

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF TEXAS DALLAS DIVISION

MARIA CRISTINA SURA ROMERO,

Petitioner,

v.

JOSH JOHNSON, et al.,

Respondents.

Civil Action No. 3:25-CV-02853-O

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE RE: SANCTIONS

Petitioner Maria Cristina Sura Romero ("Maria") and undersigned counsel respectfully respond to the Court's Order to Show Cause and show that sanctions are unwarranted against either Petitioner or counsel as a matter of law. Petitioner filed in good faith, and the Court ordered briefing, which has the same legal effect as an Order to Show Cause upon the Government Respondents. Ordering briefing indicates that, if the facts in the Petition proved true, then the writ could be granted. The Court's Order denying the Petition specifically notes in Footnote 1 that "Unless otherwise stated, the facts are undisputed in the pleadings and the record presented." Petitioner does not dispute the Court's authority to rule on the merits, but losing a case on the merits should not be grounds for sanctions.

Perhaps more importantly to the Court under the circumstances of this Response, Petitioner's counsel pleads that the benefit of hindsight and experience would have produced a better-stated cause of action with improved arguments. Counsel also pleads that none of this rises to the level of sanctionable conduct. Finally, if the Court remains unconvinced, counsel pleads

with the Court for the simple act of its discretionary forgiveness so that counsel may live, learn and do a better job next time. This was his first habeas, and since this filing, two of his petitions have achieved Orders for Respondents to Show Cause, and one writ has been granted. The filings are admittedly of better quality.¹ The point of mentioning these is that counsel does not require sanctions for deterrence.² The filings were improving organically anyway, and the threat by the Court has been more than enough.

I. BACKGROUND

The case challenged the reasonableness and lawfulness of a continuous GPS-ankle-monitor condition imposed under 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1, supported by record evidence of compliance, community ties, and a request made to the Petitioner's ICE Supervision Officer that documented physical harm from the device. Petitioner first filed a targeted Petition (ECF No.1). Instead of dismissing the Petition as being without merit, the Court ordered briefs by the Parties (ECF No. 8).

The Parties' counsel consulted amicably on a briefing schedule via email December 4-5, 2025. This included my request on the ankle monitor, to which she responded on December 5, "She just wants the ankle monitor off?" In the spirit of professional courtesy and cooperation, she inquired with her client DHS whether they would relent on the device. (*See Exhibit 7, added as part of this Response.*)

¹ Keeping Petitioner names out of the record, cases are 6:25-cv-00090-H and SA-25-cv-01476-OLG. Full disclosure: another was dismissed for lack of jurisdictional ripeness. In that case, the Petitioner was still jailed on a State of Texas charge with an immigration hold placed upon him. Upon reading the recommendation memo, counsel protested no further and dismissal occurred organically: 4:25-CV-1200-MJT.

² Counsel notes the filing of this Response after midnight of January 9, and simply prays for forgiveness and later filing. The goal has been higher quality.

On December 9, though Ms. Haag stated she did not receive an answer specific to Maria Sura, she responded, “I was told it is mandated from headquarters and a request has been sent but no response has been received.” (*See* Exhibit 8, also added as part of this Response.) This is indicative of futility as will be explained below.

When DHS did not respond in the affirmative, Petitioner filed the Notice based on their agreed-upon schedule (ECF No. 10). The Government filed a Response (ECF No. 13) and Petitioner filed a Reply (ECF No. 15). The Court denied relief without reaching the question of whether Ms. Sura is in custody, and *sua sponte* directed that Petitioner and her counsel “show cause why they should not be sanctioned for filing a baseless petition (ECF No. 16).”

Under Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, and the Court’s inherent power, Petitioner and her counsel plead that sanctions are not warranted. Counsel filed the Petition in good faith, alleging not that the ankle-monitoring device is custody, not detention, and that the Court could find that custody was no longer needed. Rule 11 exists to deter abuse, not to punish losing legal positions. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 393–405 (1990).

