

1 Robert Ray Urenda, Esq.
2 TX State Bar No. 24088934
3 ROBERT URENDA LAW, PLLC
4 511 E. John Carpenter Fwy., Ste. 500
5 Irving, TX 75062
6 Tel: (214) 801-8118
7 Cell: (817) 688-4149
8 Email: robert@roberturendalaw.com
9 *COUNSEL FOR PETITIONER*

10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF TEXAS
12 SAN ANTONIO DIVISION

13 CHANCHAL SINGH,

14 Petitioner,

15 v.

16 KRISTI NOEM, in her official capacity as
17 Secretary of Homeland Security;

18 TODD LYONS, in his official capacity as
19 Acting Director of U.S. immigration and
20 Customs Enforcement; and

21 PAMELA BONDI, in her official capacity
22 as Attorney General of the United States,

23 MIGUEL VERGARA, in his official
24 capacity as Director of the San Antonio
25 Field Office of ICE, Enforcement and
26 Removal Operations, and

27 WARDEN, Karnes County Immigration
28 Processing Center,

Respondents.

Case No. 5:26-cv-00681-FB

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE (ECF No. 12)
TO PETITIONER'S MOTION FOR
ENFORCEMENT OF HABEAS ORDER
AND FOR ORDER TO SHOW CAUSE**

Respondents' opposition confirms the dispositive violation. They admit that this Court ordered a bond hearing or release "on or before March 18, 2026." ECF No. 12 at 1. They admit the hearing was not held until March 20. *Id.* They admit that occurred because ICE mistakenly

1 believed the deadline was March 23. *Id.* That is noncompliance. Respondents' only answer is
2 that they "remedied" the missed deadline by holding a later hearing. ECF No. 12 at 2. But the
3 Court did not order Respondents to hold a hearing whenever they later realized their error. It
4 ordered them to provide a hearing by March 18 or release Mr. Singh. The response never explains
5 how a hearing held two days late can satisfy an order requiring a hearing on or before March 18.
6

7 Respondents' jurisdictional argument is a straw man. Mr. Singh does not ask this Court
8 to set bond, reweigh evidence, or substitute its judgment for the immigration judge's discretionary
9 bond determination. He asks the Court to enforce its own conditional habeas order and determine
10 whether Respondents complied with it. Section 1226(e) does not bar that inquiry.

11 Nor does Respondents' good-faith explanation defeat enforcement. Good faith may bear on
12 what contempt-related relief, if any, ultimately issues, but it does not transform a March 20 hearing
13 into a March 18 hearing. And the March 20 proceeding independently failed to satisfy the Order:
14 the IJ announced the outcome before hearing Mr. Singh's principal response, and the IJ's written
15 order itself stated first that "DHS must comply with Judge Biery's Order," with any flight-risk
16 finding stated only "alternatively." Exh. A at 4; Exh. B at 8.
17

18
19 **I. Respondents concede the March 18 deadline was missed.**
20

21 The Court's March 12 Order was clear. Respondents were required, "on or before March
22 18, 2026," either to provide Mr. Singh a bond hearing at which Respondents bore the burden by
23 clear and convincing evidence or release him under reasonable conditions of supervision. ECF
24 No. 7 at 6. Respondents did neither.

25 Their response admits as much. Respondents state that "the Court granted Petitioner's
26 Petition for Writ of Habeas Corpus in part and ordered a bond hearing or release on or before
27 March 18, 2026." ECF No. 12 at 1. They further state that the bond hearing was not held until
28

1 March 20 because “ICE believed in good faith that the deadline was March 23, 2026, instead of
2 March 18, 2026.” *Id.* They again acknowledge an “inadvertent failure to conduct the bond
3 hearing on March 18, 2026, as opposed to March 20, 2026.” *Id.* at 2.

4 That resolves the timeliness question. A hearing held on March 20 is not a hearing held
5 “on or before March 18.” Respondents cite no authority permitting a party to miss a court-ordered
6 deadline in a conditional habeas order and retroactively cure that violation by later providing the
7 process that was due by the deadline.

9 Nor was there any ambiguity in the Order. DHS’s own March 18 filing in immigration
10 court acknowledged that this Court required a bond hearing “be held by March 18, 2026.” Exh.
11 D at 14. The immigration court then set the hearing for March 20, two days after the deadline.
12 Exh. C at 11. Respondents’ later assertion that ICE misunderstood the deadline does not alter
13 the fact that the deadline was missed.

