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11
 12 UNITED STATES DISTRICT COURT
 13 DISTRICT OF NEVADA

14 Jesus Verdugo-Carrasco,
 15 Petitioner,
 16 v.
 17 The United States of America, *et al.*,
 18 Respondents.

Case No. 2:25-cv-02374-CDS-BNW

**Reply to Respondents'
Supplemental Information (ECF
No. 29)**

1 Carrasco could be removed. In other words, Verdugo-Carrasco's removal was not
2 reasonably foreseeable in 2016, and that was the basis of his release.

3 Section 241.13 requires an order of supervision upon release. *See* 8 C.F.R. §
4 241.13(h)(1). The fact that ICE did not issue one is irrelevant. All that means is that
5 they did not comply with their own regulations at that time. It does not give them
6 license to ignore the relevant regulations now. Because his release clearly was
7 under § 241.13, the revocation process outlined in §241.13(i) applies here and
8 Verdugo-Carrasco was entitled to the due process protections set forth in that
9 regulation. Based on Respondents' own representations in this case, nothing has
10 changed since 2016 with regards to the fact that removal is not reasonably
11 foreseeable. As such, ICE did not follow the required revocation procedures and so
12 violated the *Accardi* Doctrine.

13 The only other regulation that could have governed Verdugo-Carrasco's
14 release in 2016 is 8 C.F.R. § 241.4. Respondents seem to be acknowledging that his
15 release was not pursuant to this section. But even if Verdugo-Carrasco was released
16 pursuant to the authority of that section, he still prevails on Ground One and this
17 Court should order his immediate release. Verdugo-Carrasco briefed the procedural
18 requirements of revoking release under 8 C.F.R. §241.4 in his petition.³ Like §
19 241.13(i), § 241.4(l) also requires notice of the reasons for revocation of release and
20 the opportunity to respond.⁴ 8 C.F.R. §241.4(l). Accordingly, Verdugo-Carrasco
21 would still prevail on his argument that ICE violated the *Accardi* Doctrine by
22 failing to follow its own regulations. However, to be clear, the fact that ICE claims
23 Verdugo-Carrasco was not released on an OSUP does not support an inference that
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25 ³ ECF No. 14 at 16.

26 ⁴ Verdugo-Carrasco's case does not present any of the factors warranting
27 revocation of release under 8 C.F.R. §241.4(l). Notably, Respondents do not make
any argument to the contrary.

1 Verdugo-Carrasco was released under 241.4 because release under that section also
2 requires an OSUP. *See* 8 C.F.R. §241.5(a) (“[a noncitizen] released pursuant to
3 §241.4 shall be released pursuant to an order of supervision.”) The regulation that
4 would have most appropriately governed Verdugo-Carrasco’s 2016 release is 8
5 C.F.R. §241.13 because his removal was (and is) not likely to occur in the
6 reasonably foreseeable future. This is because Verdugo-Carrasco cannot be removed
7 to Mexico and has no viable pathway to live in any other country. This is clear
8 because ICE has not identified a third country willing to take him. Accordingly, the
9 revocation requirements of §241.13(i) apply. But whether his release was controlled
10 by §241.13 or 241.4, Verdugo-Carrasco prevails and must be released.

11 The bottom line is that there was simply no legal justification to revoke
12 Verdugo-Carrasco’s release and Respondents did not comply with the regulations in
13 re-detaining him. Respondents have had ample opportunity to provide this Court
14 with any legally adequate reason for re-detaining Verdugo-Carrasco and they have
15 utterly failed to do so. This re-detention was unlawful from its inception and the
16 fact that Respondents continue to detain him without legal justification is
17 egregious. He must be released immediately.

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CONCLUSION

Verdugo-Carrasco has shown a likelihood of success on each ground in his Amended Petition. This Court should order that he be released immediately. Respondents should be prohibited from re-detaining him in the future absent proof of changed circumstances making his removal reasonably foreseeable, and he must be given adequate notice and an opportunity to contest any future attempt to remove him to a third country.

Dated January 30, 2026.

Respectfully submitted,

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/s/ Laura Barrera

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