

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

**VERONICA LIZBETH ENCALADA
SAQUICHAGUA,
Petitioner,**

v.

**PAMELA BONDI, *Attorney General, et
al.,*
Respondents.**

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EP-26-CV-00511-DB

**ORDER TO SHOW CAUSE & PREVENT PETITIONER’S REMOVAL FROM
DISTRICT AND UNITED STATES**

On this day, the Court considered the above-captioned case. On February 20, 2026, Petitioner Veronica Lizbeth Encalada Saquichagua filed a “Verified Petition for Writ of Habeas Corpus,” ECF No. 1. Petitioner is currently detained at the ERO El Paso Camp East Montana detention facility in El Paso, Texas in the Western District of Texas. *Id.* at 3. She argues her detention is unlawful and asks the Court to order a bond hearing or her release. *Id.* at 15.

Petitioner is an Ecuadorian national who entered the United States in 2023. ECF No. 1-1 at 4. Petitioner was brought to this country as a minor seeking asylum, and she has since become a valuable member of her high school and church communities. *Id.* Petitioner was in contact with ICE at the border and was released under supervision to attend scheduled court appearances and periodic check-ins with ICE. *Id.* She has applied for asylum and made her first court appearance in 2025. *Id.* Petitioner does not have a final order of removal. *Id.* Petitioner was detained by immigration authorities on January 22, 2026. *Id.* Upon arrival at Camp East Montana, Petitioner was given a pregnancy test and discovered she was three months pregnant. *Id.* at 6. Petitioner alleges she has been denied basic medical care including a doctor’s visit or supplemental food to support her and the baby. *Id.* Among other things, Petitioner argues mandatory detention under 8

U.S.C. 1225(b) as applied to her violates her Fifth Amendment procedural due process rights because she has a fundamental liberty interest in being free from official restraint and she is being deprived of an individualized hearing to justify her detention. *Id.* at 10–13.

Petitioner’s case, as alleged, is materially indistinguishable from other cases in which this Court has found procedural due process violations. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025).¹ As such, it appears from the writ that it should be granted.² Nonetheless, this Court will afford Respondents three days to respond as to why it should not be. In so doing, Respondents should avoid boilerplate arguments this Court has already rejected in one of many immigration habeas cases to date. Absent any new authority, Respondents can safely assume the Court’s position on the law has not changed and explain why the facts of Petitioner’s case warrant a different outcome.

Accordingly, **IT IS HEREBY ORDERED** Respondents **SHALL NOT** (1) remove or deport Petitioner from the United States, or (2) transfer Petitioner from any facility outside the

¹ This Court acknowledges the Fifth Circuit’s precedential decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. 2026) issued on February 6, 2026, determining Respondents’ statutory interpretation of Section 1225(b)’s mandatory detention provision is correct. However, *Buenrostro-Mendez* does not change the outcome in *Viera* or the Court’s subsequent decisions, which were decided on procedural due process grounds. In its original due process analysis, this Court accepted without deciding Respondents’ interpretation was true. *See, e.g., Zafra v. Noem*, No. EP-25-CV-00541-DB, 2025 WL 3239526 (W.D. Tex. Nov. 20, 2025) (“The parties argue about Respondents’ novel interpretation regarding mandatory detention under Section 1225(b) and whether Petitioner falls within it. Even assuming without deciding Respondent’s reading is correct, the Court will not address these arguments because the Court finds Petitioner is entitled to procedural due process in his as-applied challenge.”).

² 28 U.S.C § 2243 (“A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted. . .”).

boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise or this case is closed.³

IT IS FURTHER ORDERED Respondents **SHOW CAUSE** why such writ should not be granted by filing a response no later **no later than February 26, 2026.**

IT IS FURTHER ORDERED that should Petitioner wish to file a reply, Petitioner shall file a reply **no later than March 2, 2026.**

SIGNED this 23rd day of February 2026.



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE

³ This case is filed by an alien detainee seeking relief under habeas corpus. Due to prior incidences in this Court of Respondents or their assigns removing petitioners from the United States and/or jurisdiction of the Western District of Texas – El Paso Division even after the Court orders them not to do so, this Court, in its discretion, finds good cause to issue a temporary restraining order restraining Respondents from removing Petitioner from its jurisdiction or the United States until further order of the Court. *See, e.g. Blandon Raudez v. Bondi*, No. 3-25-CV-493-DB, (W.D. Tex. October 30, 2025). In the interest of preserving the status quo and the Court’s ability to fully assess this case on the merits, the Court orders that Petitioner not be removed from the United States or to a facility outside the jurisdiction of the Western District of Texas – El Paso Division. *See United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) (“[T]he District Court had the power to preserve existing conditions while it was determining its own authority to grant injunctive relief.”); *cf. Brownback v. King*, 592 U.S. 209, 218-19 (2021); *see also Santiago v. Noem*, No. 3-25-CV-361-KC, 2025 WL 2606118, at *2–3 (W.D. Tex. Sept. 9, 2025) (collecting cases).