II. PROCEDURAL POSTURE AND THE COURT’S INITIAL ORDER

Petitioner filed her Petition for Writ of Habeas Corpus on October 20, 2025. Rather than dismissing the petition at the outset, the Court entered an order aimed at resolving the petition expeditiously by directing Petitioner to provide notice to the Government, to confer with the Government, and to file a joint notice setting out an agreed briefing schedule (ECF No 8). The Order reflects the Court’s selection of an adversarial, merits-briefing process at the initial stage of the case.

III. SANCTIONS STANDARDS

A. Rule 11: Parties or Attorneys

By presenting a petition, counsel certifies proper purpose, warranted legal contentions, and factual support. Fed. R. Civ. P. 11(b). On a court-initiated order to show cause, any sanction must be limited to what suffices to deter repetition, and monetary sanctions may not be imposed against a represented party for a violation of Rule 11(b)(2) (purely legal contentions). Fed. R. Civ. P. 11(c)(4), (c)(5)(A). The Fifth Circuit's en banc guidance in *Thomas v. Capital Sec. Servs., Inc.*, 836 F.2d 866 (5th Cir. 1988), emphasizes reasonableness under the circumstances.

B. 28 U.S.C. § 1927: Attorneys Only

Section 1927 targets counsel who unreasonably and vexatiously multiply proceedings; in the Fifth Circuit this requires evidence of bad faith, improper motive, or reckless disregard of duties. Any award is limited to the excess costs caused by the improper multiplication. *Procter & Gamble Co. v. Amway Corp.*, 280 F.3d 519, 525–26 (5th Cir. 2002).

C. The Court's Inherent Power: Parties or Attorneys

Inherent-power sanctions require a finding of bad-faith litigation abuse, and any fee award must be compensatory—limited by but-for causation to the fees incurred because of the misconduct. *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 108–12 (2017).

Orders must identify the sanctionable conduct. To enable appellate review, a sanctions order should specify the conduct found to violate the applicable standard. *Topalian v. Ehrman*, 3 F.3d 931, 936–37 (5th Cir. 1993).

IV. THE BRIEFING ORDER IS PROCEDURALLY INCONSISTENT WITH CHARACTERIZING THE PETITION AS FACIALLY “BASELESS” AT FILING

On December 5, 2025, counsel conferred and filed a joint notice confirming the agreed schedule, including a deadline for Respondents’ response and a deadline for Petitioner’s reply. The joint notice also confirms that it attached the Court’s November 12, 2025, briefing order as an exhibit, consistent with the Court’s directive to proceed through structured briefing rather than summary dismissal (ECF No 10)

Respondents filed their response on December 15, 2025. Petitioner filed her reply on December 18, 2025. This procedural sequence matters because it shows the case proceeded on a Court-directed merits briefing track from the outset, rather than being rejected at screening as facially deficient.

V. THE COURT, AFTER ALLOWING THE PETITIONER TO PROCEED ON THE MERITS, DID NOT RULE ON WHAT THE RESPONDENT ARGUED AND PETITIONER REPLIED

Without spending the Court’s valuable time trying to argue *all* the merits of a defeated Petition, which could lead to a bad or even worse outcome than may already occur, Petitioner notes that the Response of the Government and Petitioner’s Reply to Response focused on the concept of “Custody.” The Court ordered the Petition briefed in full, creating the impression that, if the facts were proved true, there was a valid Petition for Writ. The Court then denied the Petition, specifically not reaching the custody issue, stating in Footnote 10, “Because the Petition fails, the Court need not, and does not, decide whether Romero is in custody for habeas purposes.” This is confusing, because the grounds for allowing the Petition to move through briefing, with facts uncontested, would accept that jurisdiction and venue exist, that parties are properly named, and that the central cause of action exists to be decided on the merits, which in a

habeas petition is whether to allow release from custody. Then the Court announced it would not reach the question of custody at all (Order at Footnote 10).

