

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

**BAYRON ADONAY GARCIA
HERNANDEZ,**

Petitioner,

v.

MARY DE ANDA-YBARRA et al.,

Respondents.

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CAUSE NO. EP-26-CV-318-KC

SHOW CAUSE ORDER

On this day, the Court considered the case. On February 13, 2026, the Court granted in part Bayron Adonay Garcia Hernandez’s Petition for Writ of Habeas Corpus and ordered Respondents to either (1) provide him with a bond hearing before an IJ, at which the Government was to bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, his continued detention; or (2) release him from custody, under reasonable conditions of supervision, by February 20. Feb. 13, 2026, Order 6, ECF No. 5. By the same date, Respondents were to file a notice informing the Court of their compliance. *Id.* Respondents failed to file notice, and the Court ordered Respondents to show cause for their failure by February 24. Feb. 23, 2026, Order, ECF No. 6.

Respondents now state that the missed deadline “was not intentional or the result of disregard for the Court’s order” and instead was due to a clerical error in calendaring the deadline. Resp. 1, ECF No. 7. And that Garcia Hernandez was released on February 23. *Id.* at 2. The Court finds Respondents have shown good cause for their failure to timely comply with the Court’s February 13 Order. The Court notes, however, that there has been a worrying trend in recent immigration habeas matters where Respondents have frequently missed deadlines. The

Court reminds Respondents that workload is not an excuse, and they must implement procedures to ensure compliance with Court orders. Continued failures will not be looked upon favorably.

It appears that the only remaining matter to be resolved in this case is Garcia Hernandez's request for an award of attorneys' fees under the Equal Access to Justice Act ("EAJA"). *See* Pet. 32, ECF No. 1; *see generally* Feb. 13, 2026, Order; *see generally* Feb. 23, 2026, Order.

However, successful immigration habeas petitioners are not entitled to attorneys' fees under the EAJA. *Barco v. Witte*, 65 F.4th 782, 785 (5th Cir. 2023).

Accordingly, **the Clerk shall close the case.** To the extent Garcia Hernandez wishes to seek additional relief from the Court, he may file a motion to reopen.

SO ORDERED.

SIGNED this 25th day of February, 2026.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE