

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

Jose PADRON COVARRUBIAS,

Petitioner,

v.

Miguel VERGARA, ICE FIELD OFFICE
DIRECTOR, et al.,
Respondents

CIVIL ACTION No. 5:25-CV-112

**RESPONSE OF PETITIONER TO RESPONDENTS' MOTION FOR EXTENSION
OF TIME TO RESPOND TO PETITIONER'S PETITION FOR WRIT OF
HABEAS CORPUS**

The Petitioner, Mr. Padron, submits his response to the Respondents' motion for extension of time, per this Court's orders of August 13 and August 21. Counsel for Mr. Padron apologizes, he inadvertently misread the Court's August 13 order for him to file a response. The response was due August 20, 2025. The Court has ordered him now to file his response no later than August 25, 2025. He hereby files his response and opposes Respondents' motion for extension of time.

The Respondents argue that the intervening work obligations of their counsel between July 14 and August 13 will interfere with counsel's ability to prepare a response to the instant Petition. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). The writ of habeas corpus, challenging illegality of deten-

tion, is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F.2d 1282, 1283 (5th Cir. 1976); *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner opposes an extension for Respondents' to address the intervening matters it cites and respond to the instant petition, as necessary and as practicable. ICE has detained him for over two months. Petition, p. 10, ¶ 19. Delay injures Petitioner. He is facing ongoing removal proceedings in detention, and he argues his detention is illegal. The denial of a bond hearing because the Government has misclassified him as subject to mandatory detention is a fundamental miscarriage that only this Court may address in a timely manner. Petition, Count Four, p. 17, ¶ 53.

In the totality analysis, including of the Government's good faith presentation of its other obligations, the Court should not permit any delay in the parties' argument of their cases. *Fay v. Noia*, 372 U.S. 391, 400 (1963) ("The writ must be construed to afford "a swift and imperative remedy in all cases of illegal restraint or confinement.")

Respectfully submitted on this 22nd day of August, 2025.

/s/ Stephen O'Connor
Counsel for Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE OF PETITIONER TO RESPONDENTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS in the case of Jose Padron Covarrubias v Miguel Vergara, et al., Civil Action 5:25-CV-112, was sent to Hector C. Ramirez, Assistant United States Attorney, Southern District of Texas, 11204 McPherson Road, Suite 100A, Laredo, TX 78045 through the District Clerk's electronic case filing system on this day the 22nd of August, 2025.

Dated this 22nd day of August, 2025

s/ Stephen O'Connor
Stephen O'Connor