The Petitioner argued that she remained “in custody” for § 2241 purposes due to substantial restraints short of incarceration and that continuous GPS monitoring, absent individualized necessity under § 1226(a) and 8 C.F.R. § 236.1, was unlawful or constitutionally excessive given her compliance and the availability of less-restrictive alternatives. The filings detailed her compliance and documented physical harm from the device. That the Court ultimately disagreed on the merits does not render the positions frivolous or advanced for an improper purpose. *Cooter & Gell*, 496 U.S. at 393–95. But actually, the Court allowed the merits argument to be held regarding custody, but then refused to rule on the merits.

VI. CLARIFICATION OF KEY FACTS THE ORDER APPEARS TO MISAPPREHEND

A. Maria Sura is not a “criminal alien” under 8 U.S.C. § 1182(a)(2).

The criminal grounds of inadmissibility generally turn on crimes involving moral turpitude, controlled-substance offenses, multiple convictions, etc. A simple Texas Class B DWI, without aggravating elements, is not a crime involving moral turpitude under Board of Immigration Appeals precedent; the Supreme Court has likewise recognized that DUI is not a crime of violence. See *Matter of Torres-Varela*, 23 I. & N. Dec. 78 (BIA 2001); *Leocal v. Ashcroft*, 543 U.S. 1 (2004). The actual “crimes” included in the INA are numerous, but none are or imply DWI/DUI.³

³ INA § 212 / 8 U.S.C. § 1182 does not list a single closed set of “crimes” by name (e.g., “burglary,” “DWI,” etc.). Instead, it makes a noncitizen inadmissible based on categories of criminal conduct (convictions, admissions, “reason to believe” trafficking, etc.). The criminal grounds are primarily in § 1182(a)(2), plus several other inadmissibility grounds elsewhere in § 1182 that are explicitly violation-based. Criminal and related grounds in 8 U.S.C. § 1182(a)(2) Crime involving moral turpitude (CIMT) (other than a purely political

Even the current bedrock Supreme Court case on mandatory detention concerns a convicted felon. Justice Alito specifically names Jennings, the man, as a “criminal alien,” and it is true that he was/is a convicted felon. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018).

Counsel is the farthest thing from a wild-eyed liberal do-gooder but will absolutely go to bat for Ms. Sura. Notwithstanding his own shortcomings as a lawyer, he argues that calling Ms. Sura a criminal for a Class B misdemeanor with one day served and alcohol education class is characterization, not law. There are other, incredibly distinguished people who have been arrested and convicted related to intoxication behind the wheel, including the 43rd President of the United States, his Vice President (two times), the most decorated Olympian of all time.

offense), including attempt or conspiracy § 1182(a)(2)(A)(i)(I); Controlled substance violation (as defined in 21 U.S.C. § 802), including attempt or conspiracy § 1182(a)(2)(A)(i)(II); CIMT exceptions (juvenile and petty offense exceptions) appear in § 1182(a)(2)(A)(ii); Multiple criminal convictions (two or more offenses, aggregate sentences to confinement 5 years or more) § 1182(a)(2)(B); Controlled substance traffickers (including “reason to believe” illicit trafficking, and knowing aid/abet/conspiracy/collusion; plus certain beneficiary spouse/child) § 1182(a)(2)(C); Prostitution and commercialized vice (coming to engage in prostitution; prostitution within 10 years; procuring/attempting to procure/import prostitutes; receiving proceeds; other unlawful commercialized vice)
§ 1182(a)(2)(D). Serious criminal activity with asserted immunity (serious criminal offense in U.S.; immunity exercised; departed; not subsequently submitted to jurisdiction)
§ 1182(a)(2)(E) (cross-referencing the “serious criminal offense” definition in § 1101(h)). Foreign government officials—particularly severe violations of religious freedom (this is placed in (a)(2), though it is not necessarily a conviction-based “crime” ground)
§ 1182(a)(2)(G). Significant traffickers in persons / human trafficking offenses (commission/conspiracy; knowing aid/abet; and certain knowing beneficiaries)
§ 1182(a)(2)(H); Money laundering (offenses described in 18 U.S.C. §§ 1956 or 1957, including knowing aid/abet/conspiracy/collusion)
§ 1182(a)(2)(I); Other violation-based inadmissibility grounds elsewhere in § 1182 (often treated as “crime-like” in practice); Security-related unlawful activity / terrorism (espionage/sabotage/export-control violations; terrorist activity including hijacking, hostage-taking, assassination, WMD/explosives/firearms with intent to endanger, and attempt/conspiracy)
§ 1182(a)(3)(A)–(B) and the statutory definition of “terrorist activity;” Smuggling / encouraging or assisting illegal entry
§ 1182(a)(6)(E)(i); Document fraud civil penalty (8 U.S.C. § 1324c) (inadmissible if subject of final order for violation); § 1182(a)(6)(F)(i); International child abduction / custodial interference outside the U.S. after a U.S. custody order (plus supporters/relatives designated by State)
§ 1182(a)(10)(C); Unlawful voting (voted in violation of federal/state/local law, subject to narrow exception)
§ 1182(a)(10)(D).

