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September 24, 2025

VIA CM/ECF

Honorable Judge Darrin P. Gayles
United States District Court
Southern District of Florida
Wilkie D. Ferguson, Jr. United States Courthouse
400 North Miami Avenue, Room 11-1
Miami, Florida 33128

RE: Roberto Chavez Barrios v. Garret J. Ripa, et al. Case No. 1:25-cv-22644-DPG

Honorable Judge Gayles:

The undersigned represents Petitioner-Plaintiff, Roberto Chavez Barrios (“Mr. Chavez Barrios”), in the above-captioned matter. Counsel writes to inform the Court that, in lieu of responding to Respondents-Defendants’ Motion to Dismiss (ECF No. 59), Petitioner-Plaintiff intends to seek leave to amend his Petition for Writ of Habeas Corpus and Complaint (the “Petition”) (ECF No. 1), pursuant to Rule Fed. R. Civ. P. 15(a)(2) and Local Rule 15.1. The anticipated amended petition would seek to enjoin Respondents-Defendants from transferring Mr. Chavez Barrios to the State of Texas, where his life would be at risk. In the interest of judicial economy, Petitioner-Plaintiff respectfully requests that the Court convert the upcoming Status Conference to a Pre-Motion Conference to provide an opportunity for the parties to discuss the potentially forthcoming motion, clarify issues, and determine whether this discrete issue can be resolved through court-supervised negotiations to avoid burdening the Court with further filings.

After receiving Respondents-Defendants’ Motion to Dismiss (ECF No. 59), undersigned counsel conferred with counsel for the Respondents-Defendants in an attempt to reach a negotiated agreement barring transfer of Mr. Chavez Barrios to the State of Texas. After repeated outreach, on September 12, 2025, counsel for the Respondents-Defendants informed undersigned counsel that Respondent-Defendants decline Petitioner-Plaintiff’s proposal—though we remain uncertain as to the rationale for Respondents-Defendants’ position. Counsel for the Respondents-

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Defendants has been informed of Petitioner-Plaintiff's forthcoming motion for leave to amend his Petition, and Respondents-Defendants object to the anticipated amendment.

The anticipated amendment is necessary because Mr. Chavez Barrios faces grave, undisputed danger if transferred to a detention facility in the State of Texas. Mr. Chavez Barrios survived brutal torture in Mexico at the hands of the Gulf Cartel and its affiliated Texas prison gang, Partido Revolucionario Mexicano ("PRM"). *See* Norton Decl., Ex. A, 2021 CAT Decision at 14-18 (ECF No. 1-4). Since reentering the United States, he has been granted protection under the Convention Against Torture ("CAT") three separate times because of his fear, credited by the Immigration Judge, that members of PRM and its affiliates are more likely than not to torture him. Norton Decl., Exs. A-C, 2021, 2023, 2025 CAT Decisions (ECF Nos. 1-4, 1-5, 1-6). Because of this credible, undisputed fear for his life, Mr. Chavez pleaded with the Honorable Fernando Rodriguez, Jr. at his criminal sentencing before the U.S. District Court for the Southern District of Texas, to serve his sentence outside the State of Texas. *See* Norton Decl., Ex. I, Sentencing Transcript (ECF No. 1-12). Judge Rodriguez credited Mr. Chavez Barrios' fear and granted his request, ordering that Mr. Chavez Barrios serve his sentence outside Texas for his safety. Norton Decl., Ex. J, Judgment of Conviction & U.S. Marshals Records (ECF No. 1-13).

Those same risks persist today. Mr. Chavez Barrios has visible PRM tattoos on his arms, legs, and back, making him readily identifiable. *See* Norton Decl., Ex. C, 2025 CAT Decision at 14-15 (ECF No. 1-6). His public renunciation of PRM was recognized by the Immigration Judge as exposing him to "great danger." *Id.* at 11. Both PRM and the Gulf Cartel remain highly active and violent in Texas, *see* Norton Decl., Ex. I, Sentencing Transcript at 6 (ECF No. 1-12), and both have already made attempts on his life. Notwithstanding its holdings regarding the claims in the current Petition, this Court has recognized that it "may have jurisdiction to enjoin Petitioner's transfer to a Texas facility, as Petitioner likely faces extreme danger there from his former gang." *See* TRO Decision at fn.14 (ECF No. 52). A transfer to Texas would expose Mr. Chavez Barrios to the very same life-threatening harm the prior district court sought to avoid.

Accordingly, Mr. Chavez Barrios intends to seek leave to amend his Petition to add a claim for critical injunctive relief prohibiting his transfer to Texas and respectfully requests that the Court convert the Status Conference to a Pre-Motion Conference to allow the parties and the Court an opportunity to confer on this forthcoming motion. Thank you for Your Honor's consideration of this request.

Respectfully submitted,

s/ Andrea Jacoski
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*Admitted *Pro Hac Vice*

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