

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Anil Razakali Rajwani ,  
Petitioner

v.

Pamela Bondi, *et. al.*,  
Respondents

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No. 5:25-CV-1465-OLG

**REPLY OF PETITIONER TO RESPONDENT'S RESPONSE**

Petitioner, Anil Razakali Rajwani, timely submits his reply to *Federal Respondents' Response to Petitioner for Writ of Habeas Corpus* no later than 7 days as ordered by this Court's Order for Service and to Show Cause, dated November 17, 2025.

Respondents' response presents sparse details as to ICE's purported removal efforts to effectuate Petitioner's removal from the United States to a third country. See ECF No. 6 at 2-3; ECF No. 6-1 at 2-3. Although Petitioner had been released from custody pursuant to an IJ bond since 2018, Respondents took Petitioner back into custody on June 10, 2025, because of the IJ's removal order. ECF No. 6-1 at ¶ 8. Nine days later, ICE-ERO submitted third country requests to remove Petitioner to Sri Lanka, Oman, and Mexico. *Id.* at ¶ 15. Of the three, only Sri Lanka responded, declining on June 23, 2025. *Id.* at ¶ 16. However, Oman and Mexico have not yet responded for over five months since the request was made. *Id.* Tellingly, only ten days after Petitioner sought habeas corpus relief before this Court, "ICE-ERO, in

coordination with Headquarters, contacted the Department of State to seek assistance with third-country removal”. *Id.* at ¶ 23.

In a similar proceeding, this Honorable Court acknowledged that “[t]hird country removals are uncommon and often difficult to effectuate. This case is no exception. ICE appears to recognize as much.” *Medellin Martinez v. Bondi, et al.*, SA-25:CV-1319-OLG, Slip Op. at \*4-5 (W.D. Tex. Nov. 21, 2025) (citing *Puertas-Mendoza v. Bondi*, No. 25-CV-890, 2025 WL 3142089, at \*3-4 (W.D. Tex. Oct. 22, 2025)). In that case, Respondents attempted to convince petitioner Medellin-Martinez to consent to removal to the country as to which his removal was withheld by an IJ. *Id.* at \*4. The Court also found that Respondents “made no significant progress towards his removal” after efforts to remove Medellin Martinez to four other countries “proved fruitless” after two months of detention. *Id.* at \*4-5.

Here, Respondents contacted three countries five months ago and only obtained one immediate response rejecting Petitioner. ECF No. 6-1 at ¶ 16. Mexico has not yet responded since the June 19th request, yet media sources indicate that Mexico has agreed to accept third country removals. See Edward Wong et al., Inside the Global Deal-Making Behind Trump’s Mass Deportations, N.Y. Times (Jun. 25, 2025). Oman is not on the list of countries that have been asked or will be asked to receive third country nationals. *Id.* It was only until five days ago, after Respondents were served with the instant petition, that the Dept. of State and ICE Headquarters were contacted for assistance in Petitioner’s removal to a third country. See *id.* at ¶ 23; ECF No. 5.

Absent from Federal Respondent's response is any consideration of another key fact: Petitioner's Motion to Reopen proceedings before the Immigration Judge to withdraw his protection from removal to India. *See generally* ECF No. 6; *see* ECF No. 6-1 at ¶ 18; ECF No. 1 at 5, ECF No. 1-2. Petitioner advised Respondents almost 4 months ago that he wished to return to India and sought their joinder to overcome the strict 90-day time limitations on the motion. *See* ECF No. 1-2 at 27-30. India has accepted over 2,400 removals from the United States this calendar year between January and September. *See* Kamal Saini, *et al.*, "My hopes are dashed': Illegal Indian migrants deported by US speak to BBC", BBC, (Oct. 29, 2025). Yet Respondents refused to join the motion, and as a result, the IJ denied the motion deeming it time barred.<sup>1</sup> ECF No. 1-2 at 2-3.

Respondents contend that Petitioner's *Zadvydas* claim is premature because he has been detained for less than six months in post-order custody. However, as this Court acknowledged in *Medellin-Martinez*, "whether the presumptively reasonable period begins upon the entry of a final order of removal or upon the alien's detention" is unclear. *See Id.* at \*4. But the 180-day presumptively reasonable period of detention is just that: presumptive, not conclusive. *See id.* And it is rebuttable if the Petitioner can show "that there is no significant likelihood of removal in the reasonably foreseeable future". *See Andrade v. Gonzales*, 459 F.3d. 538, 543 (5th Cir.

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<sup>1</sup> Although the Motion to Reopen was deemed unopposed by regulation as a timely response was not made, the time limitations still apply to the motion, and the IJ retains the discretion to grant the motion. *See* 8 C.F.R. § 1003.23(b)(1)(iv); *see also* ECF No. 6-1 at ¶ 18; ECF No. 1-2 at 2-3. Joint motions to reopen are not subject to the time and numerical limitations. 8 C.F.R. § 1003.23(b)(4)(iv).

2006); *id.* at \*4. Here, Petitioner has now been detained for over five and half months. ECF No. 6-1 at ¶¶ 12-13. The IJ issued the final order of removal to India on November 7, 2022, but withheld that removal pursuant to 8 U.S.C. § 1241(b)(3). ECF No. 1-2 at 5-25. Using either point in time identified above, Federal Respondents have had every opportunity to seek Petitioner's removal from the United States. In fact, Petitioner sought to facilitate his removal from the United States to India, but Respondents refused to join him. Petitioner contends he has met his burden to shift to rebut the presumption with concrete facts as Respondents own evidence and actions demonstrate that his removal is not reasonably foreseeable and his continued detention violates his due process rights.

Despite ICE's contentions that they are "actively working with its agency counterparts to secure third-country removal", they have not demonstrated that there is any potential third country willing to accept Petitioner. See ECF No. 6-1 at ¶¶ 23-24. ICE made requests five months ago, and have yet to receive a response from Mexico, a country publicly known to accept third country nationals such as Petitioner. In *Medellin-Martinez* and *Puertas-Mendoza*, both this Court and U.S. District Judge Xavier Rodriguez made note of the Respondents' attempts to convince those petitioners to consent to removal to countries where they legally could not be removed. Cf *Medellin Martinez v. Bondi, et al.*, SA-25:CV-1319-OLG, Slip Op. at \*5 (W.D. Tex. Nov. 21, 2025) with *Puertas-Mendoza v. Bondi*, No. 25-CV-890, 2025 WL 3142089, at \*3-4 (W.D. Tex. Oct. 22, 2025)). Both Courts held that these attempts strongly suggested the petitioners' removal was unlikely to occur in the reasonably

foreseeable future and Respondents failed to rebut Petitioner's showing. *Medellin-Martinez*, Slip Op. at \*5. Counsel for Respondents noted that "[Petitioner] does not proffer an acceptable third country that would be suitable, nor does he outline any efforts to seek permission to live in any acceptable third countries." ECF No. 6 at 2. However, a third country here is unnecessary: Petitioner is willing to return to the "default country" of removal, that of his citizenship and nationality, India. *See* 8 U.S.C. § 1241(b)(2).

The Court should grant Petitioner's application for writ of habeas corpus and order his release from custody as his continued detention is unlawful as a violation of his due process rights. Petitioner has met his burden to show his removal is not likely to occur in the reasonably foreseeable future. And the Respondents have not demonstrated any potential third country is likely to accept him since over five months have passed since their sole requests. Petitioner does not dispute his removability from the United States, nor does he believe he is immune from removal from the United States. But as his removal from the United States does not appear to be imminent, his continued detention is unlawful.

Respectfully submitted by:

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