Michael Phelps, and 14-time professional golf major champion Tiger Woods.⁴ If counsel ever called the high office holders “criminals,” the Court should skip the sanctions and have him flogged. Also please note that their names are not used out of respect. The point is that none of these people, including Ms. Sura, are “criminals.”

B. No “Flight.”

Both Respondent and the Court conspicuously included the dropped charge of fleeing arrest. *See* Response, page 1 noting App p.17; *See* Order at page 1. However, it has gone undisputed, as it is included in the report of the Rowlett Police department, that Ms. Sura’s top speed during “flight” was 48 mph. This is two mph under the speed limit. (*See* App. Section 16 and Exhibit 2.) There is no endorsement of drunk driving here, in any way, shape or form. However, Ms. Sura was likely guilty merely of “jamming tunes” and not hearing or seeing the cops.

C. No 60-day sentence.

The state disposition recorded time served of approximately 21 hours plus completion of a 12-hour education program; it did not involve a 60-day custodial term. (*See* Exhibit 2).

D. What the EOIR bond motion asked for.

In immigration court, Ms. Sura—through attorney Julie Esin—sought release on bond in an amount she could pay and indicated she was willing to accept GPS conditions. (*See* Petitioner Exhibit 4 Bond Motion/Notice of EOIR Address/Order of the Immigration Judge.) While the EOIR motion did not expressly prioritize release on recognizance without a bracelet as the primary request, it presented GPS as an acceptable option; the Immigration Judge ultimately

⁴ According to reputable news sources, all, or at least, reported by multiple outlets: *Tampa Bay Times*, *Politifact*, *Seattle Times*, and *Time* (magazine).

released her on bond subject to ISAP GPS. *See* Exhibit 4. Petitioner and counsel argue that it is not anyone's first choice to wear an ankle monitor, and that the request was made so that the Immigration Judge could use any option at his disposal, in order from best to worst.

VII. PRUDENTIAL EXHAUSTION AND FUTILITY

Petitioner argues that she met her burden with regard to exhaustion and futility. Even though exhaustion was not argued in the Response, this Court explicitly volunteered that the habeas petition is not to be used as a substitute for appeal within the immigration procedural context, and i.e., the Board of Immigration Appeals (BIA).

[W]ithout "proper" exhaustion, *citing Woodford v. Ngo*, 548 U.S. 81, 90 (2006), and "[i]t is settled that habeas corpus is not to be used as a substitute for appeal." *Stewart v. Dunn*, 363 F.2d 591, 597 (5th Cir. 1966); *accord. Bousley v. United States*, 523 U.S. 614, 621 (1998).⁵ Romero has asked the immigration judge to revisit the terms of her supervised release (Petition, Ex. 5 at 42–50, ECF No. 1) and it is clear she can appeal any denial of that request within the agency. This case appears to simply be an appeal of the immigration judge's custody determination, which is an improper use of habeas corpus. *Stewart*, 363 F.2d at 597.

