

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

SEBASTIAN WILDER FLORES
ROSALES,

Petitioner,

v.

U.S. DEPT. OF HOMELAND SECURITY,
KRISTI NOEM, in her capacity as Secretary
of Department of Homeland Security; et. al.,

Respondents.

Case No. 3:25-CV-0512-KC

**PETITIONER'S CONCISE REPLY IN SUPPORT OF HABEAS PETITION &
MOTION FOR PRELIMINARY INJUNCTION**

Now comes Petitioner, Sebastian Wilder Flores Rosales, and files this Petitioner's Concise Reply in Support of Habeas Petition and Motion for Preliminary Injunction. For the reasons set forth below, in previous filings in these proceedings, and this Court's decision on a multitude of cases presenting the same legal issues,¹ Mr. Rosales respectfully requests the Court grant the requested injunction and order a bond hearing or release within 7-days of such order.

DISCUSSION

At this point this Court is both fully cognizant of the legal issues and the parties respective positions on those issues. Both the habeas petition filed in this matter and the

¹ See e.g. *Gonzalez Martinez v. Noem, et. al.*, Case No. EP-25-CV-430-KC ECF No. 10 (Nov. 11, 2025 WDTX) and *Lala Barros v. Noem, et. al.*, Case No. EP-25-CV-488-KC, ECF No. 6 (Nov. 11, 2025 WDTX)

accompanying Motion for Preliminary Injunction, fully addressed the Mr. Rosales position on the relevant issues. Mr. Rosales continues to take the positions on outlined in his filings.

This being said, Mr. Rosales case and his circumstances provide what undersigned views as the perfect illustration of an individual whose current detention violates his due process rights. For starters, Mr. Rosales was a young child when, through no fault of his own, his parents brought him to the U.S. and then, with him, entered without inspection.² Then, in 2015, Mr. Rosales was granted Deferred Action for Childhood Arrivals (DACA).³ Far from evading immigration officials, Mr. Rosales submitted DACA applications to DHS. And, far from disapproving of his EWI presence, DHS granted him DACA and the work authorization that goes along with it. While the government's response correctly states that his DACA status lapsed on July 6, 2025, his immigration attorney in New York has filed a renewal application.⁴

Though he does not have a spouse or children of his own, Mr. Rosales serves as a financial provider for his sibling and parents. Mr. Rosales, has made significant contributions to his community in New York, where, among other things, he is involved with the Nomads, a Bronx-based running group that promotes health through weekly organized runs. He also serves as a District Leader for the group.

² (ECF No. 6 pp. 2-3.)

³ (*Id.*)

⁴ (*Id.*)

In addition to all these things, Mr. Rosales did not end up in ICE custody as the result of any wrong doing on his (or anyone's else's) part. No. Mr. Rosales was simply at the El Paso airport while on a domestic work trip when ICE encountered and arrested him.⁵ He has been in ICE custody ever since.

He has been detained despite the fact that Mr. Rosales has no criminal history and no one can seriously claim he is a flight risk. As the primary financial provider for his family, Mr. Rosales' continued detention by ICE has had immediate and obvious consequences on his family.

All of these facts leave little doubt that Mr. Rosales has "acquire[d] a protectable liberty interest " by spending "years establishing a life in the interior of the United States, regardless of [his] citizenship status."⁶ Likewise, these facts make it far more likely than not that he will "be erroneously deprived of his liberty" "without an individualized determination" on flight risk and danger.⁷ Meanwhile, the government has failed to identify anything but general concerns or "concerns that would be squarely addressed through a bond hearing."⁸ Accordingly, all of the *Mathews* factors weigh heavily in Mr. Rosales favor.

Because all *Mathews* factors support Mr. Rosales, he respectfully requests that Court find "his detention without an individualized assessment of flight risk and dangerousness

⁵ (ECF No. 6-2 p. 2.)

⁶ *Lala Barros v. Noem, et. al.*, Case No. EP-25-CV-488-KC, ECF No. 6 p. 8 (Nov. 11, 2025 WDTX).

⁷ *Id.* at 9.

⁸ *Id.* at 10.

deprives him of his constitutional right to procedural due process under the Fifth Amendment of the United States Constitution."⁹

CONCLUSION

For the above stated reasons, Mr. Rosales respectfully requests the Court grant the requested injunction and order a bond hearing or release within 7-days of such order.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen

Dan Gividen
Texas State Bar No. 24075434
18208 Preston Rd., Ste. D9-284
Dallas, TX 75252
972-256-8641
Dan@GividenLaw.com

⁹ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the U.S. District Court and counsel for the government in accordance with the Federal Rules of Civil Procedure on September 29, 2025.

/s/ Dan Gividen
DAN GIVIDEN
Attorney for Defendant