



## II. PROCEDURAL AND FACTUAL BACKGROUND

1. Petitioner has been detained in ICE custody since April 2025—well beyond the six-month presumptively reasonable period under *Zadvydas*.
2. On January 6, 2026, the Court accepted the Government's representation that Petitioner was scheduled for removal on January 17, 2026, based on submitted travel documents and itinerary.
3. Relying on that asserted imminent removal, the Court denied interim release without prejudice to a renewed request if removal did not occur by January 17, 2026. *Id.*
4. On January 18, 2026, the Government filed an advisory admitting:
  - Petitioner was not removed on January 17, 2026;
  - Removal failed due to the Government's inability to locate travel paperwork;
  - No new removal date has been scheduled.

These facts are undisputed.

## III. THE CONDITION PRECEDENT TO CONTINUED DETENTION HAS FAILED

The Court's January 6 Order makes clear that continued detention was justified only by the asserted imminence of removal. That factual premise no longer exists.

Under *Zadvydas*, once removal is no longer significantly likely in the reasonably foreseeable future, detention under 8 U.S.C. §1231(a)(6) exceeds statutory and constitutional limits. 533 U.S. at 701.

Here:

- The Government missed the Court accepted removal date;

- The failure was entirely attributable to the Government;
- The Government provides no new date and no concrete evidence of imminent removal.

Detention under these circumstances is precisely what *Zadvydas* prohibits.

#### **IV. IMMEDIATE RELEASE IS THE APPROPRIATE REMEDY**

No further factual development is necessary. The Court already identified the consequence of a missed removal date: renewed consideration of interim habeas relief. Because the sole basis for continued detention has collapsed, release under conditions of supervision is the only remedy consistent with the Constitution, the INA, and the Court's own orders.

#### **V. REQUEST FOR RELIEF**

Petitioner respectfully requests that the Court:

1. Grant this Renewed Emergency Motion;
2. Order Petitioner's immediate release from ICE custody under appropriate conditions of supervision;
3. Retain jurisdiction to ensure compliance; and
4. Grant such other relief as the Court deems just and proper.

#### **VI. EXPEDITED CONSIDERATION REQUESTED**

Petitioner remains unlawfully detained. Emergency consideration is warranted.

Respectfully submitted,

*/s/ Matthew R. Mendez*

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**CERTIFICATE OF SERVICE**

On January 18, 2026, Counsel for Plaintiff served a copy of the attached TRO via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States, at [USATXS.CivilNotice@usdoj.gov](mailto:USATXS.CivilNotice@usdoj.gov).

/S/ Matthew Mendez  
Matthew Mendez

1/18/26  
Date