The Court also stated its standards for exhaustion of the administrative process in *P. B. v. Bergami, et al*, Case No. 3:25-CV-02978-O:

It is clearly established that a "person seeking habeas relief must first exhaust available administrative remedies." *Hinojosa v. Horn*, 896 F.3d 305, 314 (5th Cir. 2018). "But any exhaustion requirement is prudential," when, as the parties here agree, no statutory requirement exists. *Cabanas*, 2025 WL 3171331, at *3. Where "Congress has not clearly required exhaustion, sound judicial discretion governs." *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). The Court should require exhaustion, when appropriate, "because it serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency." *Id.* at 145. "Exceptions to the exhaustion requirement are appropriate where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently

⁵ ICE does not raise exhaustion in its opposition to the petition.

futile course of action.” *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994). But these exceptions apply only in “extraordinary circumstances” and upon “demonstrating the futility of administrative review.” *Id.*

Ms. Sura’s continuation of appeals within the BIA would be futile. At least, that is a reasonable conclusion to make given the current circumstances, which are indeed “extraordinary.” Here, Petitioner argues that in *Bergami*, that Petitioner cited the proper case for its argument of futility, as the Court agreed, “Petitioner replies that exhaustion would be futile citing the Board of Immigration Appeals’ (“BIA”) recent decision in *Matter of Hurtado*, 29 I&N Decision 216 (BIA 2025).” *Id.* However, the Court and that Petitioner disagree as to what the standard of futility should be. Whether or not Ms. Sura agrees with the rejection of the 6-month futility assertion that Petitioner made in *P.B.*, she has a better argument for futility.

Futility is the impossibility of getting to Yes, no matter what remedies are available, how many times one asks, what procedure and law are cited, and how much time is allotted. Petitioner argues that asking the DHS for any positive outcome at all is futile at present, and that this circumstance is “extraordinary” in and of itself. The Assistant Attorney General backed that up in email communication. In the instant case, Respondent’s counsel stated, without getting an answer specifically on Ms. Sura’s question, that “As for the ankle monitor/bracelet, I was told that it is mandated from headquarters and a request has been sent but no response has been received.” (*See* Exhibit 8.) In other words, it does not matter who is asking or for what reason, the implied truth is that the DHS at its highest level, Madame Secretary Noem, will not approve the removal of an ankle monitor, regardless of who is asking, for whom, and under what circumstance.

The Court has also stated in no uncertain terms the futility of the request under any circumstances. Counsel will quote the Court, and then most respectfully: duck, head for cover, and

beg for mercy.⁶ “Romero can have her ankle-monitor taken off at any time: all she needs to do is self-deport.” *See* Order at Footnote 7.

Per the INA, it is the Attorney General who has the authority to grant bond and set the terms, whether with monetary bond or ISAP, by its authority under 8 U.S.C. 1226(a) delegated to Immigration Judges. It is an Assistant Attorney General that I asked. While DHS is charged with enforcement, they are not the boss. It is possible that there is a twist of administrative law being missed here by counsel. However, at the end of the day, the Attorney General is, as a matter of law, in charge of bond, administratively speaking.

Hurtado, quoted above, illustrates futility, as well. While it has not been argued in this case yet, it is heavily represented in the Court’s ruling in *P.B.* Again, Petitioner does not argue for exhaustion and futility based on timing (though getting out of custody would be important based on timing for any person detained or in any form of custody). Petitioner argues for futility based on the Attorney General’s attempted abdication of bond authority (not Ms. Haag: counsel refers to Respondent Bondi) by arguing through the BIA in *Hurtado* that Immigration Judges have no authority to grant bond because they lack jurisdiction. This can only be defeated by habeas petition, as counsel accomplished in a different case in a different jurisdiction (Western District) *G.P. v Joshua Johnson, et al* (included Bondi and Noem as respondents), Case No. SA-25-cv-01476-OLG. In that case, habeas was granted and Petitioner, without a single arrest and married to a US Citizen and an I-130 filed, received a bond hearing that had previously been denied under *Hurtado* for lack of jurisdiction, and bond was approved using 8 U.S.C. 1226(a), because the Immigration Court was forced to use it, for \$10,000.

