

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JEAN CARLOS VERA VERGARA,
Petitioner–Plaintiff,

v.

KRISTI NOEM,
Secretary of Homeland Security, et al.,
Respondents–Defendants.

Civil Action No. 3:25-cv-02075-B

**PLAINTIFF’S MOTION FOR LEAVE TO CONDUCT EXPEDITED
DISCOVERY PURSUANT TO FEDERAL RULES 30 AND 34**

TO THE HONORABLE JUDGE BROWN:

Petitioner–Plaintiff Jean Carlos Vera Vergara (“Mr. Vera”), through undersigned counsel, respectfully moves this Court pursuant to Federal Rules of Civil Procedure 26(d)(1), 30(b)(6), and 34 for leave to conduct limited, expedited discovery to preserve evidence and to test Respondents’ compliance with this Court’s August 7, 2025 Order (ECF No. 5). Good cause exists to expedite discovery because Respondents have (1) transferred Mr. Vera outside the Northern District despite the Court’s clear prohibition against circumvention, (2) failed to produce even the most basic immigration charging documents and expedited removal records despite prompt requests, and (3) left Mr. Vera at imminent risk of removal before this Court can meaningfully adjudicate his habeas and injunctive claims.

I. BACKGROUND

On August 7, 2025, the Court ordered Respondents and their agents not to “take any further action or steps to deport or remove Petitioner ... or to circumvent the provisions

of this Order until September 18, 2025.” ECF No. 5 at 2–3. The Court also directed that all records relevant to Mr. Vera’s August 5 arrest and DHS’s decisions be preserved. *Id.*

Despite timely notice (ECF No. 8), ICE has transferred Mr. Vera from Prairieland Detention Center in Alvarado, Texas, to the Rio Grande Processing Center in Laredo, Texas, outside this District. Counsel has repeatedly requested copies of documents served on Mr. Vera, including any Form I-860 (Notice and Order of Expedited Removal), Form I-213 (Record of Deportable/Inadmissible Alien), credible fear referrals, and transfer authorizations. Respondents have not produced those materials or confirmed credible-fear scheduling. This noncompliance frustrates Mr. Vera’s access to the Court and risks rendering this proceeding moot.

II. LEGAL STANDARD

Under Federal Rule of Civil Procedure 26(d)(1), expedited discovery may be ordered upon a showing of “good cause.” Courts assess good cause by weighing (1) the purpose of the request, (2) the breadth of discovery sought, (3) the burden on the responding party, and (4) the timing of the request. *St. Louis Grp., Inc. v. Metals & Additives Corp., Inc.*, 275 F.R.D. 236, 240 (S.D. Tex. 2011).

Expedited discovery is routinely granted in habeas and immigration-related actions where the government’s actions risk evading judicial review. See *Alvarez v. Garland*, No. 1:22-cv-00422, 2022 WL 17419564, at *2 (S.D. Tex. Dec. 5, 2022) (permitting expedited discovery to preserve court’s jurisdiction in habeas case); *Abrego Garcia v. Noem*, No. 8:25-cv-00951, slip op. at 29–31 (D. Md. Apr. 6, 2025) (directing production of DHS records and sworn declarations after government transfer impeded counsel access).

Here, expedited discovery is the only practical means of preserving the evidence necessary for this Court to evaluate Respondents' compliance and Petitioner's claims for injunctive relief.

III. REQUESTED DISCOVERY

Petitioner requests leave to serve the following limited, targeted discovery on Respondents, to be answered within seven (7) days of this Court's order:

1. **Rule 30(b)(6) Deposition.** A deposition of at least one ICE/ERO designee, including but not limited to Mr. Vera's assigned deportation officer, with knowledge of:
 - a. The decision to transfer Mr. Vera from Prairieland Detention Center to Rio Grande Processing Center;
 - b. Any anticipated decision to place Mr. Vera in expedited removal under 8 U.S.C. § 1225(b);
 - c. ICE/ERO and OPLA's communications concerning compliance with this Court's August 7 Order.
2. **Document Requests (Rule 34).** Production of:
 - a. All documents served on Mr. Vera since his August 5, 2025 arrest, including but not limited to Form I-860, Form I-213, and credible-fear referrals or scheduling notices;
 - b. All internal ICE/ERO communications, memoranda, or transfer authorizations relating to Mr. Vera's detention, transfer, or anticipated expedited removal;
 - c. Records evidencing ICE's compliance efforts with this Court's August 7 Order (ECF No. 5).

