

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CRISTHIAN ORIEL MACHADO AVILA,

Petitioner,

v.

Sylvester M. ORTEGA, 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; Charlotte
COLLINS, Warden of T. Don Hutto Detention
Center,

Respondents.

Case No. 1:26-cv-00249

PETITIONER'S REPLY TO RESPONSE IN OPPOSITION

With due respect to the great volume of litigation work that the Respondents have seen as a direct result of their practice of detaining people in violation of the constitution, Respondent's response in opposition is non-responsive and cannot rebut the constitutional violations alleged. Respondent's response is a "choose your own adventure" argument that contains no direct facts about Petitioner, nor any reference to specific arguments made in the original habeas petition. In an effort to preserve the petitioner's rights and all arguments for appeal, this reply will address arguments as though they were correctly addressed.

Respondents' Non-Responsive, Standardized Opposition Fails as a Matter of Law

Respondents openly concede that their opposition is not tailored to this Petitioner. Instead, they describe their filing as a “standardized response” submitted to “preserve legal issues” and to conserve resources given the “high volume of similar habeas litigation in this district.” That admission is dispositive. Habeas corpus is an individualized inquiry into the legality of a particular person’s detention. A generalized legal memorandum, untethered to the manner of Petitioner’s arrest, his prior release from custody, his dismissal of removal proceedings, his length of time in the United States or his pending asylum application, cannot rebut the specific constitutional violations alleged here.

Where the government declines to contest petitioner-specific facts in a habeas proceeding, those facts are properly treated as undisputed. Respondents cannot avoid judicial review by ignoring the factual predicates of the Petition and retreating into generalized statutory exposition. The Court should evaluate the legality of Petitioner’s detention based on the un rebutted record before it.

Respondents' Failure to Conduct Any Mathews v. Eldridge Analysis Independently Violates Due Process

Respondents invoke *Mathews v. Eldridge*, 424 U.S. 319 (1976), but perform no balancing whatsoever. They do not analyze Petitioner’s liberty interest, the risk of erroneous deprivation, or the availability of less restrictive alternatives to detention. That omission is not incidental; it is the constitutional defect. Due process requires individualized assessment. A standardized brief that applies the same conclusory assertions to every detainee cannot satisfy Mathews, which demands case-specific evaluation of whether existing procedures adequately protect against erroneous deprivation of liberty.

Here, the risk of error is substantial. Detention is imposed categorically, without a hearing, without individualized findings, and without any opportunity for Petitioner to contest the necessity of confinement. Respondents' refusal to engage in *Mathews* balancing underscores that Petitioner's detention is not the product of reasoned decision-making, but of categorical policy.

Respondents' Failure of Proof Requires Immediate Relief

Respondents bear the burden of justifying civil detention. They have not done so. Their failure to provide any individualized rationale leaves the Court with no lawful basis to defer, remand, or delay relief. Where detention is unsupported by individualized findings and insulated from meaningful review, the Constitution requires intervention. The appropriate remedies are immediate release or, at minimum, a prompt bond hearing at which the government bears the burden of proving that continued detention is necessary.

CONCLUSION

Respondents bear the burden of justifying civil immigration detention. They have not met that burden here. Their opposition expressly disclaims any attempt to engage with Petitioner's individual circumstances, relying instead on a standardized memorandum untethered to the facts of this case. As a result, Respondents do not dispute that Petitioner was paroled into the United States, lived openly in the interior for an extended period with the government's authorization, filed a timely asylum application, and was arrested without any individualized determination that detention was necessary.

Civil detention must be the product of reasoned, individualized decision-making. Where the government offers no petitioner-specific justification, no procedural safeguards, and no

available administrative remedy, continued detention violates the Fifth Amendment. This Court is not required to defer to a detention regime that is defended only in the abstract and unsupported by the record.

For these reasons, Petitioner respectfully requests that the Court grant the writ and order his immediate release. In the alternative, Petitioner requests a prompt bond hearing before a neutral decision maker at which the government bears the burden of proving that continued detention is justified.

DATED this 11th day of February 2026.

By: /s/Kymerly Renaud
Kymerly A. Renaud
Texas State Bar No. 24107699

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ATTORNEY FOR PETITIONER

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Cristhian Oriel Machado Avila, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing **PETITIONER'S REPLY TO RESPONSE IN OPPOSITION** are true and correct to the best of my knowledge and belief.

Dated this 11th day of February 2026.

By: /s/Kymberly Renaud
Kymberly A. Renaud