, PA 19087

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
02/17/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☑ Other:
Bond request withdrawn, as this bond hearing was erroneously scheduled.



Immigration Judge: Ryan, Dennis 02/17/2026

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : CAAL-CAAL, OSWALDO NICOLAS | A-Number : [redacted]
Riders:
Date: 02/17/2026 By: DESIR, JOANE, Court Staff