These requests are narrowly tailored to the issues raised by the Court's TRO and designed to ensure that Respondents do not evade judicial review. However, following the Court's decision following the hearing currently scheduled for September 18, 2025, Petitioner also intends to conduct broader discovery to garner evidence to prove the merits of the claims raised in the Original Complaint.

IV. ARGUMENT

Federal courts have repeatedly recognized that expedited discovery is appropriate where the usual pace of civil discovery would allow a party—particularly the Government—to frustrate judicial review. Among other things, the Court is empowered to order expedited discovery “where significant questions regarding noncompliance with a court order have been raised,” *Damus v. Nielsen*, 328 F.R.D. 1, 3–4 (D.D.C. 2018) (cleaned up) (granting expedited discovery into Government's compliance with a preliminary injunction); *see also, e.g., Mons v. Wolf*, 2020 WL 4201596, at *2–3 (D.D.C. July 22, 2020) (collecting cases).

With respect to discovery, under the Federal Rules of Civil Procedure, this Court has “broad discretion” and “wide latitude in controlling discovery.” *Mey v. Phillips*, 71 F.4th 203, 217 (4th Cir. 2023) (citations omitted). Among other things, this Court can order depositions of high-level government officials where they have “unique first-hand knowledge related to the litigated claims or . . . the necessary information cannot be obtained through other, less burdensome or intrusive means.” *Lederman v. N.Y. City Dep't of Parks & Rec.*, 731 F.3d 199, 203 (2d Cir. 2013).

The standard in the Fifth Circuit is “good cause,” assessed under the *St. Louis Group* factors, and courts emphasize that discovery tailored to preserve the court's

jurisdiction satisfies that standard. *St. Louis Grp., Inc. v. Metals & Additives Corp., Inc.*, 275 F.R.D. 236, 240 (S.D. Tex. 2011). Good cause exists when “the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.” *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. O’Connor*, 194 F.R.D. 618, 624 (N.D. Ill. 2000), quoted with approval in *St. Louis Group*, 275 F.R.D. at 240.

More recently, in *Abrego Garcia v. Noem*, No. 8:25-cv-00951 (D. Md. Apr. 6, 2025), the district court ordered DHS to provide sworn declarations and relevant documentation after the agency transferred the habeas petitioner outside of the district in defiance of the court’s prior orders. The court emphasized that expedited discovery was the only means to ascertain whether DHS had complied and to restore the petitioner’s access to counsel and the court. Likewise, when the Supreme Court intervened in *Noem v. Abrego Garcia*, No. 24A949 (U.S. May 3, 2025) (Sotomayor, J., in chambers), it underscored the necessity of remedial measures to ensure DHS’s compliance with lower court orders and to treat the petitioner as if he had never been removed.

The Fifth Circuit has also recognized the need for courts to guard against custodial manipulation in habeas cases. *See Rumsfeld v. Padilla*, 542 U.S. 426, 447 n.16 (2004) (noting that courts may take steps to prevent jurisdiction-defeating transfers). That principle applies with even greater force where a district court has already entered a TRO barring circumvention, yet the Government has acted contrary to the spirit of that order.

Taken together, these authorities confirm that expedited discovery is not an extraordinary remedy but a necessary one in cases where, as here, the Government’s conduct threatens to moot judicial review and frustrate the Court’s ability to protect its jurisdiction show Petitioner’s argument that good cause for expedited discovery exists. The

purpose of the requests is not fishing; rather, it is to determine whether Respondents are complying with this Court's clear Order. The scope is narrow, limited to Mr. Vera's continued detention, transfer, and expedited removal processing following his initial arrest by ICE agents at the Dallas Immigration Court on August 5, 2025. The burden is minimal given that these documents are routinely maintained in ICE's files and the deposition can be conducted by remote means. And the timing is critical: without expedited discovery, Mr. Vera faces irreparable harm in the form of removal or further transfer before his claims can be heard.

This Court's equitable powers, and its inherent authority to protect its jurisdiction, justify expedited discovery here. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991); *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 572–73 (5th Cir. 1974).

