UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ELIBERTO MONTALVO AGUILLON, *Petitioner*,	§	
v.	§	CIVIL ACTION NO. 5:26-cv-00472
MARIO GARCIA, Warden, Webb County Detention Center; **ROBERT CERNA,** Field Office Director of the Harlingen Field Office, U.S. Immigration and Customs Enforcement; **TODD LYONS,** Acting Director of Immigration and Customs Enforcement; **MARKWAYNE MULLINS**, Secretary of the U.S. Department of Homeland Security; and **PAMELA JO BONDI,** United States Attorney General, in their official capacities. *Respondents,*	§	

RESPONSE TO THE PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR SUMMARY JUDGMENT

The Respondents[1] hereby respond to Petitioner's habeas Petition (Dkt. No. 1) and respectfully request that this Court deny the Petition under 28 U.S.C. § 2241 and grant summary judgment for the Respondents under Federal Rule of Civil Procedure 56.

Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This conclusion is required under controlling precedent. The Fifth Circuit Court of Appeals held that aliens, like

[1] The proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

the Petitioner, who entered the United States illegally and who are not "clearly and beyond a doubt entitled to be admitted," "shall be detained" under 8 U.S.C. § 1225(b)(2)(A), until the conclusion of their removal proceedings. *Buenrostro v. Bondi*, 166 F.4th 494 (5th Cir. 2026). Additionally, Petitioner's Due Process claim lacks merit and should be denied. Accordingly, this Court should deny the habeas Petition and grant summary judgment for the Respondents.

BACKGROUND

On or about March 1, 1999, Petitioner, a native and citizen of Mexico, unlawfully entered the United States at or near Laredo, Texas. *See* Dkt. No. 1-1. On February 16, 2026, Petitioner was served a Notice to Appear ("NTA"), charging Petitioner with removability pursuant to Immigration and Nationality Act ("INA") section 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General and INA section 212(a)(7)(A)(i)(I) and 8 U.S.C. § 1182(a)(6)(A)(i)(I) as an alien who is not in possession of a valid entry document under the INA. *Id.* In the NTA, the examining immigration official denied Petitioner admission into the United States, explained the basis for charging Petitioner with being subject to removal, and ordered Petitioner to appear in Immigration Court. *Id.* On March 24, 2026, Petitioner filed a habeas Petition. *See* Dkt. No. 1.

APPLICABLE LAW

In a Petition for a writ of habeas corpus, the petitioner challenges the legality of the restraint or imprisonment. *See* 28 U.S.C. § 2241. The burden is on the Petitioner to show the confinement is unlawful. *See, e.g., Walker v. Johnston*, 312 U.S. 275, 286, 61 S.Ct. 574, 85 L.Ed. 830 (1941). When it comes to detention during removal proceedings, it is well-taken that the authority to detain is elemental to the authority to deport, as "[d]etention is necessarily a part of th[e] deportation

procedure." *Carlson v. Landon*, 342 U.S. 524, 538 (1952); *see Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation."). As the Supreme Court has stated in no unmistakable terms, "[d]etention during removal proceedings is a constitutionally permissible part of that process." *Demore v. Kim*, 538 U.S. 510, 531 (2003).

ARGUMENT

I. PETITIONER IS SUBJECT TO MANDATORY DETENTION.

On February 6, 2026, the Fifth Circuit Court of Appeals affirmed that an alien "present in the United States who has not been admitted," is by definition "an applicant for admission" who is "seeking admission." 8 U.S.C. § 1225(a)(1); § 1225(b)(2); *Buenrostro*, 166 F.4th 494 (5th Cir. 2026). Petitioner, who entered the United States illegally, and who is not "clearly and beyond a doubt entitled to be admitted," "shall be detained" under 8 U.S.C. § 1225(b)(2)(A), until the conclusion of his removal proceedings. *Buenrostro*, 166 F.4th 494 (5th Cir. 2026). Petitioner is therefore lawfully detained under 8 U.S.C. § 1225(b)(2)(A). The *Buenrostro* decision is binding precedent and requires that the Court deny this habeas petition. As such, the Court should deny the Petition and enter summary judgment in favor of the Government.

