

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Nicolas VILLEGAS SALGADO,

Petitioner,

v.

Sylvester 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-285-ADA

**REPLY IN SUPPORT OF
PETITIONER'S FIRST AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. On February 12, 2026, Petitioner Nicolas VILLEGAS SALGADO filed a First Amended Petition for Writ of Habeas Corpus. ECF No. 4. Later that day, Respondents filed a Response to Petitioner's Writ of Habeas Corpus. ECF No. 5.

REPLY

2. The February 12 Response solely addressed the Fifth Circuit's recent decision in the *Buenrostro-Mendez v. Bondi* case. No. 25-20496, ---F.4th --- 2026, WL 32330 (5th Cir. Feb. 6, 2026). Respondents did not address the additional arguments in Petitioner's Amended Petition – a claim that Petitioner's detention violates the due process clause of the Fifth Amendment of the U.S. Constitution.¹ ECF. No. 4 at pp 4-7.

3. The El Paso Division of the Western District of Texas has recognized that the Fifth Circuit's decision in *Buenrostro-Mendez* “did not reach the due process question” and only addressed the issue of statutory interpretation under the Immigration and Nationality Act (INA). See *Aguila v. Warden, ERO El Paso Camp Montana*, 3:26-cv-00241-KC (W.D. Tex. Feb. 9, 2026) quoting *Buenrostro-Mendez*, 2026 WL 323330 at *1-10.

4. In fact, in the *Buenrostro-Mendez* oral arguments, the government stated, “We have one issue before the Court now: the statutory question... There's not, in other words, a due process claim here.” *Id.* at p. 3-4.

5. Therefore, the Fifth Circuit's decision in *Buenrostro-Mendez* is not dispositive for Petitioner's case.

CONCLUSION

¹ The First Amended Petition for Writ of Habeas Corpus also asserted a claim for relief based on the grounds that the Petitioner's detention was inconsistent with the statutory language of the Immigration and Nationality Act.

6. Petitioner respectfully requests that the Court grant the relief requested in the First Amended Petition for Writ of Habeas Corpus: 1) assume jurisdiction over this matter; 2) issue a writ of habeas corpus requiring that within one day Respondents release petitioner; and 3) grant any other and further relief that this Court deems just and proper.

Respectfully Submitted,

/s/ Claire E. Rodriguez
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Texas Bar No.: 24071420

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2026, I caused a true and correct copy of the foregoing
Reply to be served by certified mail, return receipt requested, on the following:

U.S. Attorney's Office for the Western District of Texas
Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Warden, T. Don Hutto Detention Center
Charlotte Collins
1001 Welch Street,
P.O. Box 1063
Taylor, TX 76574

Service on the United States Attorney constitutes service on all named federal Respondents
in this matter, and service has also been made directly on the Facility Administrator as Petitioner's
immediate custodian.

Dated this 19th day of February, 2026.

/s/ Claire Rodriguez
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