CONCLUSION & PRAYER

WHEREFORE, Petitioner prays that the Court grant leave to conduct expedited discovery as set forth above, and order Respondents to produce responsive documents and present a Rule 30(b)(6) witness within seven (7) days of the Court's order.

DATE: August 21, 2025.

Respectfully submitted,

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VERIFICATION

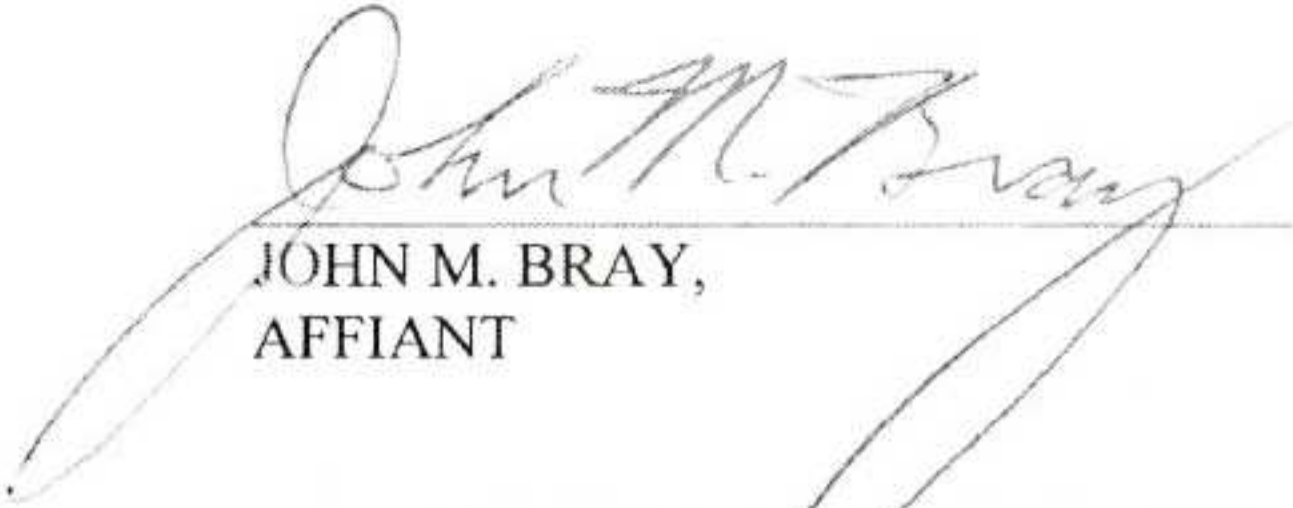
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public in and for the State of Texas personally appeared JOHN M. BRAY, a person known to me, who after being duly sworn, stated the following under oath:

“My name of JOHN M. BRAY, and I am attorney licensed to practice in the State of Texas since May 24, 2012. I am over the age of 18 years, and I am in all ways competent to execute this document.

“I have read the facts contained in the above and foregoing motion, I have personal knowledge of the facts contained therein, and such facts are true and correct to the best of my knowledge and belief.

“I swear under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.


JOHN M. BRAY,
AFFIANT

SWORN AND SUBSCRIBED before me, the undersigned Notary Public in and for the State of Texas, on August 21, 2025.




Notary Public, State of Texas

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, on August 21, 2025, the undersigned Counsel for Petitioner-Plaintiff attempted to confer with Ms. Ann E. Cruce-Haag, Counsel for Defendants-Respondents, regarding the relief requested herein. Just before filing, the undersigned Counsel learned that Ms. Haag has confirmed that Defendants-Respondents are opposed to the relief requested herein.

/s/ John M. Bray
John M. Bray
Attorney for Petitioner-Plaintiff

DATE: August 21, 2025.

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this day, I served a true and correct copy of the above and foregoing *Plaintiff's Motion for Leave to Conduct Expedited Discovery Pursuant to Federal Rules 30 and 34*, as well as any and all attachments thereto, on Counsel for Respondents-Defendants by serving the same via email to Ms. Ann E. Cruce-Haag, Counsel for Defendants-Respondents, by filing the same using the Court's CM/ECF system.

/s/ John M. Bray
John M. Bray
Attorney for Petitioner-Plaintiff

DATE: August 21, 2025.