IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

DIANE EKEMBE,

Petitioner,

v.

ORLANDO PEREZ, in his official capacity as Warden of the Laredo Processing Center,

MIGUEL VERGARA, in his official capacity as Field Office Director of the Harlingen Field Office, Immigration and Customs Enforcement,

KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security, and

PAMELA BONDI, in her official capacity as Attorney General of the United States Department of Justice;

Respondents.

REPLY IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS AND RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS

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INTRODUCTION

Petitioner Diane Ekembe hereby replies in support of her Emergency Petition for Writ of Habeas Corpus (the "Petition") and responds in opposition to the government's Motion to Dismiss. The government's response confirms, rather than undermines, Ms. Ekembe's entitlement to release under the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment: she has been detained beyond the presumptively reasonable six-month (180-day) period following her removal order, and Respondents cannot provide any clear information on whether or when she will be removed or to where, as no third country has agreed to accept her. These facts remain unchanged from the time she filed her Petition after 187 days of continuous, post-removal confinement.

Ms. Ekembe provided good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. The Immigration Judge ("IJ") granted her withholding of removal to her home country Cameroon, and she has no ties to, or citizenship in, any other country. She has received no indication that any other country has agreed to accept her for removal. Indeed, she remains in detention with no end date in sight—the very kind of indefinite detention courts routinely find unlawful.

The government provided no actual evidence to rebut the showing that Ms. Ekembe's continued detention is unlawful. Instead, the response rests on an uncorroborated declaration of purportedly "active" engagement in the removal process and a purported flurry of recent forms, with nothing to show for it. Even if the government did make requests for acceptance to third countries *after* Ms. Ekembe filed this Petition, her removal is no more likely today than it was before those requests were made. One country already refused to accept her, and two others did not respond, leaving any possible outcome purely speculative. The government's conclusory assertion that it will lawfully remove Ms. Ekembe in the reasonably foreseeable future—

unsupported by any confirmation from a third country, any follow-up, or any concrete progress—cannot justify Ms. Ekembe's continued detention.

Furthermore, the government's restatement of its assessment that its third-country removal procedures satisfy due process should not divert the Court's attention from the merits of Ms. Ekembe's Petition. The Court has already required advance notice of any third-country transfer while the Petition is pending, and the government has neither identified a country that has agreed to accept Ms. Ekembe nor provided any other notice of third-country removal. Indeed, the government's purported "active" steps—requests for acceptance to three third countries and the combined (and belated) 90- and 180-day post-order custody reviews—began only after Ms. Ekembe filed her Petition. In any event, the government's own description of its procedures underscores that, even if a third country were identified, additional proceedings would further delay removal, reinforcing that there is no significant likelihood of removal in the reasonably foreseeable future.

Finally, the government's Motion to Dismiss, premised on a failure to state a claim and lack of subject matter jurisdiction, presents no barrier to release.[1] Ms. Ekembe has satisfied her burden under *Zadvydas*: removal is not reasonably foreseeable. The Petition thus presents a viable claim and is ripe for review. The Court should address the merits, grant Ms. Ekembe's Petition, order her immediate release, and deny the government's Motion to Dismiss.

ARGUMENT

I. The Court Should Grant Ms. Ekembe's Petition and Order Her Release.

The government does not contest that Ms. Ekembe is entitled to the protection of the INA

[1] The government captions its pleading as a Motion to Dismiss the petition. To resolve any question as to whether Ms. Ekembe opposes the Motion to Dismiss, this document replies in support of the emergency Petition and responds in opposition to the government's Motion. The Court can and should order Ms. Ekembe's immediate release.

and the Due Process Clause of the Constitution, which limit the government's detention of a non-citizen. *See* Dkt. 1 (Emergency Petition for a Writ of Habeas Corpus) at ¶¶ 34–47. Because the government fails to present evidence rebutting the showing that there is no significant likelihood of Ms. Ekembe's removal in the reasonably foreseeable future, the Court should order Ms. Ekembe released.

