

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ANGELES GISSELLE ALDANA PEREZ

Petitioner,

V.

KRISTI NOEM, et al.

Respondents.

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CIVIL CASE NO. 5:25-CV-01534-XR

**RESPONDENT JOSE RODRIGUEZ, JR.’S RESPONSE TO PETITIONER’S  
EMERGENCY MOTION FOR ORDER TO SHOW CAUSE WHY RESPONDENTS  
SHOULD NOT BE HELD IN CIVIL CONTEMPT [DKT # 11]**

Respondent Jose Rodriguez, Jr., Administrator of the South Texas Family Residential Center a/k/a Dilley Immigration Processing Center (incorrectly named as “Janice Killian, in Her Official Capacity as Warden of the South Texas Family Residential Center”), files this Response to Petitioner’s Emergency Motion for Order to Show Cause Why Respondents Should Not Be Held in Civil Contempt [Dkt # 11] (“Contempt Motion”), and shows the Court the following.

**I. Summary of Response**

1. The Contempt Motion claims Administrator Jose Rodriguez, Jr. (“Mr. Rodriguez”) failed to comply with the Court’s December 5 Release Order [Dkt # 8] because, allegedly, (1) Petitioner remained in ICE custody until at the South Texas Family Residential Center in Dilley, Texas until approximately 1:39 p.m. on December 6, (2) Respondents failed to provide the required 2-hour pre-release notice to Petitioner’s counsel, and (3) Respondents failed to meaningfully engage with Petitioner’s counsel despite “multiple good-faith attempts” by Petitioner’s Counsel to coordinate her release. As set forth herein, the evidence does not support a finding of contempt against Mr. Rodriguez on any of these grounds.

2. Contrary to Petitioner's counsel's representations in the Contempt Motion, no attempt to "meaningfully engage" with Mr. Rodriguez on Petitioner's release was ever made. Mr. Rodriguez is represented by counsel, whose name, phone number and email address are a matter of record in this proceeding. Petitioner's counsel made *no attempt* to contact or engage with Mr. Rodriguez's counsel to discuss or coordinate Petitioner's release at any time. He did not reach out to Mr. Rodriguez's counsel when the Release Order was entered, nor on the day of Petitioner's Release, and in fact has never reached out to Mr. Rodriguez's counsel *to this day*. Petitioner's counsel also did not conference with Mr. Rodriguez's counsel regarding the "Joint" Status Report filed December 8 [Dkt # 10], nor did he attempt to conference with Mr. Rodriguez's counsel regarding the true facts of what occurred on the day of Petitioner's Release before filing the Contempt Motion. Had he done so, Petitioner's counsel would have learned that Mr. Rodriguez took all steps possible to comply with the Release Order.

3. Where detained individuals require transportation from the Dilley Facility, as Petitioner did here, ICE arranges that transportation through TransCor America, LLC ("TransCor") and notifies the facility of the transport details once they are available. Mr. Rodriguez was notified around 11:10 a.m. on Saturday, December 6 of Petitioner's scheduled 11:30 transport from the Dilley facility to her requested destination in Laredo via TransCor. It would not have been possible for Mr. Rodriguez himself to give Petitioner's counsel two (2) hours' notice of the scheduled time and destination for Petitioner's release, as he did not have that information until 11:10 a.m., and the scheduled time was less than 30 minutes later at 11:30 am. It was also not possible for Mr. Rodriguez or facility staff to put Petitioner on the TransCor transport departing from Dilley to her destination in Laredo prior to Noon on December 6, as the transport did not

arrive until approximately 1:15 p.m., due to factors of which Mr. Rodriguez has no personal knowledge and over which he had no control.

4. The facts demonstrate that Mr. Rodriguez worked diligently to expedite Petitioner's safe transport to her destination, and complied with the Release Order to the full extent it was possible for him to do so under the circumstances.

5. For the reasons set forth herein, the relief sought against Mr. Rodriguez by the Contempt Motion should be entirely denied.

## **II. Facts**

6. The Court's Release Order was entered on the afternoon of Friday, December 5 and served on the parties to this action by ECF around 3:38 pm.

