

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ROMEL EDMUNDO GARCIA CABRERA,
Petitioner,

v.

KRISTI NOEM, Secretary of the United
States Department of Homeland Security,
et al.,
Respondents.

Civil Action No. EP-26-CV-00232-DB

ADVISORY TO THE COURT

Respondents file this Advisory, per the Court's Order of February 4, 2026, regarding the return of Petitioner's personal property. ECF No. 5. Petitioner was released from ICE custody on January 31, 2026. *See* Exh. A, Declaration. On February 2, 2026, Petitioner's counsel advised the Court that Petitioner's personal effects were not returned to him upon his release from custody. Therefore, this Court ordered that the personal effects be returned. As stated in the attached Declaration, none of the requested personal effects were located in the detention file, nor documented in the property log. *See* Exh. A.

However, Respondents contend that Petitioner is not entitled to relief as a claim for the return of private personal property or for financial compensation for lost property is not cognizable under federal habeas review. *See Rincon v. U.S. Dept. of Homeland Security*, No. 5:23cv88, 2024 WL 715078 at *2 (S.D. Ga. Jan. 31, 2024) (report and recommendation adopted by 2024 WL 714317); *Reynolds v. Werlich*, No. 18cv1186, 2018 WL 3536753 at *2 (S.D. Ill. Jul. 23, 2018); *Smith v. Dismas Charities*, No. 2:15cv10749, 2016 WL 2893783 at *3 (S.D. W.Va. Apr. 8, 2016); *Alcenat v. FCI Schuylkill*, No. Civ. 3:cv05-2601, 2006 WL 148880 at *1-2 (M.D. Pa. Jan. 18, 2006).

Dated: February 17, 2026.

Respectfully submitted,

JUSTIN R. SIMMONS
UNITED STATES ATTORNEY

By: /s/ Deborah L. Fischer
DEBORAH L. FISCHER
Assistant United States Attorney
Texas Bar No. 00786039
700 E. San Antonio, Ste. 200
El Paso, Texas 79901
Office: (915) 534-6884
Facsimile: (915) 534-3490
Email: Deborah.Fischer@usdoj.gov
Attorneys for Federal Respondents