15
16 **II. A late hearing did not “remedy” the violation because the Court’s Order required**
17 **release once the deadline passed without compliance.**

18 Respondents repeatedly say they “remedied” the missed deadline by providing a hearing
19 on March 20. ECF No. 12 at 2, 5. That argument rewrites the Court’s Order.

20 The Order was not an open-ended instruction to eventually provide a hearing. It gave
21 Respondents two options by a date certain: hearing or release. ECF No. 7 at 6. Once March 18
22 passed without either event, the Order required release. Respondents cannot unilaterally create a
23 third option: miss the deadline, hold a later hearing, and then claim substantial compliance.

24 That matters because the relief Mr. Singh seeks is not punishment for delay; it is
25 enforcement of the remedy the Order itself required. The Court already decided what process was
26 constitutionally required and gave Respondents a final opportunity to provide it. Respondents
27 missed the deadline. The appropriate remedy remains release under reasonable conditions of
28

1 supervision.

2 **III. Section 1226(e) does not bar this Court from enforcing its own habeas order.**

3 Respondents' main legal argument is that § 1226(e) prevents this Court from reviewing
4 the IJ's discretionary bond decision. ECF No. 12 at 2–5. But Mr. Singh is not asking the Court
5 to review the IJ's discretionary weighing of bond factors. He is asking the Court to enforce its
6 own order.
7

8 That distinction is dispositive. Section 1226(e) bars review of discretionary judgments
9 about detention or release. It does not bar review of legal or constitutional challenges to detention
10 procedures, and it does not strip a district court of authority to determine whether its own order
11 was obeyed. *Demore v. Kim*, 538 U.S. 510, 517 (2003); *Jennings v. Rodriguez*, 583 U.S. 281,
12 295 (2018).
13

14 Respondents' own cited authority confirms the point. They cite *Blandon v. Barr*, 434 F.
15 Supp. 3d 30, 36 (W.D.N.Y. 2020), for the proposition that a court may not reweigh evidence.
16 ECF No. 12 at 4. But *Blandon* also states that a court may consider whether the IJ complied with
17 court-ordered procedural protections. *Blandon*, 434 F. Supp. 3d at 36. That is exactly the inquiry
18 here.
19

20 The cases Respondents cite from this District are distinguishable for the same reason.
21 *Leon-Gonzalez* and *Gonzalez Cambar* addressed attempts to obtain judicial review of an IJ's
22 discretionary finding that a detainee was a flight risk. ECF No. 12 at 2, 5–6. Mr. Singh does not
23 ask this Court to decide whether the IJ should have granted bond. He asks the Court to decide
24 whether Respondents complied with a conditional habeas order requiring a hearing by March 18
25 or release. That is not barred by § 1226(e).
26

27 If Respondents' view were accepted, § 1226(e) would make the Court's habeas order
28 unenforceable. The government could miss the deadline, hold a late proceeding, characterize the

1 result as discretionary, and then invoke § 1226(e) to prevent the Court from determining whether
2 its own order was satisfied. Nothing in § 1226(e) requires that result. Respondents' reliance on
3 *Khalil* and § 1252(b)(9) does not change the analysis because this motion arises from this Court's
4 already-issued habeas order and asks whether Respondents complied with that order, not whether
5 the Court may conduct direct review of a removal proceeding or a discretionary bond
6 determination.
7

8
9 **IV. The March 20 proceeding did not satisfy the Court's Order in any event.**

10 Even if a late hearing could matter, the March 20 proceeding still failed to provide the
11 process this Court required.
12

13
14 **A. Respondents misstate the transcript.**

15 Their response incorrectly states that "Petitioner concedes that counsel for DHS later asked
16 leave to articulate his argument for the record." ECF No. 12 at 2. The transcript says the opposite:
17 it was Mr. Singh's counsel, not DHS counsel, who asked to make his arguments for the record.
18 Exh. A at 4. More importantly, the timing of that request is precisely the problem.
19

20 Before the ruling, counsel tried to explain the threshold posture of the hearing: Judge
21 Biery's Order required either a hearing by March 18 or release. Exh. A at 3. The IJ dismissed
22 that issue as a matter between counsel and DHS and immediately pivoted to the government's
23 flight-risk theory. *Id.* The IJ then stated that he was "persuaded by the government's presentation
24 on flight risk" and was "gonna deny on flight risk grounds." Exh. A at 4. Only then did counsel
25 ask: "Your honor may I just articulate my arguments for the record?" *Id.*
26

27 That is not a meaningful opportunity to be heard. The issue is not whether counsel was
28

1 permitted to speak at all. The issue is that the IJ announced the result before hearing Mr. Singh's
2 principal response and then allowed counsel to make only a post hoc record.