A. The Government Has Failed to Rebut Ms. Ekembe's Showing That She Is Entitled to Release.

It is undisputed that Ms. Ekembe's detention for nearly seven months since the IJ granted her withholding of removal, Dkt. 1 at ¶¶ 23–26, far exceeds the INA's initial 90-day detention period, 8 U.S.C. § 1231(a), and the presumptively reasonable six-month window, *see Clark v. Martinez*, 543 U.S. 371, 386 (2005); *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). At this stage, the relevant consideration is whether there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701; *see also Alexis v. Sessions*, No. CV H-18-1923, 2018 WL 5921017, at *7 (S.D. Tex. Nov. 13, 2018) ("[P]ostremoval detention under § 1231(a)(6) for longer than six months is presumptively unreasonable." (citing *Zadvydas*, 533 U.S. at 682)). That modest showing of "good reason" shifts the burden to the government. *See Pham v. Bondi*, No. 2:25-CV-01835-JHC, 2025 WL 3122884, at *1 (W.D. Wash. Nov. 7, 2025); *see also Iakubov v. Figueroa*, No. CV-25-03187-PHX-KML (JZB), 2025 WL 2640218, at *2 (D. Ariz. Sep. 15, 2025) (finding the petitioner's detention for six months and eighteen days satisfied their initial burden under *Zadvydas*).

Ms. Ekembe carries her "good reason" burden here to show she is unlikely to be removed "in the reasonably foreseeable future." The IJ did not designate any country for Ms. Ekembe's removal; removal to Cameroon is barred by withholding; and Ms. Ekembe does not have legal residence (or other legal status) in any other country. *See Misirbekov v. Venegas* (*Misirbekov I*),

No. 1:25-CV-00168, 2025 WL 2450991, at *1 (S.D. Tex. Aug. 15, 2025) (finding "good reason" established where the petitioner was granted withholding removal to his home country and had no ties to or citizenship with any other country).

The government's two arguments in response—that Ms. Ekembe has "merely suggested that she is unlikely to be removed" and that the government "is actively working" toward removal, Dkt. 18 (Motion to Dismiss Petition for Writ of Habeas Corpus) at 5–6—do not rebut Ms. Ekembe's showing. Most critically, the record shows the government did not initiate any third-country outreach until November 19, 2025—after the six-month mark and after Ms. Ekembe filed her Petition. *See* Dkt. 18 at 4. Allowing the government to defeat a prolonged-detention habeas petition by sitting idle for 180 days and then, only once a petition is filed, sending third-country requests would strain the post-order detention framework in *Zadvydas*, frustrate the purpose of the INA, and make judicial review of indefinite detention illusory.

First, Ms. Ekembe met her burden and did not advance only "unsupported arguments and speculation" in support, like the petitioner in *James v. Lowe*, the government's sole citation. Dkt. 18 at 5–6 (citing *James v. Lowe*, No. 3:23-CV-1862, 2024 WL 1837216 (M.D. Pa. Apr. 26, 2024)). In *James*, the petitioner was denied asylum and withholding of removal and ordered removed to his home country Dominica. 2024 WL 1837216, at *3. He sought release on his assertion that "it could take 'years' to receive travel documents" from Dominica and that "ICE/DHS only deported a total of 5 immigrants to the country of Dominica in 2022." *Id*. (cleaned up). The court found these assertions failed to meet his burden because the petitioner made these allegations "without any evidence, support, or citation." *Id.* (citation omitted). And even if he had carried his burden, the respondent had rebutted his showing with evidence that ICE had consistently attempted to effectuate his removal, including numerous communications with Dominica, and evidence that

ICE, "importantly, [had] received a response that final approval [was] pending." *Id.* at *4.

Here, by contrast, Ms. Ekembe has supported her arguments, and the government has neither identified a country that has accepted her nor consistently attempted to effectuate her removal to that country. The facts show that there is no reasonably foreseeable likelihood of removal: removal to Cameroon is legally barred; there is no designated alternative; and DHS did not even begin its (still unsuccessful) third-country inquiries until after her Petition was filed and her detention already exceeded the presumptive limit of reasonableness. *See* Dkt. 1-2 (Order of the IJ); Dkt. 1-1 (Declaration of Diane Ekembe) at ¶¶ 8–12; Dkt. 18 at 4.

