United States District Court
Southern District of Texas
ENTERED
April 21, 2026
Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

JOSE PADRON COVARRUBIAS,	§	
Petitioner,	§	
	§	
V.	§	**CIVIL ACTION NO. 5:25-CV-112**
	§	
MIGUEL VERGARA, ET AL.,[1]	§	
Respondents.	§	

ORDER

On October 8, 2025, the Court granted Petitioner's Emergency Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief, (Dkt. No. 3). (Dkt. No. 30). On October 23, 2025, the Court entered final judgment in the case. (Dkt. No. 32). Respondents appealed to the Fifth Circuit Court of Appeals. (Dkt. No. 33).

On February 6, 2026, the Fifth Circuit issued an opinion in the case, which was consolidated on appeal under a different name. The Fifth Circuit reversed the Court and held that Section 1225(b)(2) applies to all applicants for admission, regardless of whether they are actively "seeking admission" when they are detained. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026). On April 16, 2026, the mandate issued, remanding this case for further proceedings consistent with the opinion. (Dkt. No. 38).

First, the Court **WITHDRAWS** its prior Memorandum Opinion & Order, (Dkt. No. 30).

Second, due to the nature of habeas litigation, the Court requests a status on Petitioner's detention and whether there are any pending live issues that the Court may address. The parties are **ORDERED** to confer and file advisories **by May 5, 2026,** addressing how they propose the case should proceed in light of the Fifth Circuit's mandate.

[1] Todd Blanche is automatically substituted for Pamela Bondi in this case under Federal Rule of Civil Procedure 25(d). Markwayne Mullin is automatically substituted for Kristi Noem in this case under the same rule. The Clerk of Court is **DIRECTED** to substitute these parties on the docket sheet.

It is so **ORDERED**.

SIGNED on April 21, 2026.

John A. Kazen
United States District Judge