UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Juan Carlos Garcia-Aleman, Petitioner, V.	§ § No. 1:25-CV-0886-OLG-HJB
Pamela J. Bondi, Attorney General of the United States	§
Bobby Thompson, Warden, South Texas Ice Processing Center;	§
Miguel Vergara, Field Office Director, Ice San Antonio;	§
Todd M. Lyons, Acting Director, Ice;	§
Kristi Noem, Secretary, Department of Homeland Security.	§

PETITIONER'S REPLY TO FEDERAL RESPONDENTS' RESPONSE TO WRIT OF HABEAS CORPUS

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner Juan Carlos Garcia-Aleman, through undersigned counsel, respectfully submits this Reply to the Federal Respondents' Response (ECF No. 7) and, in support, would show as follows:

I. Introduction

1. Respondents' arguments rest on the mistaken premise that Petitioner's detention is in the "early stages" of the *Zadvydas* analysis and therefore immune from judicial review. This ignores the government's decade-long failure to secure a viable removal destination other than Mexico—despite having unfettered authority and ample time to do so—and the unique posture of cases involving individuals protected under the Convention Against Torture (CAT).

II. Factual Clarifications

2. Petitioner acknowledges that ICE took him into custody on June 5, 2025. However, this fact is irrelevant to the ripeness analysis because the Zadvydas inquiry is not confined to the duration of the most recent detention alone. Instead, it must consider the entire history of the government's inability to remove Petitioner, which spans over a decade and demonstrates that removal is not reasonably foreseeable now or in the future.

3. An Immigration Judge in 2013 granted Petitioner withholding of removal to Mexico, reflecting a formal finding that he faces a clear probability of torture there. This protection is ongoing and bars removal to Mexico indefinitely.

4. In over ten years since the CAT grant, the government has not identified a single country willing to accept Petitioner, nor produced evidence that any current removal negotiations have advanced beyond speculation.

III. The Government's Decade-Long Inability to Remove Petitioner Renders the *Zadvydas* Claim Ripe

5. Respondents rely on *Zadvydas v. Davis*, 533 U.S. 678 (2001), to argue that claims of indefinite detention are not ripe until six months have passed in post-order custody. But *Zadvydas*'s six-month benchmark is a **presumption**, not an inflexible jurisdictional bar. Courts have recognized that earlier intervention is appropriate when the government's historical record shows removal is not reasonably foreseeable. See *Ly v. Hansen*, 351 F.3d 263, 271 (6th Cir. 2003); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1080–81 (9th Cir. 2006).

Here, the facts are undisputed:

The CAT grant in 2013 legally bars removal to Mexico.

Since 2013, ICE has had **continuous authority and opportunity** to pursue third-country removal.

Over more than a decade, **no country has agreed to accept Petitioner**, despite ongoing authority under 8 U.S.C. § 1231(b)(2) to remove him to "any country willing to accept" him.

ICE has offered no concrete evidence of a pending agreement or even active, promising negotiations.

6. This sustained failure is not an administrative delay—it is a **structural and foreseeable barrier** that has existed for over ten years and will continue to exist in the reasonably foreseeable future. Under *Zadvydas*, the Court need not—and should not—wait six months into this latest detention cycle to acknowledge the obvious: the government cannot remove Petitioner to any country.

IV. Respondents' 90-Day "Mandatory" Detention Argument is Misplaced

7. Respondents' reliance on 8 U.S.C. § 1231(a)(2) ignores that the statutory 90-day removal period already elapsed years ago. This is not an initial post-order detention; it is a re-detention following a decade of supervised release without removal progress. The Fifth Circuit has recognized that *Zadvydas* limits apply to aliens with final orders who cannot be removed, regardless of whether DHS labels the detention as "mandatory." See *Tran v. Mukasey*, 515 F.3d 478, 484 (5th Cir. 2008).

V. Procedural Due Process Violation

8. The revocation of Petitioner's Order of Supervision (OSUP) without prior notice, without specific allegations of noncompliance, and without an opportunity to contest the basis for

detention violates fundamental due process under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The record contains no evidence that ICE ever instructed Petitioner to initiate third-country travel document requests after 2013, yet they now suggest that failure to do so justifies detention.

9. As recognized in Abrego Garcia v. Noem, D. Md. 2025, reinstating an Order of Supervision is an appropriate remedy where the government's revocation occurred in violation of procedural protections. Restoring the Order of Supervision would return Petitioner to his prior supervised status in the community rather than keeping him in detention, thereby preserving both public safety and Petitioner's liberty interests while ensuring compliance with due process requirements.

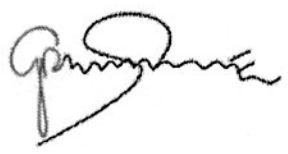
10. Similarly, J.O.P. v. U.S. Department of Homeland Security, D. Md. 2025, confirms that when detention lacks a legal basis or becomes excessively prolonged, immediate release is a proper remedy. In this case, the government's decade-long inability to secure removal—combined with the legal prohibition on returning Petitioner to Mexico under the Convention Against Torture—demonstrates that further detention serves no lawful purpose and warrants release.

11. Finally, Gomez-Velazco v. Sessions, 879 F.3d 989 (9th Cir. 2018), underscores the judiciary's authority to issue injunctive relief to prevent recurring procedural violations. This type of relief is particularly appropriate where, as here, the government's conduct suggests a likelihood of future noncompliance, and would ensure that the due process violations that occurred in this case are not repeated.

VI. Conclusion

The government's **decade-long inability** to secure a third country for Petitioner's removal is dispositive of the "reasonably foreseeable future" inquiry under *Zadvydas*. This case is ripe for adjudication now, and continued detention serves no legitimate purpose. Petitioner respectfully requests that the Court grant the writ and order his immediate release under reasonable conditions.

Respectfully submitted on August 14, 2025.



SanLaurent Law Group
Georgia Santos Laurent
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of August 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Pamela J. Bondi, Attorney General of the United States
Bobby Thompson, Warden, South Texas Ice Processing Center;
Miguel Vergara, Field Office Director, Ice San Antonio;
Todd M. Lyons, Acting Director, Ice; and
Kristi Noem, Secretary, Department of Homeland Security.

Georgia Santos Laurent
Attorney for Petitioner
SanLaurent Law Group
13785 Research Blvd, Suite 125
Austin, TX
FL Bar No. 0289377
Admitted and Qualified to Practice as an Attorney in the Western District of Texas
georgia@sanlaurentlaw.com
512-693-9343