



has a long, documented history of torture and death. The Petitioner's former ties to Honduras are irrelevant to these proceedings.

**Reply Issue 2**      The Extradition Treaty Between the United States and Honduras Expires On February 7, 2026.

Pointing to the U.S. – Honduran extradition treaty's February 7, 2026 expiration date, the United States complains of what it perceives to be the Petitioner's "powerful" and "perverse incentives" to "'run out the clock' by extending this litigation at every possible turn." It also complains that the Petitioner's stated intent to seek appellate redress in the event of an adverse ruling from this Court renders it "vital that this Court adjudicate the instant Motion to Stay and underlying habeas petition expeditiously to ensure that the case is decided on the legal merits, not the *fait accompli* of an expired clock." The government complains about matters that are wholly the result of the executive's own actions and delays. The President of Honduras unilaterally cancelled its extradition treaty with the United States in August, 2024, after reports of offensive comments by an American diplomat that suggested the Honduran President's collusion with drug traffickers. The magistrate judge who decided the Petitioner's extradition proceedings accepted the government's argument that a savings clause within the treaty extended the treaty by another six months, to February, 2025. The countries then negotiated an extension of the treaty to the current February 7, 2026 deadline. Save for a three-day agreed extension of a 14-day deadline imposed by the government in December, 2024 for the Petitioner to file a writ of habeas corpus, and to submit a separate written request to the Department of State (DOS) delineating why the Petitioner should not be surrendered to Honduras, the Petitioner

has abided by all of the government's imposed deadlines. The apparent inability of the sovereigns to muster an extension longer than the current deadline is entirely beyond the control of the Petitioner. Moreover, aware of the one-year extension, it was not until July 7, 2025 that the DOS decided to surrender the Petitioner to Honduras (the notice was received by the Petitioner's attorney one week later, on July 14, 2025). The Petitioner has been in continuous detention since late 2024, despite being a legal permanent resident of this country. While awaiting the DOS's decision, the government agreed to not surrender the Petitioner, so long as he refiled his habeas petition and a corresponding motion for an emergency stay / temporary stay within 72 hours after receiving the DOS's letter denial. Both pleadings were timely filed, and the government was duly served. The government requested that the matter, assigned on the second submission to a different judge, be reassigned to this Court, without objections by the undersigned counsel. That the Petitioner desires to seek habeas relief from this Court and avail himself of appellate review in the event of an adverse ruling (and its corresponding delays) may consequently run the clock before the Petitioner can be surrendered should not be imputed to the Petitioner. The Petitioner has been diligent in seeking his remedies. If the government is concerned with the time remaining before the expiration of the treaty, it behooves it to seek a further extension of the treaty with Honduras.

The government also requests a proper, "on the legal merits" resolution, by asking this Court to render an expedited order denying relief. Resp. 3. This request improperly suggests that this Court is duty bound to seek an expedited process to make it more convenient for the government to surrender the Petitioner before the expiration date.

The Petitioner's efforts to secure a trustworthy and verifiable representation from the DOS that it is not more likely than not that he will suffer torture when surrendered to the Honduran prison sentence is not a "perverse" undertaking. Resp. 3. If the government is concerned about the treaty's deadline, it should invest more time in improving its foreign relations with Honduras.

**Reply Issue 3**      The Petitioner Presents Meritorious Grounds for Seeking Meaningful Review

The Petitioner has submitted solid expert testimony from Doctor Abram Huyser-Honig about the systemically corrupt and brutal Honduran prison system. As noted, some of the data relied on by Huyser-Honig are the DOS's own published reports. The government has neither questioned Huyser-Honig's data and conclusions, nor has it addressed the DOS's reports. Rather, it has invested practically all of its time trying to convince this Court that it does not have to explain the basis for its conclusory and bare bone claim that the DOS understands its obligation to ensure an extraditee is not tortured, and that its claim that it has complied with those obligations must be accepted by the Court at face value.

The Petitioner has presented meritorious grounds for relief. He has demonstrated that the Court possesses jurisdiction to entertain his habeas claims. He has shown precedent that requires the DOS to ensure that CAT and other regulations are satisfied before the Petitioner is surrendered, and argues that the Court's scope of review be sufficiently expansive to permit this Court to be satisfied, after evaluating proper and reliable evidence from the DOS, that it is not more likely than not that Petitioner will be tortured if



surrendered to Honduras. He has demonstrated that there is currently split between the circuits on the question of a district court's jurisdiction to entertain habeas review, and now challenges the scope of review that is openly recognized by the Ninth Circuit in the *Trinidad y Garcia en banc* decision, as too restrictive. He has also demonstrated that the Seventh Circuit, in *Venckiene v. United States* recognized its jurisdiction to consider a habeas challenge to extradition along with a determination on the merits, and interprets the Fifth and Fourth Circuits as having recognized a district court's jurisdiction to entertain the merits of a habeas challenge to extradition, arguing that the Fifth Circuit's dated *Escobedo* opinion provided little guidance for this Court to determine the necessary scope of review to properly weigh the merits of the Petitioner's habeas challenge. If the Petitioner's efforts before this Court prove unsuccessful, a stay is justified to preserve a meaningful review of the Petitioner's claims. *See Duran-Cruz v. Holder*, 527 App'x 308, 310-311 (5<sup>th</sup> Cir. 2013) (citation omitted). In sum:

1. The Petitioner has made a strong showing beyond a mere possibility of success on the merits.
2. The Petitioner has shown irreparable harm if surrendered to Honduras, because he will both be denied the opportunity to obtain meaningful review of his habeas challenge issues, and he will be subjected to torture or worse, under circumstances that are irreversible, once he is introduced into the Honduran prison system.
3. Petitioner's surrender will not harm the United States where the United States refuses to meaningfully demonstrate that it is not more likely than not that the

Petitioner will be tortured, once he is introduced into the Honduran prison system. Only a Court's refusal to surrender an extraditee after a proper showing by the DOS would merit a finding of harm to the United States

4. There is a public interest in preserving the integrity of federal laws that require the government to prove that it is not more likely than not that Petitioner will be tortured if surrendered to Honduras. A refusal by the DOS to properly demonstrate that the Petitioner will likely not be tortured if surrendered is not in the public interest.

**Reply Issue 4**      The Petitioner's Alternative Motions for Temporary Stay

As he has argued in his emergency motion for a stay / temporary stay, if the Petitioner cannot satisfy the general four-part test applicable to a stay determination, he requests that the Court allow a temporary, or administrative stay, to allow the Petitioner to file a notice of appeal with the Fifth Circuit, and seek a stay with that Court to prevent the Petitioner's surrender during the appellate court's consideration of the Petitioner's appeal. See Second Amended Motion for Emergency / Temporary Stay, p. 3 (Doc. 12) (Mot. Stay 12) (citing *United States v. Gutierrez-Espinoza*, 2015 U.S. Dist. LEXIS 58256, \*4 (S.D. Tex. 2016) (citing *Quintanilla v. United States*, 582 F. App'x 412, 414 (5th Cir. 2014) (Granted 30 day stay of surrender to file notice of appeal and seek further stay from Fifth Circuit); *Sridej v. Blinken*, 2024 U.S. Dist. LEXIS 14134 (D. Nev. 2024) (Granting temporary 14-day administrative stay to allow filing an appeal with the Ninth Circuit and

asking for a further stay from that Court.).<sup>1</sup> Petitioner previously requested a 7-day stay, but respectfully requests that the Court instead consider at least a 14-day extension, to ensure sufficient time for the Fifth Circuit to address the Petitioner's separate request for a stay during the appellate process.

Lastly, the Petitioner requests that if the Court is disinclined to grant him habeas relief, that the Court give at least a 7-day advance notice to the parties, so that the Petitioner be better able to plan and prepare his stay requests with the appellate court.

The government has not addressed the Petitioner's request for a temporary / administrative stay.

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<sup>1</sup> Petitioner request the full panoply of relief requested by *Sridej*:

Based on the foregoing, *Sridej*'s motion to stay extradition pending her appeal to the Ninth Circuit is denied. *Sridej*, however, in the alternative, requests "a temporary administrative stay to allow [her] to pursue a full stay pending appeal in the Ninth Circuit." ECF No. 23 at 15. The Court grants *Sridej*'s request for a temporary stay of her extradition pending the resolution of an anticipated stay motion in the Ninth Circuit. Therefore, *Sridej*'s extradition is hereby stayed for at least seven days pursuant to Ninth Circuit Rule 27-2. If *Sridej* seeks a stay in the Ninth Circuit within seven days of this order, the Court will stay *Sridej*'s extradition until the Ninth Circuit rules on Petitioner's stay motion. If *Sridej*, however, does not seek a stay in the Ninth Circuit within seven days of this order, then this Court's temporary stay of *Sridej*'s extradition will expire seven days after the entry of this order. The parties are hereby ordered to update the Court regarding whether *Sridej* moves for a stay in the Ninth Circuit no later than seven days from the date of this order.

*Sridej*, at \*12-13.

PHILIP G. GALLAHER  
Interim Federal Public Defender  
Southern District of Texas No. 566458  
New Jersey State Bar No. 2320341

/s/ Jorge G. Aristotelidis  
GEORGE W. "JORGE" ARISTOTELIDIS  
Southern District of Texas No. 18443  
Texas Bar No. 00783557  
Lyric Tower  
440 Louisiana St.  
Suite 1350  
San Antonio, Texas 77002  
(713) 718-4600  
jorge\_aristotelidis@fd.org

***COUNSEL FOR PETITIONER***  
***MELVIN MARTINEZ GUARDADO***



**CERTIFICATE OF SERVICE**

I hereby certify that on this the 5th day of August, 2025, a copy of the foregoing "Reply to Government's Response in Opposition to Second Amended Emergency Motion for a Stay of Extradition/Surrender and for Temporary Stay," has been delivered to Mr. John Ganz, AUSA in charge of this case, *via* the ECF electronic filing system and regular email.

**/s/ JORGE G. ARISTOTELIDIS**