The government's argument that removal remains possible on these facts, making her detention lawful, evokes the same themes the Supreme Court rejected in *Zadvydas*: that "Zadvydas' detention did not violate the Constitution because eventual deportation was not 'impossible,' good-faith efforts to remove him from the United States continued, and his detention was subject to periodic administrative review." 533 U.S. at 685. "[T]his standard would seem to require an alien seeking release to show the absence of *any* prospect of removal—no matter how unlikely or unforeseeable—which demands more than our reading of the statute can bear." *Id.* at 702. And on remand, the Fifth Circuit granted habeas relief, confirming that a petitioner need not demonstrate that removal is impossible and that "as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Zadvydas v. Davis*, 285 F.3d 398, 404 (5th Cir. 2002) (quoting 533 U.S. at 701). Ms. Ekembe has been in detention for almost seven months since the IJ's order, and she has provided good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future.

Second, the government suggests that, even if Ms. Ekembe has met her burden, it has rebutted that showing. Dkt. 18 at 6. Not so. The only evidence offered in support of its rebuttal

is the Declaration of Detention Officer Daniel Cantu, *id.* at 4, 6, who asserts the government has made third-country inquires after Ms. Ekembe filed her Petition.[2] *See* Dkt. 19-1 (Declaration of Deportation Officer Daniel Cantu) at ¶¶ 20, 21. But Costa Rica has already refused to accept Ms. Ekembe, and Honduras and Belize have not responded. *Id.* at ¶ 21. The government provides no clear information on whether either country acknowledged receipt or any anticipated wait time for a response from either country, and it offers no timelines for next steps and no concrete plan as to Ms. Ekembe's removal, much less an acceptance from any country. *See id.* And although the government asserts it conducted both of its required 90-day and 180-day Post Order Custody Reviews on the same day—both late—it provides nothing beyond the one-sentence statements in Officer Cantu's Declaration about what "was determined" in each. *See id.* at ¶¶ 22, 23. The government's post-Petition, post-six-month inquiries—without more—do not render removal reasonably foreseeable, which supports that Ms. Ekembe should be released. *See Misirbekov v. Venegas* (*Misirbekov II*), No. 1:25-CV-00168, 2025 WL 3033732, at *2 (S.D. Tex. Oct. 29, 2025) (ordering release where one country denied acceptance, others had not responded, agency communications had stalled for months, and DHS failed to conduct a compliant 180-day post-order custody review); *Misirbekov I*, 2025 WL 2450991, at *1 (extending TRO against removal while habeas petition was pending).

Courts have routinely held that the government's request to a third country to accept a

[2] Officer Cantu's Declaration contains several misstatements of fact. Ms. Ekembe never received the Notice to Alien of File Custody Review on October 22, 2025. *See* Ex. 1 (Declaration of Diane Ekembe) at ¶ 5. Ms. Ekembe never received the Form 1-229(a), Warning for Failure to Depart, on October 22, 2025. *Id.* at ¶ 6. Ms. Ekembe never received the Firm I-205, Warrant of Removal/Deportation, on November 26, 2025. *Id.* at ¶ 7. And Ms. Ekembe never received the Firm I-294, Warning to Alien Ordered Removed or Deported, on November 26, 2025. *Id.* at ¶ 8. Nor does the Declaration attach any of these documents, or any others, to support the assertions. *See* Dkt. 19-1.

noncitizen is not sufficient to demonstrate that the noncitizen is significantly likely to be removed in the reasonably foreseeable future. *See, e.g.*, *Trejo v. Warden of ERO El Paso E. Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187, at *5–6 (W.D. Tex. Oct. 24, 2025) (holding that the respondents cannot satisfy burden solely by requesting that countries accept the petitioner); *Iakubov v. Figueroa*, No. CV-25-03187-PHX-KML (JZB), 2025 WL 2731355, at *1 (D. Ariz. Sept. 25, 2025) (holding the government's burden not met where there were no responses from three countries that ICE contacted and no explanation from ICE as to whether responses would be forthcoming); *Misirbekov II*, 2025 WL 3033732, at *2 (holding that, where two countries had not responded to the government's contact, and one country had declined, the government's "lack of progress in removing [the p]etitioner ma[de] removal unlikely in the foreseeable future"). As recognized by this Court in *Sagastizado v. Noem* (*Sagastizado III*), "[s]ome possibility of an eventual removal is not the same as a significant likelihood that removal will occur in the reasonably foreseeable future." No. 5:25-CV-00104, Dkt. No. 29, at 19 (S.D. Tex. Nov. 14, 2025).

