

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARLON SAUL BARCARCEL PEREZ,
and JOSE RICARDO MARRON OLVERA,

Petitioners,

v.

CIVIL ACTION NO. 2:26-cv-00108

CHRISTOPHER MASON, et al.,

Respondents.

ORDER

The Court has reviewed the Petitioners' *Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Document 1) and the *Motion for Immediate Order to Show Cause and Immediate Order Preventing Removal or Transfer of Petitioner Pending Disposition of Petition* (Document 3), filed on February 17, 2026. Petitioner Marlon Saul Barcarcel Perez is a citizen and national of Guatemala, and Petitioner Jose Ricardo Marron Olvera is a citizen and national of Mexico. Both allege that the Respondents have caused them to be confined in civil immigration detention at the South Central Regional Jail in Charleston, West Virginia. Both Petitioners were arrested by the Cabell County Sheriff's Office after traffic stops of vehicles in which they were passengers on February 12, 2026, and are currently being held by Immigration and Customs Enforcement (ICE). They assert that their detention is unlawful and in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution.

Finding that the Petitioners' claims warrant prompt review, the Court **ORDERS** that:

1. The *Motion for Immediate Order to Show Cause and Immediate Order Preventing Removal or Transfer of Petitioner Pending Disposition of Petition* (Document 3) be **GRANTED**.
2. The Respondents **SHALL NOT** remove or facilitate the removal of the Petitioners from the Southern District of West Virginia pending further order of the Court. To the extent the Petitioner(s) have already been removed from this jurisdiction, the Respondents shall not transport the Petitioner(s) to a geographically further location or remove the Petitioner(s) from the United States pending further order of the Court.
3. The Petitioners **SHALL** serve this Order on the United States Attorney for the Southern District of West Virginia by **2:00 p.m., on February 17, 2026**, which shall constitute good and sufficient service on the federal defendants.
4. The Petitioner **SHALL** serve this Order on Christopher Mason, Superintendent, South Central Regional Jail, or an agent of Superintendent Mason at the South Central Regional Jail, by **2:00 p.m., on February 17, 2026**, which shall constitute good and sufficient service on Superintendent Mason.
5. The Respondents **SHALL** file a written response to **SHOW CAUSE**, if any, as to why the Petition should not be granted, no later than **2:00 p.m., Thursday, February 19, 2026**. The response shall indicate whether the Respondents have a good faith basis to assert that they will present arguments in this case that have not previously been considered and rejected by this Court.
6. The parties **SHALL** appear for a hearing at **1:30 p.m., on Friday, February 20, 2026**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, to Matthew C. Lindsay, Chief of the Civil Division of the U.S. Attorney's Office for the Southern District of West Virginia, and to any unrepresented party.

ENTER: February 17, 2026



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA