

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LUIS ALEJANDRO LEON,

Petitioner,

v.

KRISTI NOEM,

Respondents.

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CIVIL NO. 25-CV-05521

SUPPLEMENTAL BRIEF ON REMEDY

The Government files the supplemental brief regarding remedy. The Government acknowledged in its response to the habeas petition that this Court has previously rejected its interpretation of 8 U.S.C. § 1225(b)(2). The Government urges the Court to reconsider its prior rulings on this issue. But, assuming the Court rules as it did previously, the Government files this brief on remedy to assist the Court.

Courts Enjoy Broad Discretion to Order an Appropriate Remedy

A district court has broad equitable discretion in determining the appropriate remedy in a habeas proceeding. *Covarrubias v. Vergara*, No. 5:25-CV-112, 2025 WL 2950097, at *5 (S.D. Tex. Oct. 8, 2025) (citing *Brown v. Davenport*, 596 U.S. 118 (2022)). The general federal habeas statute provides only that courts, having heard and determined the facts, shall “dispose of the matter as law and justice require.” 28 U.S.C. § 2243. Moreover, remedies in general must be “tailored to redress” a plaintiff’s injury, *Gill v. Whitford*, 585 U.S. 48, 73 (2018), and equitable remedies should not provide more relief than “necessary to give the prevailing party the relief to which [it] is entitled.” *Hernandez v. Reno*, 91 F.3d 776, 781 & n.16 (5th Cir. 1996). In

accordance with these principles, courts in our district have ordered the Government to provide petitioners a bond hearing rather than release. *See, e.g., Covarrubias*, 2025 WL 2950097 at *5; *see also Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346, at *4 (S.D. Tex. Oct. 7, 2025) (ordering respondents to provide a bond hearing by a date certain or release petitioner). The Government therefore requests, if the Court rules against the Government, that the Court order ICE to provide Petitioner a bond hearing.

If the Court Orders Release, the Government Requests Time to Comply

This Court in similar cases has ordered the petitioner released immediately. Ordering the immediate release of detainees places the Government in an unworkable position. Even when the Government makes every effort to effectuate the Court's order as soon as possible, it typically takes several hours to accomplish the release. During that time, the Government risks being in violation of the immediate release order. Other courts in the district have therefore required the Government to release detainees within 48 hours. *See Ascencio-Merion v Dickey*, 4:25-cv-04904 (SD Tex, Oct 10, 2025), Dkt. 9, (Bennett, J). This amount of time allows for an orderly release and the establishment of appropriate conditions of that release. Thus, the Government respectfully requests that if the Court orders the Petitioner released, that the order provide at least 24 hours to comply.

Dated: November 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on November 24, 2025, the foregoing was filed and served on all attorneys of record via the District's ECF system.

/s/ Jimmy A. Rodriguez
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