

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ERIK IVAN RODRIGUEZ FLORES,
Petitioner,

v.

PAMELA BONDI, *Attorney General, et*
***al.*,**
Respondents.

§
§
§
§
§
§
§
§

EP-26-CV-00338-DB

MOTION CHALLENGING BOND DECISION AND
TO ENFORCE HABEAS JUDGMENT
EXPEDITED HANDLING REQUESTED

Petitioner Erik Ivan Rodriguez Flores by and through the undersigned attorney hereby files this Motion Challenging Bond Decision and to Enforce Habeas Judgment.

INTRODUCTION

1. Mr. Rodriguez Flores filed his Verified Petition for Writ of Habeas Corpus (Petition) on February 5, 2026. ECF No. 1. On February 11, 2026, this Court granted in part his Petition “on procedural due process grounds.” ECF No. 6 at 4.

2. In its Order, the Court ordered Respondents to provide Mr. Rodriguez Flores “with a bond hearing before an immigration judge” or “release [him] from custody . . . no later than February 13, 2026.” *Id.*

3. The Court also ordered that Respondents file an advisory informing the Court when the bond hearing would be. *Id.* at 5. A redetermination hearing before an immigration judge was scheduled for February 13, 2026. ECF No. 7-1.

4. It appears the bond hearing occurred as scheduled. *See* Dkt. 8-1. Troublingly, there is almost no information about what took place at the hearing, including whether the Government carried its burden to present clear and convincing evidence that Mr. Rodriguez Flores poses a flight risk.

5. The only information Mr. Rodriguez Flores, counsel, and the Court has about the hearing is that “[Mr. Rodriguez Flores] is a flight risk as he has a final order of removal (as of 2/5/2026), and no amount of bond or other conditions will ensure [his] appearance for his removal.” Dkt. 8-1.

6. Respondents Advisory, Dkt. 8, certainly does not “inform[] the Court, **in detail**, of the reasons for the IJ’s bond hearing decision.” Dkt. 6 at 5 (emphasis added).

7. Mr. Rodriguez Flores did not have telephonic or videoconferencing contact with the undersigned counsel prior to the hearing. After the hearing, counsel was able to confer with Mr. Rodriguez Flores. Counsel was able to glean limited information about the hearing, and it is not clear whether an interpreter was provided or whether the IJ ensured Mr. Rodriguez Flores understood the proceedings.

8. Mr. Rodriguez Flores reported that he was not represented by counsel at the bond hearing. Little information—much less details—is known about the hearing, including what evidentiary standard the IJ applied when making her decision; what evidence Respondents presented in support of continued detention; how the IJ considered the evidence; whether Mr. Rodriguez Flores had the opportunity to present evidence; or whether he was afforded the opportunity to make any statement on his own behalf.

9. Critically, no information is known about what conditions of release the IJ considered and rejected or whether the IJ determined an amount of bond would ensure Mr. Rodriguez Flores's appearance but concluded he could not pay that amount. The IJ's decision strains credulity in light of even cursory consideration of Mr. Rodriguez Flores's conduct while present in the United States.

10. After waiting for a number of days in Mexico, in compliance with U.S. immigration policy, Mr. Rodriguez Flores entered the United States on October 8, 2024, requesting asylum. Since his first contact with immigration authorities, he has worn an ankle monitor, complied with requests to check in with immigration authorities, and regularly provided updates to Respondents via the so-called CBP One app. Indeed, he provided an address and contact information to Respondents upon his entry to the United States.

11. Mr. Rodriguez Flores had a pending asylum claim when he was detained in Minnesota on January 7, 2026. He was transferred to Texas the very next morning, January 8, 2026. He did not have a final order of removal when he was detained in Minnesota or when he arrived in Texas.

12. In fact, Mr. Rodriguez Flores was scheduled for a master calendar hearing on February 5, 2026.

13. According to Respondents' Advisory, Mr. Rodriguez Flores became subject to an order of removal on February 5, 2026. *See* Dkt. 8-1. Neither Mr. Rodriguez Flores nor counsel have a copy of the order of removal.

14. It appears from Respondents' Advisory to the Court that the only basis for denying the bond is the recently issued removal order. Dkts. 8 & 8-1.

15. This Court's Order granting in part Mr. Rodriguez Flores's Petition required Respondents file "an advisory informing the Court, in detail, of the reasons for the [immigration judge's] bond hearing decision no later than February 17, 2026." *Id.*

16. Put simply, Respondents have not complied with the Court's Order, and the little information that counsel has been able to glean independently raises serious questions about Mr. Rodriguez Flores's treatment and the facts giving rise to his (continuing) detention.¹ Because Mr. Rodriguez Flores remains in Respondents' custody in violation both of his due process rights and this Court's Order, he now moves to challenge the IJ's bond determination and enforce this Court's judgment; he respectfully requests that the Court order Respondents release him in accordance with its Order.