II. PETITIONER'S DUE PROCESS CLAIM SHOULD BE DENIED.

Petitioner also asserts that his detention violates the Due Process Clause. Dkt. No. 1. This is a conclusory statement, which merely reasserts a disagreement with the Government's application of the mandatory detention provisions in 8 U.S.C 1225(b), and does not establish a valid Due Process claim. *See Cabanas*, 2025 WL 3171331, at *7 (S.D. Tex.). This Court should follow the decisions from other courts, including courts in this district, that have held that mandatory detention under § 1225 as applied here does not violate due process.

A. SECTION § 1225(B) DOES NOT VIOLATE PROCEDURAL DUE PROCESS.

A procedural due process claim is without merit. Procedural due process challenges the "adequacy of the[] procedures" for making determinations regarding the deprivation of life, liberty, or property. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). But here, the relevant statute requires detention, i.e., does not permit release at all, including on factors such as flight risk and dangerousness. 8 U.S.C. § 1225(b)(2)(A). A procedural due process theory is therefore wholly inapplicable here.

Petitioner's central theory is that procedural due process affords him additional procedures—here, in the form of an individualized bond hearing. However, an individualized bond hearing would be a substantive inquiry into flight risk or dangerousness. These considerations are irrelevant under the statutory scheme of 8 U.S.C. § 1225(b)(2)(A), which mandates detention indiscriminate of a determination as to flight risk and dangerousness. *See id.* In other words, the procedural inquiry as to flight risk and dangerousness that Petitioner seeks is irrelevant under the statute, because the statute mandates detention without consideration of such factors. Petitioner's claim is therefore necessarily a substantive due-process challenge.

Multiple Supreme Court cases illustrate this point. In *Connecticut Dep't of Pub. Safety v. Doe*, 538 U.S. 1 (2003), the statute at issue required sex offenders to register with the State so that their information could be published on a sex-offender registry. *Id.* at 4–5. John Doe, who had previously been convicted of a sex offense, claimed that the statute violated his procedural-due process rights by requiring him to register without a "hearing to determine whether" he was "'currently dangerous.'" *Id.* at 4 (citation omitted); *see id.* at 8. The Court rejected Doe's claim, holding that "[p]laintiffs who assert a right to a hearing under the Due Process Clause must show that the facts they seek to establish in that hearing are relevant under the statutory scheme." *Id.* at 8; *see id.* at 4 ("[D]ue process does not require the opportunity to prove a fact that is not material

to the State's statutory scheme"). But what Doe sought to establish—that he was "not currently dangerous"—was "of no consequence" under the statute, which required him to register based on his prior conviction alone. *Id.* at 7. The Supreme Court explained that because "any hearing on current dangerousness" would be "a bootless exercise" under the statute's "substantive rule of law," Doe's procedural-due-process claim failed, and any claim that he was entitled to such a hearing "'must ultimately be analyzed' in terms of substantive, not procedural, due process." *Id.* at 7–8 (citation omitted). The Supreme Court has been steadfast in applying this rationale. *See, e.g.*, *Reno v. Flores*, 507 U.S. 292, 308 (1993) (holding that a challenge to a regulation on the ground that it failed to require a determination of a detainee's "interests" was "just [a] 'substantive due process' argument recast in 'procedural due process' terms"); *Michael H. v. Gerald D.*, 491 U.S. 110, 119–21 (1989) (treating a request for an "evidentiary hearing" on an issue that the statutory scheme deemed "irrelevant" as a "substantive due process" claim); *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017) (holding that, because "the fact that the plaintiff seeks to prove is of no consequence under the Ordinance," the Ordinance does not violate due process).