The government's reliance on *Alam v. Nielson*, 312 F. Supp. 3d 574 (S.D. Tex. 2018), is also unavailing. Dkt. 18 at 6. In *Alam*, the court emphasized that the record showed no barriers to removal: there was no indication that any country would refuse to accept the petitioner, that the country of nationality would deny travel documents, that there was no removal agreement, or that the receiving country was unresponsive for a significant period. 312 F. Supp 3d at 581. But the court identified precisely the circumstances present here—"where no country would accept the detainee . . . or the country to which the deportee was going to be removed was unresponsive"—as those that defeat reasonable foreseeability. *Id.* (quoting *Clarke v. Kuplinski*, 184 F. Supp. 3d 255, 260 (E.D. Va. 2016)). This case is a near opposite to *Alam*: DHS identified no viable third country that would accept Ms. Ekembe during the six-month detention period, did not initiate

outreach to third countries until *after* the 180-days post-removal-order mark and *after* Ms. Ekembe's Petition was filed, has received no confirmation from a third country that would accept Ms. Ekembe's removal, and has no definitive plan for Ms. Ekembe's removal in place.

Accordingly, because Ms. Ekembe has satisfied her burden and the government has failed to rebut her showing of good reason, the Court should grant her Petition and order her release.

B. The Government's Arguments Related to Prospective Removal Procedures Are Not Responsive to the Current Posture.

The government attempts to side-step the primary issue at stake—Ms. Ekembe's entitlement to release—by focusing on the type of process that she would be provided after a third country had agreed to accept her. But pending a determination of this Petition, this Court has already ordered that the government "notify Petitioner's counsel and the Court of any anticipated or planned transfer of Petitioner outside the Southern District of Texas, Laredo Division, or any planned removal of [her] from the United States, at least five (5) days before any such transfer or removal." Dkt. 5 (Order) at 2–3. The government does not contest that requirement and has not provided any such notice to date.

The government's arguments about procedures it would follow if it has identified a country for removal—which it has not—are unresponsive to Ms. Ekembe's request for release. The government cites *Munaf v. Geren*, 553 U.S. 674 (2008), and *Kiyemba v. Obama*, 561 F.3d 509 (D.C. Cir. 2009), asserting that a district court "may not question the Government's determination that a potential recipient country is not likely to torture a detainee." Dkt. 18 at 8. But that is not the issue before this Court. The government has not identified any viable third country that has agreed to accept Ms. Ekembe, much less provided any assessment regarding a likelihood of persecution or torture if Ms. Ekembe were removed there.

The government also argues that Ms. Ekembe's due process rights are protected by DHS

guidance regarding third-country removal. Dkt. 18 at 9. But, again, those protections apply to the removal process only *after* the government receives confirmation that a third country agrees to accept Ms. Ekembe. *See id.* In the absence of any confirmed third country of removal for nearly seven months, Ms. Ekembe should not remain detained indefinitely.

Moreover, the due process protections that would attach in the event the government were to pursue removal, by the government's own account, further demonstrate that removal is unlikely in the reasonably foreseeable future and reinforce Ms. Ekembe's entitlement to release now. And "any efforts to remove [the petitioner] to a third country would likely be delayed by proceedings contesting [her] removal to the third country finally identified." *Villanueva v. Tate*, 2025 WL 2774610, at *10 (S.D. Tex. Sep. 26, 2025) (citing *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 398–99 (D.N.J. 2025) (finding relevant to the reasonably foreseeable analysis that, "even if ICE identified a third country, [the p]etitioner . . . would be entitled 'to seek fear-based relief from removal to that country,' which would require 'additional, lengthy proceedings'")). Accordingly, these additional arguments do not change the calculus that Ms. Ekembe is entitled to release and that the Court should grant her Petition.

