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

Romel Edmundo GARCIA CABRERA

**NOTICE OF VIOLATION OF ORDER AND
MOTION TO ENFORCE**

Petitioner

Case No: EP-26-CV-00232-DB

v.

Kristi NOEM et al.,

Respondents.

NOTICE OF VIOLATION OF ORDER AND MOTION TO ENFORCE

Petitioner filed a Petition for Habeas Corpus, and this Court ordered Respondents to show cause by February 4, 2026. Before the set deadline, Respondents released Petitioner on January 31, 2026, seizing some of Petitioner's personal effects, including Petitioner's cell phone, wallet, bank card, apartment keys, workplace access cards, and Minnesota Twins baseball cap.

On February 2, 2026, the Petitioner moved this Court to order the return of his belongings. On February 4, 2026, the Court ordered: (1) that Respondents return all Petitioner's personal effects in Respondents' custody, including but not limited to his cell phone, wallet, apartment keys, and workplace access cards, no later than February 13, 2026; and (2) The Parties file a notice confirming Petitioner's personal effects have been returned and informing the Court whether any matters remain to be resolved, no later than February 17, 2026.

On February 17, 2026, Respondents filed an Advisory to the Court, and an Affidavit stating that the Respondents lost the Petitioner's personal property and advising the Court that the Petitioner is not entitled to relief as a claim for the return of personal property or for financial compensation for lost property is not recognized under federal habeas review.

Incidentally, the Petitioner, through the undersigned attorney, filed a Sworn Declaration describing to the best of his knowledge how his belongings were transported from place to place by the Respondents during his detention both in Form Snelling, Minnesota, and El Paso, Texas.

As of today, the Respondents have not returned the Petitioner's personal property. Respondents violated the Court's order and retained the Petitioner's property upon release.

In contravention of the Court Order, Respondents have retained:

- a. Mr. Garcia Cabrera's cell phone;
- b. Mr. Garcia Cabrera's wallet;
- c. Mr. Garcia Cabrera's apartment keys; and
- d. Mr. Garcia Cabrera's workplace access cards.

By depriving Mr. Garcia Cabrera of his personal belongings without due process, Respondents have placed Petitioner in an incredibly vulnerable position. Petitioner was arrested in Minnesota, but released in Texas five days later. The Petitioner was released to a shelter almost 1400 miles away from his home with no cellphone or wallet. The Petitioner did not have money or access to his bank account because ICE unlawfully seized his debit/credit card. Similarly, upon release, the Petitioner did not have access to his apartment and workplace because ICE unlawfully seized both his apartment keys and the card to enter his workplace.

Petitioner notes that other Courts have documented extensive non-compliance with Court orders by Federal Respondents. *See Kumar v. Soto*, No. 26-CV-777 MEF (D.N.J. Mar. 2, 2026); *Juan v. Noem*, No. 26-CV-0107 PJS/DLM (D. Minn. Jan. 26, 2026). This is a pervasive and ongoing problem with ICE's extreme actions in the past year, in violation of many noncitizens' constitutionally protected Due Process rights. One court in New Jersey recently noted **72 violations** of habeas orders in that district alone. *See Cartagena Hueso v. Soto*, No. 26-CV-01455 ZNQ (D. C. N. J. Feb. 26, 2026).

Consequently, Petitioner, by and through undersigned counsel, moves that Respondents be held in contempt until his above-mentioned personal effects are returned to the Petitioner, pursuant to this Court's orders.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Maintain jurisdiction over this matter;
- b. Hold Respondents in contempt until they effect the return of Petitioner's personal property;
- c. Petitioner further requests that the above enumerated items be returned to the office of Petitioner's counsel by a definite time to ensure their prompt and secure delivery; and
- d. Grant any other and further relief that this Court deems just and proper.

Date: March 6, 2026

Respectfully Submitted:



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