In *Connecticut Dep't of Pub. Safety*, the statute *required* state sex offender registry. Here, the statute *requires* detention. And just as a hearing into the subject's "dangerousness" was irrelevant in *Connecticut Dep't of Pub. Safety*, an inquiry into whether the alien poses a flight risk or a danger to society is irrelevant here, for the same reason. If, hypothetically, 8 U.S.C. § 1225 were to state that aliens like Petitioner "may be detained", then Petitioner might have a colorable procedural due process claim. However, the statute clearly states that aliens like Petitioner "shall be detained," without a requirement to make "an inquiry into whether the alien poses a flight risk or a danger to society." Therefore, procedural due process "does not entitle him to a hearing to

establish a fact that is not material under the [applicable] statute." *Id.* at 7. Petitioner's only recourse, then, is to show that the mandatory detention provision is itself unlawful, as a matter of "*substantive* rule of law." *Id.*

1. Even construing the claim as procedural, it would still fail.

The above analysis makes clear that the relevant detention scheme does not violate procedural due process, as a challenge to the lack of a bond hearing to determine flight risk and dangerousness is not a procedural due process claim at all. But in any event, even *arguendo* it were construed as procedural in nature, the claim would still be unavailing under *Demore v. Kim*, 538 U.S. 510 (2003), which addressed whether 8 U.S.C. § 1226(c) violated due process. That provision, like 8 U.S.C. § 1225(b) (2) here, *requires* detention for a specific subset of aliens. *See* 8 U.S.C. § 1226(c) (instructing that aliens who are removable for having committed a specific set of crimes "shall" be detained during their removal proceedings). The Supreme Court found that this "statutory framework that permits [the detainee's] detention without bail," which made no allowances for consideration of bond, did not violate due process. *Demore*, 538 U.S. at 511. Rather, it ratified such practice as "a constitutionally permissible part of [the removal] process." *Id.* at 531. That holding applies with equal force here to 8 U.S.C. § 1225(b)(2)(A), which also mandates detention. It is for this reason that on this issue, multiple judges in the Southern District of Texas have categorically denied procedural due process claims, citing *Demore*. *See*, *e.g.*, *Avila v. Tate*, 4:25-CV-05919, Dkt. No. 9 (S.D. Tex. 2026) (Hanen, J.) (rejecting the procedural due process claim as "precluded, at this juncture, by *Demore*"); *Giron v. Noem*, No. 4:26-CV-00086, 2026 WL 252370, at *2 (S.D. Tex. Jan. 28, 2026) (Eskridge, J.) (same); *Jimenez v. Bradford*, 4:25-CV-05853, Dkt. No. 19 (S.D. Tex. 2026) (Lake, J.) (same); *Juan Gabriel Munoz Padilla v. Bondi, et al.,* 1:26-cv-13, Dkt. No. 11 (S.D. Tex. 2026) (Rodriguez, J.) (finding that for aliens seeking

admission, due process is satisfied through the procedures and rights that Congress elects to enact through legislation).

Moreover, as explained by Judge Hendrix, procedural due process in this context extends only as far as those rights which "Congress has provided by statute." *See Zuniga v. Lyons*, No. 1:25-CV-00221, 2025 WL 3755126, at *8 (N.D. Tex. Dec. 29, 2025) (quoting *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020)). Even construing Petitioner's "procedural" due process claim here as procedural, it would fail for the same reason the claim is not procedural at all: "No part of the statute 'says anything whatsoever about bond hearings.'" *Id.* (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018)).

2. The *Mathews* test is inapplicable here.

As the foregoing illustrates, any reliance on *Mathews v. Eldridge*, 424 U.S. 319 (1976), would be misplaced. *Mathews* articulates a three-part balancing test for analyzing procedural due process claims, which considers "(A) the private interest affected; (B) the risk of erroneous deprivation of that interest through the procedures used; and (C) the governmental interest at stake." *Nelson v. Colorado*, 581 U.S. 128, 135, 137 (2017). But that test has no application in the realm of substantive due process; after all, *Mathews* asks only whether the "procedures" for any deprivation of substantive rights are adequate. 424 U.S. at 335.[2]

