

United States District Court
Western District of Texas
El Paso Division

Santiago Raul Guachun Cardenas,
Petitioner,

v.

Kristi Noem, et. al.,
Respondents.

No. 3:26-cv-265-KC

RESPONDENTS' NOTICE TO THE COURT AND

MOTION FOR RECONSIDERATION

Pursuant to the Court's Order (ECF No. 10), signed and entered on February 12, 2026, the Federal Respondents provide this notice to the Court and further provide this motion because there has been a material change in circumstances since this Court entered its order on February 12, 2026. Respondents respectfully move this Court to reconsider its prior ruling and vacate its prior order in light of the significant developments in this case.

1) On February 12, 2026, Respondents were ordered that on or before February 19, 2026, Respondents shall provide Petitioner with a bond hearing before an Immigration Judge, or release from ICE custody, under reasonable conditions of supervision. ECF No. 10 at 6.

2) The Court further directed Respondents to file notice informing the Court whether the Petitioner has been released from custody. *Id.* If the Petitioner has not been released, Respondents shall inform the Court whether a bond hearing was held and shall further inform the Court in detail of the reasons for the Immigration Judge's decision. *Id.*

3) As of the date of this filing Petitioner remains in ICE custody and no bond hearing was held because Petitioner requested pre-conclusion, voluntary departure. *See* Exh. A (IJ Order).

4) On February 13, 2026, Petitioner motion the Immigration Court for pre-conclusion voluntary departure. *See* Exh. A (IJ Order). Petitioner was granted pre-conclusion voluntary departure by the Immigration Judge. *Id.*

5) As such Petitioner has received a benefit in the form of voluntary departure under safeguards and said relief comes with the condition of remaining in custody until his removal is effectuated. Under safeguards, means that the Petitioner remains detained ending the effectuation of the Voluntary Departure Order. Therefore, while the Petitioner sought relief from custody before this Court, Petitioner has subsequently agreed to custody as part of his relief from removal.

6) Petitioner has elected to withdraw his applications for relief and request pre-conclusion voluntary departure. *See* Exh. A (IJ Order). Accordingly, he avoids the entry of a removal order and preserves the opportunity to lawfully reenter the United States in the future.

7) Respondents respectfully request the order previously entered by this Court, ordering a bond hearing before an immigration judge or release, be reconsidered and vacated in light of Petitioners grant of pre-conclusion voluntary departure.

Dated: 19 February 2026

[Signature line appears on the following page]

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