### ***On December 6, Dilley Facility Personnel Placed Petitioner on a Transport to Her Destination in Laredo at the Earliest Time It Was Possible for Them to Do So***

7. Custodial decisions for individuals held at the Dilley facility are made by U.S. Immigration and Customs Enforcement (ICE), and the arrangements for Petitioner's transportation from the Dilley facility to her requested destination following entry of the Release Order were managed and directed by ICE. *See* Exh. 1 ("Declaration of Jose Rodriguez, Jr.") at ¶ 3. If Petitioner's counsel had contacted Mr. Rodriguez, through his counsel, to make different arrangements for her release (such as having someone pick her up at the facility), Mr. Rodriguez and his counsel would have been glad to coordinate any such arrangements. Failing that, however, Mr. Rodriguez was not able to "eject" Petitioner from the facility to meet a noon deadline. *Id.*

8. At around 11:10 am on Saturday, December 6, the Dilley facility received notification from ICE Deportation Officer Andres Luna via email that Petitioner was to be

transported from the Dilley facility to an address in Laredo, Texas via TransCor<sup>1</sup> at 11:30 a.m. that day. *Id.* at ¶ 4. Facility personnel were directed to prepare for this transport, including having all Petitioner’s belongings and medical records ready to be transported with her. *Id.* This was done and Petitioner was prepared to depart by noon, but there was a delay in the arrival of TransCor at the Dilley facility. *Id.* Mr. Rodriguez does not have personal knowledge of the reason for the delay in TransCor’s arrival. *Id.*

9. TransCor arrived at Dilley around 1:15 pm and departed the Dilley facility with Ms. Aldana Perez around 1:30 p.m. after verifying her correct destination in Laredo, safely transporting her to her destination. *Id.* at ¶ 5.

***Mr. Rodriguez Did Not Refuse to “Meaningfully Engage” with Petitioner’s Counsel On Attempts to Coordinate Petitioner’s Release; No Such Attempts Were Made***

10. Contrary to representations made in the Contempt Motion, Mr. Rodriguez did not fail to “meaningfully engage” with Petitioner’s counsel to coordinate her release. No attempts to engage with Mr. Rodriguez occurred.

11. Mr. Rodriguez’s undersigned counsel of record, Danya W. Blair, was available by phone and email at all times on Saturday, December 6, 2025. Petitioner’s counsel did not attempt to reach Ms. Blair by any method at any time. In fact, he does not claim to have made any such attempts. He claims only that he had someone in his office call two general numbers at the Dilley facility on December 6 and the individuals who picked up the phone were not familiar with the Release Order entered by this Court less than 24 hours earlier, or with Petitioner’s specific detention or transportation details.

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<sup>1</sup> TransCor America LLC is a transportation contractor used by ICE to transport detainees to and from the Dilley facility. *Id.* at ¶ 2.

12. It is unreasonable to characterize calling general phone numbers at a large detention facility as “meaningful attempts” to engage with Mr. Rodriguez on Petitioner’s release. Mr. Rodriguez is a Respondent in this action, and is represented by legal counsel whose name, phone number and email address are on the docket and readily available to Petitioner’s counsel. Petitioner’s counsel does not claim he or anyone in his office attempted to contact Mr. Rodriguez through his counsel at any time on December 6, and they did not in fact do so. If he or his office *had* done so, they would have received a quick response. *Id.* Petitioner’s counsel is now asking this Court to hold Mr. Rodriguez in contempt for his counsel failing to answer phone calls that was never made and emails that were never sent.

13. Mr. Rodriguez has nothing but respect for this Court and the civil rights of the Petitioner. There is no basis for any finding of contempt as to Mr. Rodriguez in connection with this Court’s Release Order or his actions to effect Petitioner’s release. Mr. Rodriguez worked diligently to place Petitioner on a transport to her chosen destination as soon as it was possible to do so after learning of that transport and destination. Petitioner’s counsel would have been kept apprised of every step of that process if he had simply picked up the phone and called Mr. Rodriguez’s counsel at any time after the Release Order was entered.