[2] Indeed, attempting to apply the *Mathews* factors here shows just how inapplicable they are, which only further confirms that there can be no procedural due process violation. The second *Mathews* factor considers "the risk of erroneous deprivation of that interest through the procedures used." *Nelson*, 581 U.S. at 135. Where, as here, the statute commands one result—mandatory detention—there necessarily cannot be a "risk of erroneous deprivation" from any purported lack of procedure. Here, more procedure—specifically, a statutorily irrelevant inquiry as to whether the alien is a danger or flight risk—cannot change what the Fifth Circuit has already expressly ruled is the only lawful outcome under the applicable statute: mandatory detention. *See Buenrostro*, 2026 WL 323330. Had 8 U.S.C. § 1225(b)(2)(A) instructed that bond may or must be considered, and based on factors like danger and flight risk, then perhaps the lack of a hearing to make those determinations would implicate procedural due process and create a "risk" of erroneous deprivation. But that is not the case here under the actual statutory text, pursuant to which notions of procedural due process, including application of the *Mathews* test, cannot maintain.

B. MANDATORY DETENTION UNDER 8 U.S.C § 1225 DOES NOT VIOLATE SUBSTANTIVE DUE PROCESS.

The mandatory detention provision of 8 U.S.C. § 1225 does not violate substantive due process. Substantive due process "bars outright certain government actions regardless of the fairness of the procedures used to implement them." *Brennan v. Stewart*, 834 F.2d 1248, 1255 (5th Cir. 1988) (quotations omitted). Substantive due process extends to "only those fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition." *Dep't of State v. Muñoz*, 602 U.S. 899, 910 (2024) (quotations omitted).

Here, Petitioner's substantive due process theory is that his detention without a bond determination pending removal proceedings is itself unconstitutional. But this substantive due process argument has been soundly and repeatedly rejected by the Supreme Court. As a threshold matter, while "the Fifth Amendment entitles aliens to due process of law in deportation proceeding," *Reno v. Flores*, 507 U.S. 292, 306 (1993), in light of Congress's "broad power over naturalization and immigration," it "regularly makes rules that would be unacceptable if applied to citizens," *Mathews v. Diaz*, 426 U.S. 67, 79-80 (1976). And applying this principle specifically in the context of detention during removal proceedings, the Supreme Court has repeatedly held that such detention does not violate the detainee's constitutional rights. *See*, *e.g.*, *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of th[e] deportation procedure."); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation."); *Demore*, 538 U.S. at 523 (observing that, as a matter of fundamental rights, "prior to 1907 there was no provision permitting bail for any aliens during the pendency of their deportation proceedings"). It is against this backdrop that the Supreme Court stated in no mistakable terms that "[d]etention during

removal proceedings is a constitutionally permissible part of [the deportation] process." *Demore*, 538 U.S. at 531.

Accordingly, any substantive due process claim challenging Petitioner's detention pending removal proceedings fails. *See*, *e.g.*, *Sanchez v. Smith*, No. 4:25-CV-05384, 2025 WL 3687914, at *2 (S.D. Tex. Dec. 19, 2025) (Eskridge, J.) (rejecting the claim that detention pending removal violates substantive due process); *Zuniga v. Lyons*, No. 1:25-CV-00221, 2025 WL 3755126, at *8 (N.D. Tex. Dec. 29, 2025) (Hendrix, J.) (holding that "the notion that substantive due process requires a bond hearing is untenable"); *Salazar-Gonzalez v. Noem*, 4:25-CV-04662, Dkt. No. 15 (S.D. Tex. Feb. 12, 2026) (Hanen, J.) (rejecting the due process claim in this context as "precluded" by Supreme Court precedent); *Jimenez v. Bradford*, 4:25-CV-05853, Dkt. No. 19 (S.D. Tex. 2026) (Lake, J.) (same).

