

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

ARDENIS NAZARETH COBI,  
Petitioner,

v.

MARY DE ANDA YBARRA, *Field Office  
Director, El Paso Field Office, Immigration  
and Customs Enforcement, et al.*,  
Respondents.

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EP-26-CV-00801-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 March 21, 2026, Petitioner Ardenis Nazareth Cobi filed a “Petition for Writ of Habeas Corpus,” ECF No. 1. Petitioner is currently detained at the El Paso Processing Center in El Paso, Texas in the Western District of Texas. ECF No. 1 at 2. He argues his detention is unlawful and asks the Court to order a bond hearing or release. *Id.* at 26–27.

Petitioner is a Venezuelan national who entered the United States in 2022. *Id.* at 2.<sup>1</sup> On February 12, 2025, DHS issued Form I-200, warrant for arrest, for Petitioner and cited to 8 U.S.C. § 1226 as the detention statute authorizing his arrest. *Id.* at 8. On February 20, 2025, Petitioner was arrested pursuant to that warrant and was placed into removal proceedings through the issuance of a Notice to Appear. *Id.* On April 29, 2025, an immigration judge granted Petitioner a custody redetermination, setting a bond in the amount of \$6,500 USD. *Id.* at 9. Aside from the monetary bond, no other conditions on release were imposed by the court. *Id.* No appeal of that

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<sup>1</sup> Petitioner has applied for U nonimmigrant status, Temporary Protected Status (TPS), and asylum. ECF No. 1 at 8–9.

order was reserved and the court's April 29, 2025, custody order became final. *Id.* Petitioner subsequently posted bond and was released from immigration custody. *Id.*

Although Petitioner was previously granted bond, he was rearrested in October 2025, without a warrant while at Home Depot looking for work. *Id.* Respondents have not alleged any changed circumstances justifying Petitioner's re-detention. *Id.* at 4. Petitioner does not have any intervening criminal history and his applications for relief remain pending. *Id.* Among other things, Petitioner argues his current detention is unlawful because he is now subject to mandatory detention under 8 U.S.C. 1225(b) pursuant to Respondents new interpretation of the statute. *Id.* at 25. He argues that Section 1225(b) as applied to him violates his Fifth Amendment procedural due process rights because he has a fundamental liberty interest in being free from official restraint and is being deprived of an individualized hearing to justify his detention. *Id.* at 25.

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).<sup>2</sup> As such, it appears from the writ that

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<sup>2</sup> 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.").

it should be granted.<sup>3</sup> 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 boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise or this case is closed.<sup>4</sup>

**IT IS FURTHER ORDERED** Respondents **SHOW CAUSE** why such writ should not be granted by filing a response no later **no later than March 30, 2026.**

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<sup>3</sup> 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. . .”).

<sup>4</sup> 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).

**IT IS FURTHER ORDERED** that should Petitioner wish to file a reply, Petitioner shall file a reply **no later than April 1, 2026.**

**SIGNED** this **25th** day of **March 2026.**

  
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**THE HONORABLE DAVID BRIONES**  
**SENIOR UNITED STATES DISTRICT JUDGE**