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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jalal Al Chair,

Petitioner-Plaintiff,

v.

John Cantu, Field Office Director of  
Phoenix Office of Detention and Removal,  
U.S. Immigrations and Customs  
Enforcement; U.S. Department of  
Homeland Security;

Pamela Bondi, in her Official Capacity,  
Attorney General of the United States;

Kristi Noem, in her Official Capacity,  
Secretary, U.S. Department of Homeland  
Security;

Todd Lyons, Acting Director,  
Immigration and Customs Enforcement,  
U.S. Department of Homeland Security;  
and

Fred Figueroa, in his Official Capacity,  
Warden, at Eloy Detention Center, Eloy,  
Arizona

Respondents-Defendants.

Case No. 25-cv-03704-KML (JFM)

**PETITIONER'S MOTION TO  
STRIKE UNAUTHORIZED  
SUPPLEMENTAL FILING, OR, IN  
THE ALTERNATIVE, MOTION  
FOR LEAVE TO FILE SUR-REPLY**

1  
2 **I. Introduction**

3 Petitioner moves to strike to Respondents' "Supplement" to their response,  
4 filed October 27, 2025. Dkt. 15, 15-1. The Supplement was submitted without a  
5 motion for leave of court and in violation of this Court's Order to Show Cause, dated  
6 October 8, 2025, and should therefore be stricken. See Dkt. 5.  
7

8 In the alternative, if the Court elects to consider the filing, Petitioner requests  
9 leave to file a limited sur-reply to address the new and unauthenticated evidence  
10 presented therein. The Respondents' Supplement is procedurally improper, lacks  
11 authentication, and fails to provide competent evidence relevant to the question before  
12 the Court—whether Petitioner's continued detention is lawful under *Zadvydas v.*  
13 *Davis*, 533 U.S. 678 (2001).  
14  
15

16 **II. The Filing Violates Established Procedure and the Court's Order**

17 The Local Rules provide a narrow pathway for motions to strike: outside of  
18 trial, such a motion may be filed only if authorized by statute or rule, or if it seeks to  
19 strike a filing "on the ground that it is prohibited (or not authorized) by a statute, rule,  
20 or court order." LRCiv 7.2(m)(1).  
21

22 This Court ordered Respondents to "show cause why the Petition for Writ of  
23 Habeas Corpus should not be granted, and Petitioner should be released from  
24 immigration detention," and to support their filing "with documentary evidence and, if  
25 applicable, affidavits signed under penalty of perjury." Dkt. 5. The Court provided a  
26 response deadline of October 15, 2025. *Id.* Respondents' October 27 Supplement was  
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1  
2 filed after that deadline and without any accompanying motion for leave, thereby  
3 attempting to unilaterally expand the record in contravention of the OSC and Local  
4 Rules. See LRCiv 7.2; 7.2(m)(1). District courts in Arizona routinely strike  
5 unauthorized submissions offered outside the permitted briefing schedule. See, e.g.,  
6 Vega v. All My Sons Bus. Dev. LLC, 583 F. Supp. 3d 1244 (D. Ariz. 2022). The  
7 Supplement should therefore be disregarded or stricken.  
8

9 **III. Even if Considered, the Filing Provides Incomplete Evidence**

10 Even if the Court considers the Supplement, Respondents' exhibits fail to  
11 provide competent evidence of a significant likelihood of removal in the reasonably  
12 foreseeable future, as required under Zadvydas. The unauthenticated "temporary visa"  
13 and "flight reservation" submitted by Respondents:  
14

15  
16 1. Are expired and thus do not demonstrate any current ability to remove  
17 Petitioner;

18 2. Are unsupported by declaration or affidavit identifying their source,  
19 authenticity, or date of issuance; and  
20

21 3. Contain no evidence that they were ever presented to or acknowledged by  
22 Petitioner, or that ICE made any effort to use them to effectuate removal.

23 See Dkt. 15, 15-1. Expired, unauthenticated documents do not satisfy the  
24 government's burden to demonstrate actual removability.  
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**IV. Requested Relief**

Petitioner respectfully requests that the Court strike or disregard Respondents' unauthorized supplement and the exhibits attached thereto. If the Court elects to consider the filing, Petitioner requests leave to file a short sur-reply to address the new materials.

**V. Conclusion**

Respondents' Supplement was filed without leave of the Court, without authentication, and without demonstrating any progress towards Petitioner's removal. It violates the Court's scheduling order and fails to provide evidence of Petitioner's reasonably foreseeable removal. The Court should disregard the filing or, in the alternative, permit a limited sur-reply to address it.

Dated: November 4, 2025

Respectfully submitted,

s/Jesse Evans-Schroeder  
Jesse Evans-Schroeder, Esq.  
Counsel for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petitioner's Motion to Strike Unauthorized Supplemental Filing, or, in the Alternative, Motion for Leave to File Sur-Reply are true and correct to the best of my knowledge.

Executed on this 4<sup>th</sup> of November, 2025 in Tucson, Arizona.

/s/Jesse Evans-Schroeder  
Jesse Evans-Schroeder  
Attorney for Petitioner