

1 Feb. 6, 2026).¹ (Doc. 28.) Petitioner filed a notice that he did not object to the findings and
2 recommendations. (Doc. 29.)

3 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this case.
4 Having carefully reviewed the matter, the Court concludes that the findings and recommendations
5 are supported by the record and proper analysis.² Accordingly, the Court **ORDERS**:

- 6 1. The findings and recommendations (Doc. 27) issued on February 5, 2026, are
7 **ADOPTED** in full.
- 8 2. The petition for writ of habeas corpus (Doc. 18) is **GRANTED IN PART** on
9 Petitioner’s claim alleging violation of procedural due process rights under the Fifth
10 Amendment to the U.S. Constitution.
- 11 3. Respondents are **ORDERED** to release Petitioner immediately.
- 12 4. Respondents are **ENJOINED** and **RESTRAINED** from re-detaining Petitioner unless
13 the government provides notice to Petitioner a minimum of seven days in advance and
14 holds a bond hearing before a neutral arbiter pursuant to section 1226(a) and
15 applicable regulations, at which Petitioner’s eligibility for bond must be considered,
16 and where the government must demonstrate by clear and convincing evidence that
17 Petitioner is a flight risk or danger to the community, such that physical custody is
18 legally justified.³

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24 ¹ The Fifth Circuit case is not binding on this Court and is contrary to this Court’s prior orders as well as orders
25 issued in numerous other cases in this Circuit.

26 ² Though the body of the findings and recommendations reasons that the appropriate remedy is a bond hearing (Doc.
27 27 at 16-17), the conclusion recommends immediate release. (*Id.* at 17.) The undersigned finds that immediate
release is appropriate. Respondents do not offer any basis to detain Petitioner other than their contention that he is
mandatorily detained under 8 U.S.C. § 1225 and do not assert any risk of flight or danger to the community.

28 ³ If legally sufficient circumstances justify arrest without notice in advance, a post-deprivation hearing consistent
with the requirements set forth here, **SHALL** be provided within seven days of the arrest.

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5. The Clerk of the Court is **DIRECTED** to enter judgment for Petitioner and to close this case.

IT IS SO ORDERED.

Dated: February 12, 2026


UNITED STATES DISTRICT JUDGE