II. The Court Maintains Jurisdiction Over This Petition and Over Respondents.

In its response, the government contests the Court's jurisdiction "to review Petitioner's due process claims," but not its jurisdiction to release Ms. Ekembe. Dkt. 18 at 7. The Court's jurisdiction over habeas petitions contesting prolonged detention as due process violations is well-established: federal district courts have jurisdiction to review a prolonged detention "insofar as that detention presents constitutional issues, such as those raised in a habeas petition." *Oyelude v. Chertoff*, 125 F. App'x 543, 546 (5th Cir. 2005); *see also Zadvydas*, 533 U.S. at 678 ("[H]abeas proceedings are available as a forum for statutory and constitutional challenges to post-removal-

period detention."). In addition, all Respondents are proper parties to this Petition, and the Court retains jurisdiction over the action and over Respondents.

A. Exercising Jurisdiction Over Ms. Ekembe's Due Process Claim is Proper.

While district courts do not "have jurisdiction to hear any cause arising from the decision or action to execute removal orders," 8 U.S.C. § 1252(g) (cleaned up), the Supreme Court has declined to "interpret this language to sweep in any claim that can technically be said to arise from" executing a removal order, instead "read[ing] the language to refer to just those . . . specific actions themselves." *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (internal quotation marks and citation omitted). To interpret this language broadly "would entirely insulate from judicial review any post-hearing decision by ICE to remove noncitizens to third countries where they would be in danger of persecution, torture, and even death." *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025) (finding § 1252(g) was not a jurisdictional bar where the petitioner contended he was deprived of meaningful notice and an opportunity to present a fear-based claim before removal to a third country). Accordingly, "district courts . . . have distinguished between challenges to [ICE]'s discretion to execute a removal order, which are barred, and challenges to the manner in which ICE executes the removal order, which are not." *Sagastizado v. Noem* (*Sagastizado I*), No. 5:25-CV-00104, 2025 WL 2957003, at *2 (S.D. Tex. Sep. 10, 2025) (citation omitted).

Here, Ms. Ekembe's dispute turns on "the manner in which ICE executes the removal order" and is properly before this Court. *See id*. Ms. Ekembe is not disputing that she can be removed. *See* Dkt. 1 at ¶ 7. Nor is she presently seeking additional process regarding third-country designation beyond the type of notice the Court has already ordered. *See* Dkt. 5 at 2–3. And to the extent the government contents that detention during removal proceedings does not violate due process, Dkt. 18 at 6, that argument is inapposite here because Ms. Ekembe is *not* in removal

proceedings. Those proceedings concluded when her removal order became final, which is why she is now subject to post-order custody review. *See generally* Dkt. 1-2.

In arguing that Ms. Ekembe's Due Process Claim is "inextricably intertwined with ICE's unreviewable authority to execute a final order of removal," the government relies on two applicable, out-of-Circuit cases. *See* Dkt. 18 at 7 (citing *C.R.L. v. Dickerson*, No. 4:25-CV-175 (CDL), 2025 WL 1800209 (M.D. Ga. June 30, 2025), and *Turcios v. Oddo*, No. 3:25-CV-0083, 2025 WL 1904384 (W.D. Pa. July 10, 2025)). In each of those cases, the courts' jurisdictional analyses turned on an interpretation of 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9). *See C.R.L.*, 2025 WL 1800209, at *2; *Turcios*, 2025 WL 1904384, at *3–5.

The Fifth Circuit, however, has made clear that §§ 1252(a)(5) and (b)(9) do not bar a district court's review when, like here, the relief sought neither contests the validity of a removal order nor raises questions of law or fact arising from removal proceedings. *Duarte v. Mayorkas*, 27 F.4th 1044, 1056 (5th Cir. 2022). With this Petition, Ms. Ekembe does not challenge the validity of her removal order or anything that occurred in her May 2025 removal proceedings. *See* Dkt. 1 at ¶ 8. She raises a claim to ensure sufficient due process if the government proceeds with her removal. This is precisely the sort of claim district courts may hear. *See Mahdejian v. Bradford*, No. 9:25-CV-00191, 2025 WL 2269796, at *3–4 (E.D. Tex. July 3, 2025) (recognizing that §§ 1252(a)(5) and 1252(b)(9) did not strip jurisdiction over a claim alleging that ICE's third-country removal procedures do not provide sufficient due process); *Sagastizado v. Noem* (*Sagastizado II*), No. 5-CV-00104, 2025 WL 2957002, at *6 (S.D. Tex. Oct. 2, 2025) (same).