3
4 **B. The IJ's written order confirms that DHS still had to comply with Judge Biery's Order.**

5 Respondents repeatedly characterize the March 20 proceeding as a completed bond
6 hearing that cured the violation. But the IJ's own order says otherwise. The written order does
7 not simply deny bond based on flight risk. It states first: "Denied, because DHS must comply
8 with Judge Biery's Order, dated March 12, 2026." Exh. B at 8. Only then, "alternatively," does
9 it state that Mr. Singh is a flight risk. *Id.*

10
11 That structure is important. If the March 20 proceeding itself satisfied Judge Biery's
12 Order, there would be no need for the IJ to state that DHS still "must comply" with that Order.
13 The IJ's wording instead reflects the same point Mr. Singh makes here: the March 20 proceeding
14 did not cure DHS's failure to provide the required hearing by March 18. The IJ's closing statement
15 reinforces that reading: "[M]y intent here is in no way to violate or go against Judge Biery's
16 Order." Exh. A at 5.

17
18 Respondents' response does not grapple with that language. Instead, Respondents rely
19 on the preprinted form language stating that the IJ gave "full consideration of the evidence."
20 ECF No. 12 at 1. But the typed operative ruling is what matters, and it confirms that DHS still
21 had to comply with this Court's Order.

22
23
24 **C. The record did not contain individualized proof sufficient to justify continued detention by clear and convincing evidence.**

25 Respondents assert that DHS met its burden by clear and convincing evidence. ECF No.
26 12 at 2. But the response identifies no individualized proof of likely nonappearance. It points
27 only to the IJ's discretionary conclusion. *Id.*

1 The transcript shows that DHS relied on generic factors: Mr. Singh entered in 2022,
2 lacked lawful status, had been ordered removed, lost his merits case, and would be removable if
3 his appeal failed. Exh. A at 3. Those facts are common to many noncitizens in bond proceedings.
4 They are not clear and convincing evidence that Mr. Singh is likely to abscond.

5
6 The evidence that mattered most cut the other way. Mr. Singh had complied with release
7 conditions for years. ECF No. 7 at 2. He had not missed a hearing. Exh. A at 4. He had not had
8 any “brushes with the law.” *Id.* DHS already held his passport. *Id.* And Petitioner had submitted
9 a bond evidentiary packet that included sponsor documents, identification documents, an article
10 regarding alternatives to detention, and documents reflecting his U.S. ties. Exh. E at 24–26. That
11 packet included, among other things, a sponsor affidavit from a lawful permanent resident offering
12 housing and support, a copy of the sponsor’s permanent resident card, and documents reflecting
13 Mr. Singh’s U.S. ties. Exh. E at 28–29, 65–109.

14
15 Respondents do not meaningfully address any of that. Nor does the IJ’s written order.
16 The order says nothing about the passport, years of compliance, no missed hearings, or the bond
17 packet. Exh. B at 8. Instead, the written order gives only a conclusory alternative finding. *Id.*
18 That did not satisfy the Court’s requirement that Respondents justify continued detention by clear
19 and convincing evidence of dangerousness or flight risk.

20
21 **V. The lack of a BIA appeal does not defeat this enforcement motion.**

22
23 Respondents note that Mr. Singh apparently did not appeal the March 20 bond ruling to
24 the BIA. ECF No. 12 at 1. That point is irrelevant.

25 This is not an ordinary challenge to an IJ’s bond ruling. It is a motion to enforce a federal
26 court order. The BIA cannot retroactively make a March 20 hearing timely as of March 18. It
27 cannot adjudicate whether Respondents complied with this Court’s conditional habeas order. It
28

1 cannot hold Respondents in civil contempt. And it cannot supply the release remedy that the
2 Court's March 12 Order required once Respondents failed to comply by the deadline.