⁶ This is meant sincerely, even if it does not land right. This filing is coming in the dead of night due to counsel’s own trepidation at arguing the cold, hard truth staring him straight in the face.

Not only has the Board of Immigration Review (BIA) recently claimed that the Attorney General, via its authority delegated to the BIA and Immigration Courts, does not have jurisdiction to grant bond that is explicitly stated as within its power in 8 U.S.C. §1226(a). They have gone so far as to include it in their standard form template to deny all bond requests. The denial form excerpt is quoted below. The conclusions that the BIA adds to *Jennings*, *Hurtado* and other cases is emphasized in **bold** by counsel. This quote is added, and the *Hurtado* trail followed, because it illustrates that the current stance of the Attorney General is that there is no jurisdiction for bond at all; therefore, obtaining consideration or reduction of any form of detention, or custody, currently, between the DHS and the AG, is as a matter of policy, and execution of the policy, impossible. That is the very definition of futility at the administrative level:

Denied, because

Respondent entered the United States without being admitted or paroled after inspection by an immigration officer. Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), **Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.** *YAJURE HURTADO*, 29 I&N Dec. 216 (BIA 2025). Under section 235, Congress created three different categories of applicants for admission. The first two categories are covered by section 235(b)(1)(A) of the INA, 8 U.S.C. § 1225(b)(1)(A). They include: (1) arriving aliens inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and (2) aliens not admitted or paroled into the United States who are inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and “who ha[ve] not affirmatively shown, to the satisfaction of an immigration officer, that [they] ha[ve] been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility.” INA § 235(b)(1)(A)(i), (iii)(II), 8 U.S.C. § 1225(b)(1)(A)(i), (iii)(II); see also 8 C.F.R. § 235.3(b)(1) (2025).

The INA explicitly requires that aliens who fall into either of these two categories are subject to mandatory detention for the duration of their immigration proceedings. See INA § 235(b)(1)(B)(ii), (iii)(IV), 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); see also 8 C.F.R. § 235.3(b)(2)(iii). **Thus, an**

Immigration Judge lacks authority to hear a bond request filed by an applicant for admission in either of these two categories. See *Matter of M-S-*, 27 I&N Dec. 509, 515–19 (A.G. 2019). The third category of applicants for admission subject to the inspection, detention, and removal procedures set forth in section 235 of the INA, 8 U.S.C. § 1225, are those aliens who are seeking admission and who an immigration officer has determined are “not clearly and beyond a doubt entitled to be admitted.” INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). This category is a “catchall provision that applies to all applicants for admission not covered by [section 235(b)(1)].” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Like with the first two categories of applicants for admission, the INA explicitly requires that this third “catchall” category of applicants for admission be mandatorily detained for the duration of their Cite as 29 I&N Dec. 216 (BIA 2025) Interim Decision #4125 Page 219 immigration proceedings. See INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A); see also *Jennings*, 583 U.S. at 299 (interpreting the “plain meaning” of sections 235(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration of their immigration proceedings); 8 C.F.R. § 235.3(b)(1)(ii).

VII. MONETARY SANCTIONS CANNOT BE IMPOSED ON MARIA AND SHOULD NOT BE IMPOSED ON COUNSEL

A. My Client, Maria Sura

Monetary sanctions are categorically unavailable against a represented party for alleged defects in legal contentions. Fed. R. Civ. P. 11(c)(5)(A). The petition and reply presented legal arguments regarding “custody” under 28 U.S.C. § 2241 and the lawfulness and proportionality of continuous GPS monitoring under § 1226(a) and § 236.1.

