

United States District Court
Western District of Texas
El Paso Division

Erik Ivan Rodriguez Flores,
Petitioner,

v.

Pamela Bondi, *et al.*,
Respondents.

Case No. 3:26-CV-00338-DB

**Federal Respondents' Response to Petitioner's Amended Motion Challenging
Bond Decision and to Enforce Habeas Judgment**

Federal Respondents submit the following response in opposition to Petitioner's Amended Motion Challenging Bond Decision and to Enforce Habeas Judgment, filed on March 5, 2026, (ECF Nos. 12, 12-1), and would respectfully show the Court the following.

Introduction and Procedural Background

In his amended motion, Petitioner contends that Respondents failed to comply with the Court's Order entered on February 11, 2026, (ECF No. 6). Petitioner seeks an order for immediate release based on the grounds that Respondents failed to comply with the Court's orders.

On February 11, 2026, the Court entered its order granting in part the habeas petition and ordered Respondents to either provide a bond hearing or release Petitioner on or before February 13, 2026, to file an advisory by February 12, 2026, informing when the bond hearing would be held, and for Respondents to file an advisory informing the Court, in detail, of the reasons for the IJ's bond hearing decision no later than February 17, 2026. ECF No. 6.

On February 12, 2026, Respondents filed an Advisory to the Court informing the Court that Petitioner was scheduled for a bond hearing before an immigration judge (IJ) to be held on February 13, 2026 at 1:00 p.m. ECF No. 7. Attached as Exhibit A to the advisory was a copy of the notice of hearing, setting forth the date, time, and location of the hearing. ECF No. 7-1.

On February 17, 2026, Respondents filed an Advisory to the Court notifying the Court that the IJ denied the custody redetermination because “[t]he respondent 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 the respondent’s appearance for his removal.” *See* ECF Nos. 8, 8-1. Attached as Exhibit A to the advisory was a copy of the IJ’s order. ECF No. 8-1.

On February 18, 2026, the Court entered an order for the parties to confer and file notice by February 25, 2026, of any remaining matters to be resolved. ECF No. 9. On February 25, 2026, the parties filed a joint notice indicating there was disagreement on whether there were remaining issues. ECF No. 10.

On February 26, 2026, Petitioner filed his motion challenging the bond decision and to enforce the habeas judgment. ECF No. 11. On March 5, 2026, Petitioner filed an amended motion. ECF Nos. 12, 12-1.

Discussion

In the present case, Petitioner contends that Respondents have failed to comply with this Court’s orders. However, he fails to present any evidence beyond mere conclusory allegations. As set forth above, Respondents made good faith attempts to comply and have complied with this Court’s orders. Respondents filed an advisory on February 12, 2026, in accordance with the Court’s orders to notify of the bond hearing that was set. Further, Respondents filed an advisory on February 17, 2026, to advise the Court of the IJ’s order denying bond and setting forth in detail the reasons for the decision.

Petitioner claims the bond hearing of February 13, 2026, was inadequate and noncompliant with the Court’s orders. However, he provides no evidence to show that it was procedurally or

constitutionally inadequate. The IJ provided a detailed reason for the basis of the denial, which included *both* flight risk and a prior removal order.

He further claims that the removal order is suspect and should not have been made a basis for the bond denial. Again, he fails to present any evidence of his claims. Moreover, this habeas proceeding is not the proper vehicle by which to challenge his removal order.

He also claims that his counsel was not present at the bond hearing. However, there is no evidence to support this statement. In addition, Petitioner reserved the right to appeal the bond hearing and has until March 16, 2026, to file an appeal.

Moreover, the Court reviewed the Respondents' advisory regarding the IJ's order denying bond and subsequently entered an order on February 18, 2026, for the parties to confer and file notice of any remaining matters to be resolved. Doc. 9.

As such, there is no evidence of any disregard or noncompliance by Respondents of the Court's orders. Thus, Petitioner fails to make a showing sufficient to warrant granting the motion to enforce.

Conclusion

Consequently, Petitioner's motion is without merit and should be denied, given that Petitioner has failed to show any noncompliance with the Court's orders by Respondents. Based on the foregoing, Respondents respectfully request that the Court find that Petitioner has failed to support their motion, and that the Court deny Petitioner's motion.

Dated: March 5, 2026

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Deborah L. Fischer
Deborah L. Fischer
Assistant United States Attorney
Texas Bar No. 00786039
700 E. San Antonio, Suite 200
El Paso, Texas 79901
(915) 534-6884 (phone)
Deborah.Fischer@usdoj.gov

Attorneys for Federal Respondents