

ENTERED

February 10, 2026

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

DAVID ABGARIAN,

§

Petitioner,

§

VS.

§

CIVIL ACTION NO. 1:25-CV-334

KRISTI NOEM, *et al.*,

§

Respondents.

§

ORDER

On January 22, 2026, the Court granted Petitioner David Abgarian a permanent injunction and required Respondents to release the Petitioner by February 5, 2026, unless he received an individualized bond hearing by that date. (Permanent Injunction, Doc. 9) The Order also required Respondents to submit a status report regarding compliance with the Permanent Injunction by February 6, 2026.

On February 6, the Fifth Circuit published its decision in *Buenrostro-Mendez v. Bondi*, — F.4th —, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). The Court views the decision as foreclosing the relief granted to Petitioner David Abgarian in the Permanent Injunction. As a result, it is:

ORDERED that the Permanent Injunction (Doc. 9) is **VACATED**; and

ORDERED that by no later than February 20, 2026, Petitioner shall file a Statement explaining why the Fifth Circuit's decision in *Buenrostro-Mendez* does not foreclose the relief previously granted in the Permanent Injunction (Doc. 9).

If the Petitioner does not timely file a Statement or fails to show how *Buenrostro-Mendez* does not result in denial of his claims, the Court will deny the Petition and dismiss this case.

Signed on February 10, 2026.



Fernando Rodriguez, Jr.
United States District Judge