

**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 HEARING ON EMERGENCY
MOTION FOR CONTEMPT, AND IN THE ALTERNATIVE,
FOR CONTEMPT AND SANCTIONS**

TO THE HONORABLE JUDGE BROWN:

COMES NOW, Petitioner–Plaintiff Jean Carlos Vera Vergara (“Mr. Vera”), by and through his undersigned Counsel, and respectfully requests that the Court set an expedited hearing on two pending motions:

1. Plaintiff’s Motion for Expedited Discovery (ECF No. 10);
2. Plaintiff’s Motion to Compel Return to the Northern District of Texas and, in the Alternative, for Contempt and Sanctions (ECF No. 11).

I. GOOD CAUSE EXISTS FOR EXPEDITED HEARING

On August 7, 2025, this Court entered an Order prohibiting Respondents and their agents from taking “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. Despite that Order, ICE has transferred Mr. Vera out of the Northern District of Texas, a fact which opposing counsel, Ms. Ann Cruce-Haag, confirmed in a filing just this

afternoon. *See* Notice, dated Aug. 21, 2025, ECF No. 9. Despite Ms. Haag’s assertion that Mr. Vera has been deported, the undersigned has a good faith belief that Mr. Vera remains in ICE custody in Laredo, Texas, but that he is just about to be deported in direct, flagrant contravention of the Court’s Order. *See* Order, dated Aug. 7, 2025, ECF No. 5. This materially burdens Mr. Vera’s access to counsel and this Court, and it raises grave concerns about Respondents’ circumvention of the Court’s authority.

Despite transferring Mr. Vera to Laredo in an ostensible effort to stage him for deportation, and despite the requests of the undersigned for a copy of documents including “a notice and/or order of expedited removal or any other actions,” Respondents have not produced the basic immigration charging documents or expedited-removal records necessary for the Court and Petitioner to evaluate DHS’s actions. *See* Ex. A, Email to Dallas ICE – Enforcement and Removal Operations. Without expedited discovery, it is clear Mr. Vera faces irreparable harm—he could be subjected to expedited removal or further transfers beyond the Court’s immediate reach before his claims can be adjudicated.

The urgent nature of these issues, and the fact that the Court’s August 7 Order was designed to preserve the status quo through September 18, 2025, make expedited hearing essential. Federal Rule of Civil Procedure 65(b)(3) requires the Court to set hearings on injunctive relief at the “earliest possible time,” and the Fifth Circuit has emphasized that such hearings should be scheduled swiftly to preserve the Court’s jurisdiction. *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 572–73 (5th Cir. 1974).

II. REQUESTED RELIEF

Petitioner therefore respectfully requests that the Court set both motions for oral argument at the earliest practicable time, ideally within the next seven (7) days, and direct

Respondents to be prepared to address (1) the basis for Mr. Vera's transfer, (2) their compliance with the Court's August 7 Order, and (3) their production of relevant records.

Petitioner further requests that the Court order Respondents to **produce Mr. Vera at the hearing**, whether in person or by videoconference, to ensure his meaningful participation and access to the Court.

CONCLUSION & PRAYER

WHEREFORE, Petitioner respectfully prays that the Court set an expedited hearing on the above-referenced motions at the earliest practicable time, direct the production of Mr. Vera for the hearing, and grant such further relief as the Court deems just and proper.

DATE: August 21, 2025.

Respectfully submitted,

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By: /s/ John M. Bray
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ATTORNEY FOR PETITIONER-PLAINTIFF

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 motion, as well as any and all attachments thereto, on Counsel for Respondents-Defendants by serving the same via email to Mr. Judson Davis, Deputy Chief Counsel for the U.S. Immigration and Customs Enforcement via judson.j.davis@ice.dhs.gov and/or 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.