

United States District Court
Western District of Texas
El Paso Division

Adriana Maria Quiroz-Zapata,
Petitioner,

v.

No. 3:25-CV-00148-LS

Mary Anda-Ybarra, in her official capacity as Field Office Director, El Paso Field Office, U.S. Immigration and Customs Enforcement; Martin Sarellano Jr., in his official capacity as Assistant Field Office Director, El Paso Field Office, U.S. Immigration and Customs Enforcement; Todd M. Lyons, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security; and Pamela Jo Bondi, in her official capacity as Attorney General of the United States,
Respondents.

Respondents' Opposition to Petitioner's Motion to Amend Judgment

Respondents oppose Petitioner's motion to amend the judgment in this case. *See* ECF No. 21. Petitioner bases her motion on three primary allegations: (1) there is evidence from "Mexican Immigration Authorities" that Mexico would not be willing to accept her into their territory in the near future, because they have already declined to accept her; (2) written assurances of assistance with ICE Check-In compliance from New Jersey Congressman Rob Menendez's office show that the Court's flight risk analysis "appears factually inaccurate"; and (3) Petitioner's 2021 removal order was never formally reinstated under the regulations. *Id.* at 2. Petitioner's motion should be denied.

First, the evidence Petitioner purports the Court should consider regarding Mexico's willingness to accept removal of Petitioner in the future is dated March 2025. *See* ECF Nos. 21-1,

21-2. Petitioner does not explain why this evidence was not or could not have been timely submitted to the Court prior to the judgment issuing in June 2025. *Id.* Second, Petitioner fails to explain why the evidence from Congressman Menendez's office could not have been sought and filed prior to the Court's judgment. *See* ECF No. 21-3 (showing an email dated the day after the judgment issued).

Finally, Petitioner's claim that her 2021 removal order was not properly reinstated was not alleged in the habeas petition. *See, e.g.,* ECF No. 1 at 13, 16. Indeed, it is uncontested that Petitioner applied for and received protection under the Convention Against Torture (CAT) following the reinstatement of her 2021 removal order and her placement in reasonable fear proceedings. *Id.* (acknowledging referral to the Immigration Court for limited proceedings following illegal reentry after removal in 2024); *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 576–77 (2022) (explaining review process for fear claims resulting from the reinstatement of a removal order). Moreover, the claim is unsupported, legally incorrect, and outside the scope of this Court's jurisdiction. *See* 8 U.S.C. § 1252(d), (g) (restricting district court review of removal orders or decision to execute removal orders against any alien). If Petitioner's claims regarding the validity of her removal order, the proper recourse for those claims is a motion with the Immigration Court and administrative review at the Board of Immigration Appeals.

This Court should deny the Rule 59(e) motion.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Lacy L. McAndrew

Lacy L. McAndrew
Assistant United States Attorney
Florida Bar No. 45507
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7325 (phone)
(210) 384-7312 (fax)
lacy.mcandrew@usdoj.gov

Attorneys for Respondents