### **III. Argument and Authorities**

14. Petitioner’s counsel takes the position a 90-minute delay in safely transporting Petitioner from the Dilley facility to her destination in Laredo amounts to “civil contempt” on the part of Mr. Rodriguez – despite making *no effort* to coordinate with Mr. Rodriguez on Petitioner’s release through his counsel at any time, and making *no effort* to conference at any time with counsel for Mr. Rodriguez to discuss or understand the circumstances that may have led to a delay

in her transportation from Dilley to Laredo. Petitioner's counsel provides no persuasive legal authority in support of this position.

***Neither Function Served By a Civil Contempt Order Applies Here***

15. As Petitioner admits, there are two functions served by civil contempt under the law, (1) to coerce compliance with a court order, and (2) to compensate the complainant for losses sustained. *See* Contempt Motion [Dkt # 11] at ¶ 13.

16. Here, coercing compliance is not at issue, as Petitioner was released from custody two days before the Contempt Motion was filed. Despite Petitioner's confusing request for "Petitioner's immediate release, forthwith, to a public place, with the United States Marshals Service authorized to enter the South Texas Family Residential Center or other facility as necessary to secure her release,"<sup>2</sup> Petitioner is no longer detained at the Dilley facility nor, to Mr. Rodriguez's knowledge, in ICE custody at any location. *See* Exhibit 1 at ¶ 6.

17. With regard to compensation for "losses" sustained, the Contempt Motion contains no facts to suggest Petitioner sustained any losses as a result of the short delay of her departure from Dilley on December 6, resulting her leaving the facility with TransCor at approximately 1:30 p.m. and being safely delivered to her requested destination in Laredo shortly thereafter.

18. Petitioner has cited no case law to suggest a finding of civil contempt is appropriate under the circumstances present here.

***The Defense of Impossibility Applies to Bar a Civil Contempt Finding***

19. Even if the Court were to find Petitioner has established a *prima facie* case of contempt by clear and convincing evidence, which is disputed, the defense of impossibility applies to bar a contempt finding as to Mr. Rodriguez.

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<sup>2</sup> *See* Contempt Motion [Dkt # 11] at "Relief Requested," subparagraph 2.

20. In order to show an inability to comply with a court order, a party must: (1) explain categorically and in detail why; (2) show the inability was not self-induced; and (3) demonstrate it made in good faith all reasonable efforts to comply. *See In re Galiendo*, No. H-05-4384, 2006 WL 2168125, at \*2 (S.D. Tex., July 31, 2006) (*citing United States v. Santee Sioux Tribe of Neb.*, 254 F.3d 728, 736 (8th Cir. 2001)).

21. The evidence presented establishes that strict compliance with the Release Order by Mr. Rodriguez was not possible. Mr. Rodriguez was incapable of giving Petitioner's counsel two (2) hours' notice of Petitioner's release because he did not receive the information from ICE regarding her transportation or destination until 11:10 a.m. – less than 30 minutes before her scheduled transport. Mr. Rodriguez was then unable to put Petitioner on that transport out of the Dilley facility until it actually arrived at the facility, which was not until around 1:15 p.m.

22. If Petitioner's counsel had contacted Mr. Rodriguez, through his counsel, to make different arrangements for her release (such as having someone pick her up at the facility), Mr. Rodriguez and his counsel would have been glad to coordinate any such arrangements. Failing that, however, Mr. Rodriguez was not able to “eject” Petitioner from the facility when the clock struck noon.

23. For these reasons, Mr. Rodriguez was prevented from strictly complying with the Court's Release Order by circumstances beyond his control.

#### **IV. Relief Requested**

24. For the reasons set forth herein, Mr. Rodriguez respectfully requests that Petitioner's Motion for Contempt be in all things denied,

Dated December 12, 2025.

Respectfully submitted,

By: /s/ Danya W. Blair  
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**ATTORNEYS FOR RESPONDENT  
JOSE RODRIGUEZ, JR.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record by ECF on December 12, 2025.

/s/ Danya W. Blair

**Danya W. Blair**