ARGUMENT

17. "It is axiomatic that federal courts possess 'inherent power to enforce their judgments.'" *Thomas v. Hughes*, 27 F.4th 363, 368 (5th Cir. 2022) (quoting *Peacock v. Thomas*, 516 U.S. 349, 356, (1996) (cleaned up)); *Johnson v. Hankook Tire Am. Corp.*, 449 F. App'x 329, 334 (5th Cir. 2011) (affirming imposition of sanctions for not complying with district court's order). "Included in a district court's power to administer its decrees

¹ A U.S. district judge recently reviewed an audio recording of a bond hearing and concluded, "the considerations upon which it was determined that [p]etitioner constitutes a flight risk were so lacking in probative value as to that issue that their use in determining flight risk failed to provide the [p]etitioner with constitutionally sufficient due process." *Mendez Trigueros v. Guadian*, No. 1:26-cv-00205-AJT-WBP, ECF No. 13, 6–7 (E.D. Va. Feb. 18, 2026).

is the power to construe and interpret the language of the original order.” *Cdm Holding Grp. v. Tidal Commerce*, No. 8:21-cv-1204-CJC (DFMx), 2023 WL 5167357, at *1 (C.D. Cal. July 3, 2023) (quoting *SEC v. Hermil, Inc.*, 838 F.2d 1151, 1153 (11th Cir. 1988)). “A motion to enforce judgment is the usual method for requesting a court to interpret its own judgment.” *Heartland Hosp. v. Thompson*, 328 F. Supp. 2d 8, 11 (D.D.C. 2004), *aff’d sub nom. Heartland Reg’l Med. Ctr. v. Leavitt*, 415 F.3d 24 (D.C. Cir. 2005) (citing *Hermil*, 838 F.2d at 1153).

18. “The Supreme Court has held that the inherent power ‘reaches both conduct before the court and that beyond the court’s confines’ such that courts may achieve ‘submission to their lawful mandates.’” *Blanco River v. Green*, 457 F. App’x 431, 438 (5th Cir. 2012) (quoting *Chambers v. NASCO*, 501 U.S. 32, 43–44 (1991)). These powers include a court’s “ability to fashion an appropriate sanction for conduct which abuses the judicial process.” *Chambers*, 501 U.S. at 44–45. “This power reaches both conduct before the court and that beyond” when there is “disobedience [of] the orders of the Judiciary, regardless of whether such disobedience interfered with the conduct of trial.” *Id.* at 44 (cleaned up).

19. “[I]n habeas cases where the [c]ourt finds an ongoing detention unlawful, ‘the typical remedy for such detention is, of course, release.’” *Ochoa v. Vergara*, No. 1:26-CV-266-RP, 2026 WL 482211, at *4 (W.D. Tex. Feb. 20, 2026) (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)).

20. The Court previously determined that Mr. Rodriguez Flores is entitled to habeas relief. ECF No. 6 at 4. The Court ordered that Mr. Rodriguez Flores be provided

either (1) a bond hearing before an immigration judge; or (2) that he be released from custody “**no later than February 13, 2026.**” *Id.* at 4 (emphasis in original).

21. On February 13, 2026, the Immigration Court in El Paso, Texas conducted a custody redetermination hearing. Respondents have not provided any evidence that they complied with the requirements of the Court’s February 5, 2026 Order, including that “the government shall bear the burden of justifying, by clear and convincing evidence, the dangerousness or flight risk for [Mr. Rodriguez Flores’s] continued detention,” ECF No. 6 at 4, as well as fundamental constitutional principles of due process.

22. Respondents released Mr. Rodriguez Flores shortly after his arrival well over a year ago and allowed him to live in the United States. Thus, “they cannot revoke that liberty without an individualized determination of the need to do so.” *Rodriguez v. Bondi*, No. EP-26-CV-00292-DB, 2026 WL 523055, at *2 (W.D. Tex. Feb. 25, 2026). There is no evidence that the necessary *individualized* determination was made.

23. Thus, Mr. Rodriguez Flores asserts that the “hearing” conducted by the Immigration Court failed to comply with this Court’s Order.

24. The Court’s Order was clear that if Respondents did not provide Mr. Rodriguez Flores a bond hearing in compliance with the Court’s requirements, Respondents were to release him from custody **by February 13, 2026**. ECF No. 6 at 4.

25. Mr. Rodriguez Flores remains in Respondents’ custody nearly two weeks after the Court’s February 13, 2026 deadline passed.

26. Accordingly, Mr. Rodriguez Flores moves this Court to issue an order directing Respondents to comply immediately with the Court’s Order and release him.

PRAYER FOR RELIEF

WHEREFORE, Mr. Rodriguez Flores prays that this Court grant the following relief:

(1) Issue an order requiring Mr. Rodriguez Flores's immediate release;

(2) Issue an order specifying relief to ensure a safe return home, including release:

(a) In Minnesota;

(b) At a safe time and place communicated in advance to counsel; and

(c) With all of Mr. Rodriguez Flores's personal effects, such as driver's license, immigration papers, passport, cell phone, and keys.

(3) Enjoin Respondents from implementing any condition of release, including ICE's "Alternatives to Detention" measures, which include ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application; and

(4) Grant any other and further relief that this Court may deem just and proper.

Date: February 26, 2026

Respectfully submitted,

/s/ María Amelia Calaf

María Amelia Calaf

State Bar No. 24081915

Jennifer Rappoport

State Bar No. 24072761

BOTKIN CHIARELLO CALAF PLLC

1209 Nueces Street

Austin, Texas 78701

T: (512) 960-4162

F: (737) 289-4695

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2026, I caused a copy of the foregoing Motion to be served on Respondents through counsel via the Court's CM/ECF system.

/s/ María Amelia Calaf
María Amelia Calaf