

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

SANCHEZ PUENTES, et al.,

Petitioners,

v.

GARITE, et al,

Respondents.

Case No. 25-cv-0127

**PETITIONERS' RESPONSE TO RESPONDENTS' EMERGENCY MOTION FOR
ORDER ON STAY OF RELIEF PENDING APPEAL**

Petitioners Julio Cesar Sanchez Puentes (Mr. Sanchez) and Luddis Norelia Sanchez Garcia (Ms. Sanchez) (Petitioners) hereby respond to Respondents' Emergency Motion for Order on Stay of Relief Pending Appeal, Dkt. 36. For the reasons set forth below, the Court properly issued district-wide relief in this case. However, there is now a related class action case pending before this Court that provides an alternative vehicle for district-wide relief.¹ See *M.A.P.S. v. Garite*, No. 3:25-cv-171 (W.D. Tex., filed May 10, 2025), Dkt. 3 (motion for temporary restraining order). Should a Temporary Restraining Order (TRO) issue in *M.A.P.S. v. Garite*, No. 3:25-cv-171, Petitioners would not oppose a stay on the district-wide order in this case as the relief sought in *M.A.P.S.* would encompass the order entered here. If a TRO is not issued in *M.A.P.S. v. Garite*, No. 3:25-cv-171, Petitioners oppose the stay for the reasons stated below.

¹ *M.A.P.S. v. Garite*, No. 3:25-cv-171 (W.D. Tex., filed May 10, 2025) is a class action lawsuit challenging the lawfulness of the Alien Enemies Act invocation. Pending in the case is a Temporary Restraining Order (TRO) which would provide similar relief to the district-wide order here, including more robust notice of alien enemy designation and a stay on removal of putative class members from the district. *Id.*, Dkt. 3.

This Court acted within the proper scope of its authority in issuing district-wide relief. The Supreme Court has described the writ of habeas corpus as “the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” *Harris v. Nelson*, 394 U.S. 286, 290–91 (1969). “The scope and flexibility of the writ—its capacity to reach all manner of illegal detention—its ability to cut through barriers of form and procedural mazes—have always been emphasized and jealously guarded by courts and lawmakers. The very nature of the writ demands that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected.” *Id.* at 291. A court’s “power” in the realm of habeas proceedings “is plenary.” *Id.* (quoting *Townsend v. Sain*, 371 U.S. 293, 312 (1963)).

The “scope and flexibility of the writ” to respond to the wide array of potentially unlawful detention, used alongside the All Writs Act, allows courts to fashion remedies suitable to address an unlawful scheme presented in an individual case. *See id.* at 300 (holding that under the All Writs Act, a district court could properly engage in discovery during habeas proceedings, as the ability to conduct “a fair and meaningful evidentiary hearing” may be ‘necessary or appropriate in aid of’ the court’s habeas jurisdiction (quoting 28 U.S.C. § 1651)).

Section fourteen, of the Judiciary Act of 1789, which became known as the “all-writs” provision, contains what has been described as “[t]he most expansive and open-ended language” in the Act. Wythe Holt, *To Establish Justice: Politics, the Judiciary Act of 1789, and the Invention of the Federal Courts*, 1989 Duke L.J. 1421, 1507 (1989). The Act allows a federal court to “avail itself of all auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it.” *United States v. New York Tel. Co.*, 434 U.S. 159, 172–73 (1977).

The Supreme Court “has repeatedly recognized the power of a federal court to issue such commands under the All Writs Act as may be necessary or appropriate to effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained: ‘This statute has served since its inclusion, in substance, in the original Judiciary Act as a legislatively approved source of procedural instruments designed to achieve the rational ends of law.’” *Id.* (quoting *Harris*, 394 U.S. at 299) (“Indeed, unless appropriately confined by Congress, a federal court may avail itself of all auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice to entrusted to it.” (citations and quotation marks omitted)).

“The All Writs Act may be said to provide a federal court with those writs necessary to the preservation or exercise of its subject matter jurisdiction. The Act is necessary because federal courts, being courts of limited jurisdiction, would not otherwise possess the tools necessary to implement their jurisdictional grants.” *ITT Cmty. Dev. Corp. v. Barton*, 569 F.2d 1351, 1359 (5th Cir. 1978). Additionally, writs issued under the All Writs Act may apply beyond the parties in a proceeding, to “persons who, though not parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation of a court order or the proper administration of justice, and . . . even those who have not taken any affirmative action to hinder justice.” *New York Tel. Co.*, 434 U.S. at 174.