III. THE *MALDONADO BAUTISTA* DECLARATORY JUDGMENT HAS NO PRECLUSIVE EFFECT.

Even if the Court finds that Petitioner is a *Maldonado Bautista* class member, the class action ruling in *Bautista v. Noem*, No. 5:25-CV-1873 (C.D. Cal. Dec. 18, 2025), ECF No. 92, is neither binding nor applicable here and presents no basis for granting the petition. First, the *Bautista* declaratory judgement is void with respect to petitioners and custodians outside the Central District of California because it was issued despite a lack of jurisdiction. Second, the Court should not give preclusive effect to the declaratory judgment that is contrary to Fifth Circuit precedent. Additionally, because it is on appeal, relying upon the *Bautista* judgment creates a serious risk of inconsistent judgments and unfair results if the *Bautista* judgment is reversed or vacated on appeal. Finally, issue preclusion is inapplicable here, particularly as preclusion principles apply with less force both against the government and in habeas corpus proceedings.

First, the *Bautista* class sought a declaratory judgment that class members such as Petitioner were unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a). This is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court made clear just this year, "[r]egardless of whether [] detainees formally request release from confinement," if "their claims for relief necessarily imply the invalidity of their confinement[], their claims fall within the core of the writ of habeas corpus and thus must be brought in habeas." *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotations omitted). Given that a challenge to the legality of detention is a core habeas claim, class-wide declaratory relief is inappropriate in the habeas context. *See Calderon v. Ashmus*, 523 U.S. 740, 747 (1998). Here, the vast majority of *Bautista* class members are confined *outside* of the Central District of California by immediate custodians who are also *outside* the Central District of California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked jurisdiction to issue habeas relief to all class members who are confined outside the Central District of California by immediate custodians outside that District, and a court's judgment cannot be binding and preclusive against a party over which it lacked jurisdiction. *See Burnham v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court in the Fifth Circuit has already held that the *Bautista* declaratory judgment does not have preclusive effect. *See Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918, at *14 (N.D. Tex. Dec. 19, 2025).

Second, even if the *Bautista* declaratory judgment could have preclusive effect outside the Central District of California, that judgment is contrary to controlling Fifth Circuit precedent in *Buenrostro* and has been appealed to the Ninth Circuit, *Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.). This Court should not afford preclusive effect to that judgment in deciding whether to grant habeas relief in this case. Additionally, courts must

exercise significant caution before giving preclusive effect to declaratory judgments that are on appeal. *See, e.g.*, 9 A.L.R.2d 984. In the circumstances here—and particularly given the constraints of 8 U.S.C. § 1252(f)(1)—it would not be proper to impose res judicata effect on a class-wide basis while the declaratory judgment is pending on appeal. *Id.* (the "only one safe way of avoiding conflicting judgments" is to delay a decision "until the decision on appeal has been rendered").

Res judicata provides that when a court of competent jurisdiction has "entered a final judgment on the merits of a cause of action, the parties to the suit and their privies are thereafter bound . . . ." *Commissioner v. Sunnen*, 333 U.S. 591, 597 (1948). "A final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. Nor are the res judicata consequences of a final, unappealed judgment on the merits altered by the fact that the judgment may have been wrong or rested on a legal principle subsequently overruled in another case." *Federated Dep't Stores, Inc. v. Moitie,* 425 U.S. 394, 398 (1981) (emphasis added). In *Moitie,* the Supreme Court discussed the res judicata consequences in relation to a "final, unappealed judgment." *Id.* The *Maldonado Bautista* declaratory judgment, however, is on appeal to the Ninth Circuit, and therefore is not a "final, unappealed judgment." *Maldonado Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.).

Beyond the two most serious problems with giving effect to the *Bautista* declaratory judgment in this case, additional reasons counsel strongly against doing so. The government should not be precluded from litigating the issue of the proper detention authority here, where the Petitioner was not a named party to the prior *Bautista* litigation, but instead merely a member of a fundamentally flawed nationwide class. In such a circumstance, applying preclusion against the government would allow the *Bautista* court's decision to freeze the law for all district courts