3 Requiring Mr. Singh to pursue a BIA appeal before enforcing this Court's own Order
4 would render the March 18 deadline meaningless. Respondents missed the deadline. The question
5 now is compliance with this Court's Order, not administrative exhaustion of a discretionary bond
6 appeal. Respondents identify no authority requiring exhaustion of a BIA bond appeal before a
7 district court may enforce its own prior habeas order.
8

9
10 **VI. Respondents' good-faith explanation does not preclude enforcement or an order to**
11 **show cause.**

12 Respondents argue contempt is unwarranted because the violation was inadvertent and
13 because they believed the deadline was March 23. ECF No. 12 at 4–5. That does not defeat the
14 motion.

15 First, Mr. Singh seeks enforcement and release, not merely contempt sanctions. Immediate
16 release is not punishment for contempt; it is the remedy contemplated by the Court's conditional
17 Order. ECF No. 7 at 6. Respondents' good-faith explanation cannot erase the missed deadline or
18 rewrite the remedy.

19 Second, Respondents invoke the wrong framework by discussing willfulness and criminal
20 contempt. ECF No. 12 at 4. Mr. Singh seeks enforcement and an order to show cause why civil
21 contempt should not issue for noncompliance with a court order. Civil contempt requires clear and
22 convincing evidence that a court order was in effect, the order required specified conduct, and the
23 respondent failed to comply. *American Airlines, Inc. v. Allied Pilots Ass'n*, 228 F.3d 574, 581 (5th
24 Cir. 2000). Willfulness is not required. *Id.*

25 Third, the record does not support treating this as a harmless misunderstanding. DHS
26 itself told the immigration court on March 18 that the district court required a hearing "be held
27 by March 18, 2026." Exh. D at 14. Yet the hearing was set for March 20. Exh. C at 11.
28

1 Respondents then filed an advisory acknowledging that the hearing occurred “two days after the
2 Court ordered the bond hearing to occur.” ECF No. 9 at 1. Those facts warrant enforcement at
3 a minimum, and they warrant an order requiring Respondents to show cause why civil contempt
4 should not issue.
5

6
7 **VII. No evidentiary hearing is necessary to grant relief.**

8 Respondents ask the Court to deny the motion “without the need for an evidentiary
9 hearing.” ECF No. 12 at 3. Mr. Singh agrees that the record is sufficient; he disagrees only as to
10 the result. The critical facts are undisputed or established by the record: the deadline was March
11 18, the hearing occurred March 20, DHS acknowledged the March 18 deadline in immigration
12 court, the IJ announced denial before hearing Mr. Singh’s principal response, and the IJ’s written
13 order stated first that DHS must comply with Judge Biery’s Order. ECF No. 12 at 1–2; Exh. A
14 at 3–5; Exh. B at 8; Exh. C at 11; Exh. D at 14. The Court can enforce its Order on the existing
15 record.
16

17 **CONCLUSION**

18 Respondents admit the facts that matter: the Court ordered a bond hearing or release on or
19 before March 18, 2026, and Respondents provided neither by that deadline. They ask the Court to
20 treat a late March 20 hearing as a cure, but the Order did not permit that. And even if a late hearing
21 could matter, the March 20 proceeding did not satisfy the Court’s Order: the IJ announced the
22 outcome before hearing Mr. Singh’s principal response, relied on generic status-based factors, and
23 entered a written order recognizing that DHS still had to comply with Judge Biery’s Order.
24

25 The Court should grant the motion, enforce its March 12 Order, order Mr. Singh’s
26 immediate release under reasonable conditions of supervision, and order Respondents to show
27 cause why they should not be held in civil contempt. In the alternative, if the Court declines
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1 immediate release, it should order a new hearing before a different IJ within three days, with DHS
2 bearing the burden by clear and convincing evidence and with a reasoned written decision
3 identifying the evidence relied upon.

4 Respectfully submitted,
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6

7 Robert Ray Urenda, Esq.
8 TX State Bar No. 24088934
9 ROBERT URENDA LAW, PLLC
10 511 E. John Carpenter Fwy., Ste. 500
11 Irving, TX 75062
12 Tel: (214) 801-8118
Cell: (817) 688-4149
Email: robert@roberturendalaw.com
COUNSEL FOR PETITIONER

13
14 By: /s/ Robert Urenda
Robert Urenda, Esq.
COUNSEL FOR PETITIONER
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17 **CERTIFICATE OF SERVICE**

18 I certify that on April 30, 2026, I filed this reply through CM/ECF, which will serve all
19 counsel of record.
20

21 Dated this 30th day of April 2026.
22

23 /s/ Robert Urenda
24 Robert Urenda, Esq.
25
26
27
28