The government also relies on precedent about the wartime transfer of detainees to assert that "when the Executive decides an alien will not be tortured abroad, courts may not 'second guess [that] assessment.'" Dkt. 18 at 8 (citing *Kiyemba*, 561 F.3d at 517; *Munaf*, 553 U.S. at 703

n.6). That contention does not apply to these proceedings. Ms. Ekembe does not challenge any executive determination, nor could she because the government has not notified her of a country of removal. *See* Dkt. 1-1 at ¶ 12. Likewise, there is no record evidence that Honduras or Belize, the only remaining countries the government has mentioned by name, *see* Dkt. 19-1 at ¶¶ 20, 21, have provided "diplomatic assurances . . . that aliens removed from the United States would not be persecuted or tortured." Dkt. 1-5 (July 9, 2025 ICE Directive) at 1. Instead, Ms. Ekembe seeks only the due process guaranteed to her by the Fifth Amendment in deportation proceedings. *See A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025); *Torres v. Garland*, No. 22-60293, 2023 WL 3300969, at *3 (5th Cir. May 8, 2023). This Court is permitted to review those claims. *See Sagastizado II*, 2025 WL 2957002, at *11 (stating that *Kiyemba* and *Munaf* did not foreclose the Court from deciding whether "due process requires, at a minimum, review by an IJ of [a] negative RFI determination" in third-country removal proceedings).

B. All Respondents Are Properly Joined.

In its Orders dated November 19 and November 24, 2025, the Court directed Respondents to specifically address whether it has jurisdiction to entertain this Petition. Dkt. 5 at 1 (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)); Dkt. 14 at 2 (citing same). In their response, Respondents confirm that the Court maintains jurisdiction to hear this Petition and do not object to their joinder. Dkt. 18 at 1, n.1. Petitioner agrees with Respondents' assessment of the issue.

The Supreme Court in *Padilla* expressly reserved ruling on whether the immediate-custodian rule applies in immigration-detention cases and recognized that courts have taken divergent approaches. 542 U.S. at 435 n.8. The Fifth Circuit has yet to take a position on the issue. *See Dada v. Witte*, No. CV 20-1093, 2020 WL 1674129, at *2 (W.D. La. Apr. 6, 2020). But regardless of the immediate-custodian rule's application, Respondent Warden Perez is undisputedly a proper custodian, and the other named federal officers exercise authority and

influence over Ms. Ekembe's detention and removal. *See Gabremicheal v. Gonzales*, CIV.A. 06-0847, 2007 WL 624602, at *2 (W.D. La. Jan. 31, 2007); Dkt. 18 at 1, n.1 ("It is the named federal respondents, not the warden in this case who makes the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.").

Where, as here, none of Respondents request dismissal and, in fact, acknowledge the custodial decision-making structure, "the Court will not dismiss Federal Respondents." *Lopez De Leon v. Harlingen Field Off. of Immigr. & Customs Enforcement & Removal Operations Div.,* No. 5:25-CV-165, Dkt. No. 26, at 1 n.1 (S.D. Tex. Nov. 3, 2025). This Court therefore has jurisdiction to entertain and resolve Ms. Ekembe's Petition.

CONCLUSION

For the foregoing reasons and those set forth in her Petition, Ms. Ekembe respectfully requests that the Court grant her Petition, order her release, and deny Respondent's Motion to Dismiss.

Dated: December 5, 2025

/s/ Alex McDonald

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CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that Respondents Orlando Perez, Miguel Vergara, Kristi Noem, and Pamela Bondi were served via CM/ECF through the email address of their Counsel of Record at Gabriel.Abebe@usdoj.gov.

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