

Brandon Carter
Counsel for Petitioner
GP LLC
1010 Lake St., Suite 200
Oak Park, IL 60301
708-801-8159
bcarter@globalperiphery.com

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Armando Blandon Raudez
Petitioner,
v.

Pam Bondi,

Attorney General of the United States;

Case Number: EP-25-CV-00493-DB

Kristi Noem,

Secretary of the Department of Homeland Security;

Todd M. Lyons,

Acting Director of U.S. Immigration and Customs Enforcement;

Russell Hott, ICE Field Office Director, Chicago;

Respondents.

**PETITIONER'S MOTION TO REOPEN CASE AND FOR
RELIEF FROM JUDGMENT UNDER FEDERAL RULE
OF CIVIL PROCEDURE 60(b), AND FOR AN ORDER
COMPELLING RETURN TO THE UNITED STATES**

I. INTRODUCTION

Petitioner Armando Bandon Raudez respectfully moves this Court to reopen his habeas corpus proceeding under **Federal Rule of Civil Procedure 60(b)(3), (6), and (d)(3)** and the Court's inherent authority under **28 U.S.C. § 1651(a)**.

This motion arises from the Respondents' deliberate and unlawful act of **removing Mr. Bandon Raudez from the United States in direct violation of a federal court order** issued on October 28, 2025, by the Western District of Texas—an order explicitly prohibiting his deportation or transfer pending adjudication of his habeas petition.

By disregarding that order, Respondents not only defied a lawful injunction but also **extinguished the Court's jurisdiction** through their own misconduct. Fundamental equity and due process therefore require that this case be **reopened**, that the government be **ordered to facilitate Mr. Bandon Raudez's return**, and that the Court **consider appropriate sanctions** to preserve judicial authority.

II. PROCEDURAL BACKGROUND

1. On October 15, 2025, Petitioner filed a Petition for Writ of Habeas Corpus in this Court (N.D. Ill.) challenging the legality of his prolonged detention and imminent deportation by U.S. Immigration and Customs Enforcement ("ICE").
2. On October 24, 2025, the case was transferred to the Western District of Texas (El Paso Division) because Petitioner was then detained at the Camp Montana East Detention Facility.

3. On October 28, 2025, the Honorable David Briones issued an **Order to Show Cause** expressly directing that:

“Respondents SHALL NOT (1) remove or deport Armando Blandon Raudez from the United States, or (2) transfer him outside the boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise.” (*Order, ECF No. 9, W.D. Tex.*)

4. Despite this unambiguous prohibition, **ICE removed Petitioner to Mexico on October 29, 2025**, as later admitted by the government’s “Advisory to the Court.”
5. On October 30, 2025, the Western District issued a **Dismissal Order** acknowledging that ICE’s conduct violated the injunction but concluding that the petition was “moot” because Petitioner had already been deported. (*Order, ECF No. 11, EP-25-CV-00493-DB.*)
6. The government’s unlawful act therefore deprived Petitioner of judicial review, rendered the transfer futile, and constituted misconduct warranting extraordinary relief.

III. LEGAL STANDARD

Under **Rule 60(b)**, a court may relieve a party from a final judgment for:

- (3) “fraud ..., misrepresentation, or misconduct by an opposing party,”
- (6) “any other reason that justifies relief,” and
- **Rule 60(d)(3)** permits the court to “set aside a judgment for fraud on the court.”

Relief is particularly appropriate where the government’s own misconduct frustrated the court’s ability to render justice. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

Federal courts also possess inherent and statutory authority under 28 U.S.C. § 1651(a) and 18 U.S.C. § 401 to enforce compliance with their orders and to restore parties to the position they occupied before the violation. See *Maness v. Meyers*, 419 U.S. 449, 458 (1975); *J.G.G. v. Trump*, 778 F. Supp. 3d 24 (D.D.C. 2025).

IV. ARGUMENT

A. The Government's Removal of Petitioner Violated a Federal Court Order and Constitutes Misconduct Under Rule 60(b)(3)

Respondents knowingly deported Petitioner despite an explicit stay prohibiting removal. Such willful disobedience is “misconduct” within the meaning of Rule 60(b)(3). See *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1339 (5th Cir. 1978). Because the government's actions directly caused dismissal of the petition as moot, the judgment must be vacated.

B. Extraordinary Circumstances Justify Relief Under Rule 60(b)(6)

Rule 60(b)(6) authorizes relief where “extraordinary circumstances” make enforcement of a judgment inequitable. Few circumstances are more extraordinary than federal officers flouting a federal court injunction and extinguishing jurisdiction by force. See *Sanchez v. Sessions*, 870 F.3d 901, 904 (9th Cir. 2017) (ordering return of unlawfully removed petitioner).

C. The Court Possesses Inherent Power to Compel the Petitioner's Return

The All Writs Act, 28 U.S.C. § 1651(a), empowers this Court to issue orders necessary to preserve its jurisdiction. When government agents violate a judicial stay, courts routinely order repatriation to restore the status quo ante. See *J.G.G. v. Trump*, 778 F. Supp. 3d at 31 (“The

Constitution does not tolerate willful disobedience of judicial orders—especially by officials of a coordinate branch.”).

Repatriation is therefore a proper equitable remedy to ensure meaningful review and vindicate the rule of law.

V. REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. **Reopen** the habeas corpus case pursuant to Fed. R. Civ. P. 60(b)(3), (6), and (d)(3);
2. **Vacate** the Western District of Texas’s dismissal order (EP-25-CV-00493-DB);
3. **Order Respondents to facilitate Petitioner’s immediate return to the United States at government expense;**
4. **Issue an Order to Show Cause** why Respondents should not be held in civil contempt under 18 U.S.C. § 401;
5. **Award reasonable attorney’s fees and costs** pursuant to the Court’s inherent authority and the Equal Access to Justice Act, 28 U.S.C. § 2412; and
6. **Grant any further relief** that the Court deems just and proper.

VI. CONCLUSION

Respondents’ defiance of a federal injunction has undermined the integrity of the judiciary and deprived Petitioner of his constitutional right to be heard. To restore the rule of law, this Court should reopen the case, vacate the dismissal order, and direct the government to return Armando Blandon Raudez to the United States forthwith.

Respectfully submitted,



Brandon Carter

Attorney for petitioner

Certificate of Service

I hereby certify that on November 4th 2025, I served the foregoing Motion via US Postal Service priority on the Western District of the Court of Texas clerk of the circuit court and the Defendants' counsel at the respective addresses:

US District Court

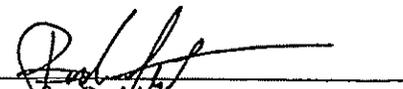
525 Magoffin Ave. Suite 105

El Paso, TX 79901

US Attorney's Office

601 NW Loop 410, Ste. 600

San Antonio, TX 78216



Attorney for Petitioner