Faced with the “chaos and uncertainty” that this government’s “unprecedented peacetime use of wartime power has caused” for both “individual petitioners as well as the judicial branch,” and the ways in which the government has already evaded judicial scrutiny of its actions, this Court exercised its expansive power to issue a district-wide order. Dkt. 27 at 35–36, 36 n.19. The district-wide order enjoining Respondents from removing detained noncitizens subject to the Alien

Enemies Act (AEA) Invocation from the Western District of Texas, and requiring specific notice procedures,² was appropriately issued under the All Writs Act, which empowers federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a).

Nevertheless, in the intervening period a related class action petition requesting comparable relief has been filed in this district and is currently pending. *M.A.P.S. v. Garite*, No. 3:25-cv-171, Dkt. 1 (petition), Dkt. 3 (TRO motion). The question of district-wide relief may therefore be taken up in the context of that class action petition. Should the TRO issue in *M.A.P.S. v. Garite*, No. 3:25-cv-171, Dkt. 3, Petitioners would not object to the Court granting Respondents’ request to stay the district-wide order in the instant case. The new class petition for a writ of habeas corpus and complaint for declaratory and injunctive relief challenges the lawfulness of the AEA invocation, and the petitioner seeks a TRO on behalf of herself and the putative class that would

² Respondents’ contention that Petitioners’ filing of a habeas petition proves that the outlined notice procedures “are sufficient” for noncitizens designated as alien enemies to seek relief through habeas, as required by the Supreme Court’s ruling in *Trump v. J.G.G.*, No. 24A931, 2025 WL 1024097, at *2 (U.S. Apr. 7, 2025), is disingenuous at best. Dkt. 36, Mot. for Stay, 4. As Respondents are well aware, Mr. and Ms. Sanchez, unlike the majority of detained noncitizens, were represented by both immigration counsel and habeas counsel before they were re-detained on April 16, because the government had already unlawfully detained them once before and because community supporters had contacted and obtained counsel for them in Virginia. See *Sanchez Puentes v. Charles*, 1:25-cv-00509 (E.D. Va. Mar. 21, 2025). Even still, undersigned counsel was unable to locate their clients or communicate with them in any way after the arrest and for many additional hours, despite repeated requests to several different government actors, and were able to file the instant habeas action only because they already represented them, were fully aware of their circumstances, took extraordinary measures to locate them, and filed an after-hours habeas petition with an Emergency TRO that this Court granted just in time to avert transfer. See Dkt. 9-1, Sanchinelli, Decl., ¶ 11. The earliest counsel was able to obtain a legal call with Petitioners, in an emergency situation and with repeated requests, was over 48 hours after service of the deficient AEA notice on Mr. Sanchez and over three days after service of the deficient notice on Ms. Sanchez. *Id.* This is well past the timeline the government claims is sufficient for people designated as alien enemies to challenge their designation. See Dkt. 36-1 (explaining the notice procedures).

encompass the same substantive relief this Court provided in the district-wide order. As such, although the Court has the power to issue the district-wide order pursuant to the All Writs Act, Petitioners support the adjudication of a district-wide order in that class case and, if granted, do not oppose a stay on the district-wide order in the instant case. Petitioners therefore request that this Court reserve decision on this motion until the motion for a TRO in *M.A.P.S. v. Garite*, No. 3:25-cv-171, Dkt. 3, is decided, and then stay the district-wide order in this case only if a TRO is granted in *M.A.P.S. v. Garite*.

Dated: May 12, 2025

Respectfully submitted,

BENOIT LEGAL, P.L.L.C.
311 Montana Ave, Suite B
El Paso, Texas 79902
(915)532-5544
(915) 532-5566 Fax

/s/ Christopher Benoit
CHRISTOPHER BENOIT
Texas Bar No. 24068653
chris@coylefirm.com

/S/ Sherilyn A. Bunn
Sherilyn A. Bunn
Attorney at Law
Texas Bar No. 24081710
FIRTH BUNN KERR NEILL
311 Montana Law Center
El Paso, Texas 79902
Tel. #: (915) 532-7500
Fax #: (915)532-7503

/S/ Lynn Coyle
Lynn Coyle, Esq.
Texas Bar No. 24050049
2700 Richmond Ave
El Paso, TX 79930
lynn@coylefirm.com

/s/ Yulie Landan

Yulie Landan*

Matthew S. Vogel*†

Sirine Shebaya*

National Immigration Project
of the National Lawyers Guild
(National Immigration Project)

1763 Columbia Road NW

Suite 175 # 896645

Washington, DC 20009

Tel: (213) 430-5521

yulie@nipnlg.org

sirine@nipnlg.org

matt@nipnlg.org

**Admitted pro hac vice*

† Not admitted in DC; working remotely
from and admitted in Louisiana only

COUNSEL FOR PETITIONERS

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants.

Respectfully submitted,

Date: May 12, 2025

/s/ Yulie Landan

Yulie Landan