

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

RENE GARIBAY-ROBLEDO,  
Petitioner,

v.

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

Civil Action No. 1:25-CV-00177-H

**PETITIONER'S MOTION FOR LEAVE TO FILE  
CORRECTED HABEAS PETITION AND REPLY BRIEF**

TO THE HONORABLE JUDGE HENDRIX:

COMES NOW Petitioner Rene Garibay-Robledo ("Mr. Garibay") and respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 15(a)(2), for leave to file a corrected habeas petition and a corrected reply brief to remove defects in certain legal citations included in such documents and for the reasons more fully explained in Petitioner's concurrently filed Response to the Order to Show Cause (ECF No. 15). In support thereof, Petitioner would show unto the Court as follows:

**I. BACKGROUND**

1. On September 11, 2025, Petitioner filed a combined petition for writ of habeas corpus and request for temporary restraining order and injunctive relief. Four days later, the Court denied the TRO request on the basis of Petitioner's reliance on a case that, upon further inquiry, turned out not to exist.

2. Later, on November 17, 2025, Petitioner filed a reply brief that included a citation what was improperly formatted as a quotation instead of a paraphrase, which is that “once DHS has placed a noncitizen into § 240 removal proceedings—even if the person initially arrived at the border—the agency’s detention authority is governed by” the Section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a).

3. Subsequently, on September 18, 2025, the Court entered an Order to Show Cause (ECF No. 14) requiring the undersigned Counsel for Petitioner to provide a response by no later than December 3, 2025, explaining “whether he violated Rule 11(b) and Local Rule 7.2(f), whether he complied with his duty of candor in filings in this case on September 11 (Dkt. No. 1) and November 17 (Dkt. No. 13), and explaining whether, if such violations occurred, he should be sanctioned.”

4. The undersigned Counsel for Petitioner has filed a response concurrently with the submission of the instant Motion for Leave today, December 3, 2025, in accordance with the Court’s Order to Show Cause.

5. Prior to filing this motion and the related response to the Court’s Order to Show Cause, the undersigned Counsel attempted to confer with Ms. Ann Cruce-Haag, Counsel for Respondents on several occasions, but the undersigned Counsel did not receive a response by the time of submission of this motion.

## II. CONCLUSION & PRAYER

For the foregoing reasons, Petitioner respectfully requests that the Court grant leave to file the corrected habeas petition and reply brief.

Respectfully submitted.

THE LAW OFFICE OF JOHN M. BRAY, PLLC  
911 N. Bishop Ave.  
Dallas, Texas 75208  
Tel: (855) 566-2729  
Fax: (214) 960-4164  
Email: [john@jmblawfirm.com](mailto:john@jmblawfirm.com)

By: /s/ John M. Bray

John M. Bray

Texas Bar No. 24081360

COUNSEL FOR PETITIONER

### 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 File Corrected Habeas Petition and Reply Brief*, as well as any and all attachments thereto, on Counsel for Respondents-Defendants by serving the same via email and/or electronic service to Ms. Ann Cruce-Haag by filing the same using the Court's CM/ECF system.

/s/ John M. Bray  
John M. Bray  
Counsel for Petitioner

DATE: December 3, 2025.

### CERTIFICATE OF CONFERENCE

By my signature below, I hereby certify that on this day, I hereby certify that I have attempted to confer via email and telephone with Ms. Ann Haag, Counsel for Respondents, who did not provide a position on the relief requested in the instant motion for leave by the time of filing of this motion.

/s/ John M. Bray  
John M. Bray  
Counsel for Petitioner

DATE: December 3, 2025.