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8
9 **UNITED STATES DISTRICT COURT**
10
11 **FOR THE SOUTHERN DISTRICT OF TEXAS**
12
13 **HOUSTON DIVISION**

14 **JOSE ORLANDO GIRON**

15 Plaintiff,

16 vs.

17 **BRET BRADFORD**, Houston Field Office
18 Director, Immigration and Customs
19 Enforcement and Removal Operations
20 (“ICE/ERO”);
21 **TODD LYONS**, Acting Director of Immigration
22 Customs Enforcement (“ICE”);
23 **U.S. IMMIGRATION AND CUSTOMS**
24 **ENFORCEMENT**;
25 **KRISTI NOEM**, Secretary of the Department of
26 Homeland Security (“DHS”);
27 **U.S. DEPARTMENT OF HOMELAND**
28 **SECURITY (“DHS”)**;
PAMELA BONDI, ATTORNEY GENERAL OF
THE UNITED STATES; AND
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW

Defendants

Case No.: 4:25-cv-05637

A 

**MOTION FOR LEAVE TO
AMEND**

Plaintiff respectfully submits this Memorandum of Points and Authorities in
Support of Plaintiff’s Motion for Leave to Amend Writ of Habeas Corpus.

1 **I. INTRODUCTION**

2 The Court should grant Plaintiff’s motion for leave to amend his Writ of
3 Habeas Corpus pursuant to Fed. R. Civ. P. 15(a)(2), as follows.

4 **II. PROCEDURAL HISTORY**

5 Plaintiff filed a Writ for Habeas Corpus on November 21, 2025, challenging
6 his continued detention by the Defendants. He seeks bond or a bond hearing in order
7 that he may be considered for release from Immigration custody.
8

9 No hearings have been held in this matter, and Plaintiff’s counsel and
10 Defendant’s counsel have yet to meet and confer.

11 **III. ARGUMENT**

12 Federal Rule of Civil Procedure 15(a)(2) provides that “[t]he court should
13 freely give leave [to amend a complaint] when justice so requires”. Fed. R. Civ. P.
14 15(a)(2). The district court has the discretion to decide whether to grant Plaintiff
15 leave to amend. See *Swanson v. U.S. Forest Serv.*, 87 F.3d 339, 343 (9th Cir. 1996);
16 *Jordan v. County of Los Angeles*, 669 F.2d 1311, 1324 (9th Cir.1982), vacated on
17 other grounds, 459 U.S. 810 (1982). In its exercise of this discretion, the court
18 applies Rule 15 to “facilitate [a] decision on the merits, rather than on the pleadings
19 or technicalities.” *U.S. v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981). Furthermore,
20 the court interprets the language for granting amendments under Rule 15 with
21 “extreme liberality.” *Id.*

1 **A. Plaintiff Should Be Granted Leave to Amend**

2 When deciding whether to grant leave to amend, a court must consider: (1)
3 whether the amendment was filed with undue delay; (2) whether the movant has
4 requested the amendment in bad faith or as a dilatory tactic; (3) whether movant was
5 allowed to make previous amendments which failed to correct deficiencies of the
6 complaint; (4) whether the amendment will unduly prejudice the opposing party and;
7 (5) whether the amendment is futile. Foman v. Davis, 371 US 178, 182 (1962)
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9

10
11 In this case, Plaintiff's amendment will not unduly prejudice Defendants
12 because the Amended Writ for Habeas contains only **two (2) redactions** to
13 Plaintiff's date of birth [DOB] in order to anonymize it.
14

15 The changes are so minor that Amended Writ for Habeas corpus is otherwise
16 entirely unchanged, and there have been no changes to the page, paragraph, and line
17 numbering between the amended and original Writ.
18

19 **IV. CONCLUSION**

20
21 Based on the above reasons, this Court should grant Plaintiff's motion to
22 amend.
23

24 November 25, 2025

Respectfully submitted,

25 */s/ Vital D'Carpio*

26 _____
27 Vital D'Carpio
28 Counsel for Petitioner