As to facts, Maria’s filings documented that she served approximately 21 hours on a Texas Class B DWI disposition and completed a 12-hour DWI program. (*See* Petitioner’s Exhibit 2.) She consistently complied with supervision and sought less-restrictive alternatives. There is no basis to find her factual contentions were presented without evidentiary support or for an improper purpose, and there is no pattern of disobedience or delay.

Her “custody” count, if the ankle monitor were allowed to count as such by the Court, had reached around 102 days at time of filing, and as of today, January 9, 2026, is up to around 175 days. This does not include Ms. Sura’s 78 days as an immigration detainee and one day as an inmate held by the State of Texas. (*See App. Section 1.*)

B. Counsel

Counsel advanced colorable legal arguments with record support: disagreement with the Court’s ultimate view does not render those arguments frivolous. *Cooter & Gell*, 496 U.S. at 393–95. Section 1927 is inapplicable because counsel did not multiply proceedings unreasonably or vexatiously; the matter proceeded on the Court’s schedule with a petition, a response and a single reply. In fact, Petitioner’s counsel tried to minimize the matter by attempting to informally settle to reduce briefing time for both parties and reduce the Court’s workload. *See Exhibits 1-2.* Inherent-power sanctions are unwarranted because there is no evidence of bad faith, and, in any event, any fee award would be limited to but-for fees, which the record does not support. The Supreme Court explained that the inherent power to assess attorney’s fees accrues only when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons. *Chambers* at 45-46. The Court further clarified that inherent-power fee awards must be compensatory, not punitive, and strictly limited by but-for causation *Goodyear* at 108–12.

Counsel offers up that he has been paid the embarrassing sum of \$300 for this case and will receive no more. I tried to short-circuit this entire proceeding by simply asking the AG and DHS if they would remove it and have put my humble email exchanges on the record. None of it makes Respondent counsel look bad. I offer to put \$300 in my church’s offering plate if there is any suspicion of profiteering or purposeful waste of the Court’s or the Assistant AG’s time based on these added facts. It might be less horrible for all of us if we can call my work pro bono.

Orderly litigation conduct. The Court set a briefing order; the parties filed a joint schedule; the government filed its response; and we filed a single reply. The record reflects compliance with deadlines (with the exception of this response arriving after 12 a.m. January 10) and targeted briefing rather than any vexatious multiplication of proceedings.

VIII. CONCLUSION AND REQUESTED DISPOSITION

As to Petitioner herself, the Court should discharge the order to show cause and decline any sanction. Monetary sanctions are categorically unavailable under Rule 11(c)(5)(A) for a represented party where the issue is legal sufficiency, and there is no factual bad faith.

As to Counsel, he pleads that the Court should discharge the order to show cause. The record shows no improper purpose, no unreasonable or vexatious multiplication, and no bad faith; thus no basis exists under Rule 11, § 1927, or the Court's inherent power. In the alternative, if the Court considers any sanction, it should identify the specific conduct at issue and tailor any remedy to deterrence, and any fee award under inherent power must be limited to but-for fees. *Topalian*, 3 F.3d at 936–37; *Goodyear*, 581 U.S. at 108–12.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner Maria Cristina Sura Romero and her counsel respectfully pray that the Court:

1. Discharge the Order to Show Cause in its entirety;
2. Find that Petitioner's habeas petition was filed in good faith and presented colorable, non-frivolous issues of law and fact;
3. Decline to impose sanctions against Petitioner or undersigned counsel under Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, or the Court's inherent authority;
4. Award Petitioner such other and further relief, at law or in equity, to which she may be justly entitled.

Respectfully submitted,

/s/ Sean P. Cordobés
Sean P. Cordobés
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 2026, which may be ruled January 10 due to hour of filing at the Court's discretion, a true and correct copy of the foregoing document was served on all counsel of record via the Court's CM/ECF electronic filing system, which constitutes service under Federal Rule of Civil Procedure 5(b).

/s/ Sean P. Cordobés
Sean P. Cordobés

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