UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CARLOS MARGARITO MEDINA,

Petitioner,

v.

MIGUEL VERGARA, 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; WARDEN OF KARNES COUNTY IMMIGRATION PROCESSING CENTER,

Respondents.

Case No. 5:26-CV-00590-FB

EMERGENCY MOTION TO ENFORCE COURT'S ORDER AND FOR IMMEDIATE RELEASE

TO THE HONORABLE JUDGE OF SAID COURT,

COMES NOW, Petitioner, CARLOS MARGARITO MEDINA, through undersigned counsel, Lorena Villalon, and respectfully moves this Court to enforce its February 25, 2026 Order and states as follows:

1. On February 25, 2026, this Court granted in part Petitioner's Petition for Writ of Habeas Corpus and ordered that, on or before March 3, 2026, Respondents must either:
    1. Provide Petitioner with a bond hearing before an Immigration Judge at which the Government bears the burden of establishing, by clear and convincing evidence, that continued detention is justified based on dangerousness or flight risk; or
    2. Release Petitioner under reasonable conditions of supervision.
2. The Court's Order plainly required a constitutionally adequate bond hearing consistent with due process and with the burden placed on the Government.
3. On March 2, 2026, Petitioner was transported to what appears to have been a bond proceeding before an Immigration Judge. However, undersigned counsel in this habeas matter received no notice of any bond hearing. Also, counsel of record in the underlying immigration proceedings received no notice. No electronic or written notice was provided to either attorney. Consequently, no opportunity was given for Petitioner to submit a proper bond redetermination packet.
4. To date, neither counsel has not been provided with any written custody determination and does not know whether bond was granted or denied; whether the Government bore the burden of proof; whether the clear and convincing evidence standard was applied; or whether any findings were issued.

5. A hearing conducted without notice to counsel and without opportunity to prepare and participate is not the hearing ordered by this Court. Procedural due process requires notice and a meaningful opportunity to be heard. See *Mathews v. Eldridge*, 424 U.S. 319 (1976). A proceeding conducted without notice to counsel and without opportunity to present evidence does not constitute a meaningful custody determination. Respondents did not provide a constitutionally compliant bond hearing. Therefore, release of petitioner as alternative relief is appropriate.

WHEREFORE, Petitioner respectfully requests that the Court finds that Respondents have failed to comply with the February 25, 2026 order and instead order Petitioner's immediate release under reasonable conditions of supervision.

DATED this 2nd day of March 2026.

Respectfully submitted,

Lorena Villalon

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