


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

Adriana Quiroz Zapata,  
Petitioner

AGENCY FILE No. A   
Case No. **3:25-cv-0148-LS**

v.

MARY ANDA-YBARRA, Field Office  
Director, El Paso Field Office, Immigration  
and Customs Enforcement, MARTIN  
SARELLANO JR., Assistant Field Office  
Director, El Paso Field Office, Immigration  
and Customs Enforcement, TODD M.  
LYONS, Acting Director, U.S. Immigration  
and Customs Enforcement, KRISTI NOEM,  
Secretary, U.S. Department of Homeland  
Security, PAMELA JO BONDI, Attorney  
General of the United States, *in their official  
capacities.*

Respondents.

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**PETITIONER'S SUPPLEMENTAL BRIEFING CLARIFYING LEGAL CLAIMS**

As an individual granted CAT relief, Petitioner remains subject to a final order of removal. As a result, she was subject to a mandatory 90-day post-removal detention period pursuant to INA § 241(a)(1), during which the DHS could attempt removal to a third country. DHS's authority to detain during this period is limited

to situations where removal is reasonably foreseeable. If removal is not reasonably foreseeable, continued detention violates constitutional due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001), governs when the government may subject a non-citizen to prolonged detention. In *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001), the Court ruled that to continue detention after the initial 90-day period, DHS must demonstrate a “significant likelihood of removal in the reasonably foreseeable future.”

Petitioner was granted CAT in February 2025, and is protected from removal to Colombia. DHS may not remove her to any other country not designated by the Immigration Judge pursuant to 8 U.S.C. § 1231(b)(3)(A), to any country that has not formally accepted her pursuant to INA § 241(b)(1)(C)(iv) or to where she has no established ties pursuant to the Safe Third Country Procedures and Directive, Article 3 § 20(1)(d). Petitioner has no familial, cultural, or legal ties to any country aside from Colombia and the United States. Her only family outside of Colombia are U.S. citizens residing in New Jersey, including two sisters, a niece, and a fiancé, thus, DHS may not remove her to a third country. Petitioner has been detained over 90 days post removal. As such, her continued detention is unreasonable.

*Zadvydas* construed §1231(a)(6) to implicitly contain a “reasonable time” limitation of six months post removal order, subject to federal judicial review. *Id.*

at 682. After this six-month period, “once the non-citizen provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the government must respond with evidence sufficient to rebut that showing.” *Id.*, at 701. Moreover, as the period of post-removal detention extends, the concept of the “reasonably foreseeable future” shrinks accordingly. *Id.*

DHS asserts it is actively seeking Petitioner’s removal to a third country and that it is confident her removal will occur in the foreseeable future. ECF No. 9 at 3. Respondents, however, failed to provide any details regarding any efforts made to facilitate such removal, and has not met the standard set out in *Zadvydas* to establish that removal will occur in the reasonably foreseeable future. Moreover, due to ICE’s failure to show any efforts to remove Petitioner, there is no need to grant Respondents six months to effectuate Petitioner’s removal before allowing federal judicial review.

8 C.F.R. § 241.13, provides that if there is not a “significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future,” the Service must order the release of the noncitizen unless there are “special circumstances” that justify continued detention. 8 C.F.R. § 241.13(g)(1). DHS has failed to provide any special circumstances to justify Petitioner’s continued detention. For these reasons, Petitioner’s detention violates 8 U.S.C. § 1231(a) and 8 C.F.R. § 241.13. Accordingly, this Court should order her release.

Respectfully submitted,

/s/ Lauren O'Neal

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/s/ Constance R. Wannamaker

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