nationwide, and stymies development of the law. This is particularly so because the *Bautista* court could never grant complete habeas relief to all class members as a result of § 1252(f)(1)—instead, the *Bautista* class action was merely a vehicle for seeking to use the judgment in individual habeas matters such as this one. At minimum, the court should exercise its discretion to decline to employ offensive issue preclusion, as it does in cases where a non-party seeks to invoke preclusion against a private party. *See Syverson v. Int'l Bus. Machines Corp.*, 472 F.3d 1072, 1078 (9th Cir. 2007) (citing *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 331 (1979)). Indeed, it is doubtful that issue preclusion is ever appropriate in the habeas context. *See Hardwick v. Doolittle*, 558 F.2d 292, 295 (5th Cir. 1977) ("The doctrines of res judicate and collateral estoppel are not applicable in habeas proceedings."). In sum, the *Bautista* declaratory judgment has no preclusive effect on this case.

IV. PETITIONER FAILED TO EXHAUST ADMINISTRATIVE REMEDIES.

As a threshold matter, the Court should dismiss the habeas Petition because Petitioner has not administratively exhausted his claims. In accord with the general rule that parties seeking relief against federal agencies must exhaust administrative remedies prior to seeking judicial relief, it is well-taken that a habeas Petitioner must exhaust all administrative remedies prior to filing a federal habeas petition under § 2241. *See, e.g., Gallegos-Hernandez v. United States*, 688 F.3d 190, 194 (5th Cir. 2012) (holding that a federal prisoner seeking habeas relief under § 2241 must first exhaust all available administrative remedies); *Hinojosa v. Horn*, 896 F.3d 305, 314 (5th Cir. 2018) (same); *United States v. Cleto*, 956 F.2d 83, 84 (5th Cir. 1992) (same). In this case, Petitioner has not requested a custody redetermination hearing before an Immigration Judge. Therefore, Petitioner has failed to exhaust his administrative remedies prior to filing his Petition, and thus, his Petition should be dismissed.

V. PETITIONER IS NOT ENTITLED TO RELIEF UNDER THE APA.

Petitioner's APA claim also fails because he cannot bring an APA claim in a habeas action. Petitioner's APA claim is that his detention violates the law. *See* Dkt. 1 at ¶ 91. However, APA claims cannot challenge the validity of an alien's confinement. *See P. B. v. Bergami, No.* 3:25-CV-02978-O, 2025 WL 3632752, at *9 (N.D. Tex. Dec. 13, 2025) (citing *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025). Relatedly, Petitioner cannot bring an APA claim in a habeas because there is an adequate remedy outside the APA. *See Garibay-Robledo v. Noem*, No. 1:25-CV-177-H, 2026 WL 81679, at *10 (N.D. Tex. Jan. 9, 2026) (holding the APA does not provide for judicial review in a habeas action). The APA only provides a basis for relief when "there is no other adequate remedy" available. 5 U.S.C. § 704. Here, the writ of habeas corpus itself provides an adequate remedy to address Petitioner's arguments regarding the legality of his detention. Thus, Petitioner's APA claim fails. *See Trump v. J.G.G.*, 604 U.S. at 674 (Kavanaugh, J., concurring) (noting that the availability of habeas relief constitutes an "adequate remedy" barring suit under the APA).

CONCLUSION

For the foregoing reasons, the Court should deny the Petition for Writ of Habeas Corpus (Dkt. No. 1) and grant the instant motion.

Dated: April 1, 2026

Respectfully submitted,

JOHN G.E. MARCK
Acting United States Attorney
Southern District of Texas

By: ***s/ Ancy Thomas***
ANCY THOMAS
Assistant United States Attorney
S.D. Tex. ID. No. 3869396
New York Bar No. 5449871
United States Attorney's Office

Southern District of Texas
1701 W. Bus. Highway 83, Suite 600
McAllen, Texas 78501
Telephone: (956) 992-9380
Facsimile: (956) 618-8016
Email: Ancy.Thomas@usdoj.gov
Attorney for Respondents

CERTIFICATE OF SERVICE

I certify that on April 1, 2026, the foregoing was filed and served through the Court's CM/ECF system.

s/ Ancy Thomas
ANCY THOMAS
Assistant United States Attorney