

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

CLARA CABALLERO OROZCO,

Petitioner,

v.

PAMELA BONDI et al.,

Respondents.

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CAUSE NO. EP-26-CV-170-KC

ORDER

On this day, the Court considered Clara Caballero Orozco’s Petition for a Writ of Habeas Corpus, ECF No. 1. Caballero Orozco is detained at the El Paso Processing Center in El Paso, Texas. *Id.* ¶ 1. She argues that her detention is unlawful and asks the Court to order her release or a bond hearing. *Id.* ¶¶ 56–87.

Caballero Orozco has been in the country since 2005 and was apprehended and detained by immigration authorities for the first time at a workplace raid in California in July 2025. *Id.* ¶¶ 14–15, 17. In its Show Cause Order, ECF No. 2, the Court noted that, “[a]s alleged, [Caballero Orozco’s] case appears materially indistinguishable from several others in which this Court has found a procedural due process violation. *See, e.g., Martinez v. Noem*, No. 3:25-cv-430-KC, 2025 WL 2965859, at *1–5 (W.D. Tex. Oct. 21, 2025).” Show Cause Order 1. The Court thus asked Respondents to engage with its prior decisions and “explain whether the facts of Caballero Orozco’s case warrant a different outcome” by February 3, 2026. *Id.* at 1–2.

Respondents have now filed a Response, ECF No. 3. Respondents concede that “the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in [*Martinez*].” *Id.* at 3. Instead of reprising the same legal

arguments that this Court rejected in *Martinez*,¹ Respondents “preserve[] all rights” and “incorporate by reference the legal arguments” they raised in *Martinez* and other cases in this District. *Id.* at 5.

As Respondents acknowledge that this case is materially indistinguishable from this Court’s prior decisions, it follows that the same result is warranted here. Thus, after careful consideration of the entire record,² and for reasons explained at length in *Lopez-Arevelo*, *Santiago*, *Martinez*, *Erazo Rojas*, *Lala Barros*, and this Court’s many other decisions involving habeas claims brought by petitioners subject to mandatory detention under the Government’s new interpretation of 8 U.S.C. § 1225(b), Caballero Orozco’s Petition is **GRANTED IN PART** on procedural due process grounds.

The Court **ORDERS** that, **on or before February 11, 2026**, Respondents shall either: (1) provide Caballero Orozco with a bond hearing before an IJ, at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Caballero Orozco’s continued detention; or (2) release Caballero Orozco from custody, under reasonable conditions of supervision.

IT IS FURTHER ORDERED that, **on or before February 11, 2026**, Respondents shall **FILE** notice informing the Court whether Caballero Orozco has been released from custody. If Caballero Orozco has not been released from custody, Respondents shall inform the Court

¹ In *Martinez* this Court rejected Respondents’ boilerplate arguments for the same reasons it rejected those arguments in its previous immigration habeas decisions. *See Martinez*, 2025 WL 2965859, at *1–5; *Lala Barros v. Noem*, No. 3:25-cv-488-KC, 2025 WL 3154059, at *1–6 (W.D. Tex. Nov. 10, 2025); *Erazo Rojas v. Noem*, No. 3:25-cv-443-KC, 2025 WL 3038262, at *1–5 (W.D. Tex. Oct. 30, 2025); *Santiago v. Noem*, No. 3:25-cv-361-KC, 2025 WL 2792588, at *1–14 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, No. 3:25-cv-337-KC, 2025 WL 2691828, at *1–13 (W.D. Tex. Sept. 22, 2025).

² The relevant facts are undisputed, *see generally* Resp., and the Court grants relief without a hearing. *See Tijerina v. Thornburgh*, 884 F.2d 861, 866 (5th Cir. 1989) (citations omitted).

whether and when a bond hearing was held in accordance with the preceding paragraph.
Respondents shall further inform the Court, in detail, of the reasons for the IJ's decision.

There will be no extensions of the February 11, 2026, deadlines.

SO ORDERED.

SIGNED this 4th day of February, 2026.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE