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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Luis Angel MALDONADO FLORES



Petitioner,

v.

Craig LOWE, in his official capacity as
Warden, Pike County Correctional
Facility; Kristi NOEM, in her official
capacity as Secretary, U.S. Department
of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; and Pamela BONDI, U.S.
Attorney General,

Respondents.

Case No. 1:25-CV-02398-JPW

**MOTION FOR CIVIL CONTEMPT AND SANCTIONS AGAINST
FEDERAL RESPONDENTS**

I. INTRODUCTION

On December 12, 2025, Petitioner Luis Angel Maldonado Flores filed a Petition for Writ of Habeas Corpus. Dkt. 1. The next day, December 13, 2025, the Petitioner filed an Emergency Motion for Temporary Restraining Order and Stay of Removal. Dkt. 2. Petitioner asked that the Government be enjoined from removing Petitioner from the United States or the jurisdiction of this Court. *Id.* On Sunday, December 14, 2025, at approximately 8:24AM EST, this Court granted the Petitioner's Motion for a Temporary Restraining Order and Stay of Removal. Dkt. 3. Counsel for Respondents was notified and **acknowledged receipt of the notification** at approximately 9:39 AM. Dkt. 4 at 3, n. 4.

That same morning, counsel for Petitioner was notified via U.S. Immigration and Customs Enforcement (ICE) ERO E-file that the Petitioner had been transferred from Pike County Correctional Facility in this District to Port Isabel SPC in Texas, in violation of this Court's order. *See* Exhibit A, E-mail Correspondence with ICE. At 10:06AM EST, **counsel for Petitioner notified ICE** via e-mail of the Petitioner's judicial stay of removal. *Id.*

Yet around noon or 1pm EST,¹ **in violation of this Court's order,** Petitioner was placed on a deportation flight and removed from the United States

¹ *See* Exhibit B, Declaration of Luis Angel Maldonado Flores (stating that the flight took off at "around 12 PM CST" (1 PM EST); Dkt. 4 at fn. 2 (Respondents stating the flight took off at 11:50 AM EST). It bears noting that Respondents' statements regarding the timing of removal have been inconsistent. *See, e.g.,* Exh. A at 3, in which Respondents' counsel represented that the

to his home country of Honduras. Even according to Respondents' version of events, the flight departed at 11:50AM EST – more than three hours after the entrance of a judicial stay of removal.

This Court issued a clear and unequivocal judicial order staying Petitioner's removal from the United States. Despite having notice of that order, Respondents proceeded with Petitioner's deportation, placing him on a removal flight that departed after the Court's stay had already been entered. Respondents' actions directly contravened this Court's authority and rendered its order meaningless. Civil contempt is warranted to enforce compliance, remedy the harm caused, and vindicate the authority of the Court.

II. STATEMENT OF FACTS

1. Petitioner Luis Angel Maldonado Flores is a 26-year-old Honduran national and DACA recipient who was brought to the United States by his mother at the age of 4. *See* Dkt. 1. He is the father of a U.S. citizen child. *Id.* at 2.
2. On December 2, 2025, after getting in his car to go to work, Petitioner was detained by ICE, and subsequently sent to Pike County Detention Center in Pennsylvania. *Id.*

flight had taken off at 10:10 AM EST. This was after counsel had first verbally represented to undersigned counsel that the flight had taken off around 5:00 AM EST.

3. On December 12, 2025, Petitioner filed a petition for a writ of habeas corpus. The next day, December 13, 2025, he filed a Motion for Temporary Restraining Order and Stay of Removal. *Id.*; Dkt. 2.
4. That same day, December 13, 2025, the petitioner was awoken by a correctional officer at approximately 3:00 A.M. EST and told that he was being moved from Pike County Correctional Facility and was set to be deported. *See* Exhibit B, Declaration of Luis Angel Maldonado Flores, at ¶ 1.
5. He asked if he could speak with counsel, and was denied his request. The correctional officer told him that they would let him make a call after the phones were turned on at 8:00 AM EST, and once he had been moved to another area at the Pike facility. *Id. at* ¶ 2.
6. After 8:00 AM EST, and once he was moved to that area, Petitioner continued to request a phone call with counsel by asking a correctional officer named E. Sanchez. Petitioner asked him at least four different times, and each time Sanchez denied the request. Sanchez told the Petitioner he would be able to make that call when he arrived at the next facility. *Id. at* ¶ 3.
7. Petitioner was placed on a bus at approximately 1:00 PM and transported to Newark airport, where they arrived at approximately 2:40 PM. *Id. at* ¶ 4.
8. After stopping in Indianapolis, Petitioner's flight arrived at a Texas airport at approximately 12:00 AM on December 14, 2025. *Id. at* ¶ 5-6.

9. From the airport, Petitioner was placed on a bus and transported to a jail he did not recognize at approximately 2:06 AM EST. *Id* at ¶ 6-9.

10. Petitioner never saw the inside of that jail. He and the other detainees were held, handcuffed, on the bus. Around 8 AM, the bus drove back to an airport, arriving at approximately 8:40 AM EST. *Id*.

11. While Luis was on his way to the airport, at 8:24 AM EST on December 14, 2025, this Court granted Petitioner's motion for a Temporary Restraining Order enjoining the Government from deporting him or removing him from the Middle District of Pennsylvania until further order from this Court. Dkt. 3.

12. After arriving at the airport, the Petitioner was placed on a plane, which sat on the tarmac for some time. When the Petitioner noticed that they were preparing for takeoff, he asked an ICE officer for the time, and was informed that it was 11:17AM CST (12:17AM EST). At approximately 1:00PM EST, the flight departed. *See* Exh. B at ¶ 11. *see also* Dkt. 4-5 at ¶ 6. ²

13. The plane and Petitioner arrived in Honduras at around 3:50 PM CST (4:50PM EST) on December 14, 2025 – more than eight hours after the Respondents had been enjoined by this Court from deporting the Petitioner. *Id* at ¶ 12.

² It is Respondents' most recent position that the flight departed at 11:50 AM EST. *See* Dkt. 4-5 at ¶ 6.

14. Concerningly, throughout the removal process, Petitioner repeatedly asked to speak with his counsel, and was repeatedly denied. He was told by Respondents that there was no point in calling his counsel, because he was going to be deported. *Id.* at ¶ 13-14.

15. Petitioner was also told that he was not going to be deported until two days after he was transferred to Texas, and that while waiting at the Texas staging facility, he would be able to communicate with his attorney. *Id.* at ¶ 15.

16. This was a blatant misrepresentation to the Petitioner. He was deported that day. *Id.* at ¶ 16.

III. ARGUMENT

A. Petitioner's Removal Does not Moot the Petition.

Respondents state that this Court should dismiss the petition as moot because the Petitioner “is no longer in ICE custody and there is no further relief available to him.” Dkt. 4 at 5. Petitioner respectfully submits that, if the Government is allowed to avoid correcting the result of its violation, it would allow the administration to freely “annul the judgments of the courts of the United States” which would not just “destroy the rights acquired under those judgments” but also would make a “solemn mockery’ of ‘the constitution itself.’” *United States v. Peters*, 9 U.S. 115, 136 (1809) (Marshall, C.J.).

Moreover, the Petitioner is on solid ground to continue litigating the Petition, despite his unlawful removal. In *Spencer v. Kemna*, 523 U.S. 1, (1998), the Supreme Court held in the criminal habeas context that a petitioner’s release from prison did not moot his petition because he was no longer “in custody.” The Court found that “once the convict’s sentence has expired, however, some concrete and continuing injury other than the now-ended incarceration or parole – *some ‘collateral consequence’ of the conviction* – must exist if the suit is to be maintained.” *Id.* (emphasis added). Additionally, these collateral consequences cannot be presumed. *Id.* at 14 (citing *Lane v. Williams*, 455 U.S. 624 (1982)).

Here, Petitioner has unquestionably suffered collateral consequences of his prior immigration detention. He has been removed from the country in violation of a valid, enforceable order of this Court. Because of his past unlawful presence in the United States, Petitioner now faces mandatory bars on his lawful entry to the United States. Petitioner is now separated from his longtime partner and his U.S. citizen child; without extraordinary relief, he will suffer from this separation greatly.

The Third Circuit has held that a deportation after the filing of a habeas corpus petition did not deprive the courts of jurisdiction, nor moot the petition. *Chong v. INS*, 264 F.3d 378 (3d Cir. 2001). In *Vasquez v. Aviles*, a District Court found that, because *Chong* was decided before the passage of the REAL ID Act,

which stripped district courts of jurisdiction to review orders of removal, it was not applicable in that case because no live controversy remained. *Vasquez v. Aviles*, Civil Action No. 15-2341, 2015 U.S. Dist. LEXIS 54535 at *7 (D.N.J. Apr. 24, 2015). In *Vasquez*, the Petitioner sought review of his detention and his order of removal. *Id.* However, here, the Petitioner has never asked this Court to review his order of removal. In fact, Petitioner expressly set forth that he was *not* asking this Court to review his order of removal:

The jurisdiction-channeling provisions of the REAL ID Act under 8 U.S.C. § 1252 do not foreclose this Court’s jurisdiction over the Petitioner’s claims. *See De Jesus Martinez v. Neilson*, 341 F.Supp.3d 400 at 407 (D.N.J. Sept. 14, 2018), appeal docketed, No. 18-3478 (3d Cir. Nov. 9, 2018) (finding that, petitioner “does not bring a challenge to his order of a removal but rather claims he has the right to engage in [adjudication] before removal” and thus § 1252 does not apply) (emphasis in original)); *Chhoeun v. Marin*, 306 F. Supp. 3d 1147, at 1150, 1159 (C.D. Ca. Jan. 25, 2018) (finding jurisdiction over claim “merely request[ing] that their deportations be delayed...until they can avail themselves of the administrative system that exists to litigate meritorious motions to reopen.”); *see also Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (holding that § 1252(g), reaches only “three discrete actions that the Attorney General may take: her decision or action to ‘commence proceedings, adjudicate cases, or execute removal orders.’”)

Dkt. 1 at ¶ 9.

B. The Petition should not be dismissed for lack of jurisdiction.

1. 8 U.S.C. §1252(g)

The Government’s contention that 8 U.S.C. § 1252(g) serves as an absolute bar to this Court’s jurisdiction is incorrect. While Section 1252(g) purports to strip

courts of jurisdiction to hear claims arising from the “decision or action by the Attorney General to . . . execute removal orders,” the Supreme Court has consistently held that such jurisdiction-stripping provisions must be interpreted narrowly. In *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, (1999), the Supreme Court clarified that § 1252(g) applies only to the three discrete actions listed in the statute—the decision to commence proceedings, adjudicate cases, or execute removal orders—and does not serve as a “general ‘zipper’ clause” for all claims arising from deportation. Where, as here, the Petitioner challenges the underlying legal validity of the detention or raises a pure question of law, the statutory bar on executing an order does not impact the Court’s fundamental authority to determine whether the Government’s exercise of power is lawful. *See INS v. St. Cyr*, 533 U.S. 289, 298 (2001) (reaffirming the “strong presumption in favor of judicial review of administrative action”). The Third Circuit has held that § 1252(g) “is to be read narrowly and precisely” to prevent review only of the three narrow discretionary decisions or actions referred to in the statute. *Garcia v. Att’y Gen.* U.S., 553 F.3d 724, 729 (3d Cir. 2009).

The Government’s reliance on 8 U.S.C. § 1252(g) as a jurisdictional bar is particularly inapplicable in the context of a pending Motion to Reopen based on changed country conditions, as is the case here. While § 1252(g) limits judicial review of the discretionary decision to execute a removal order, it does not strip

this Court of jurisdiction to ensure that the Government complies with the mandatory statutory scheme governing asylum and reopening. Under 8 U.S.C. § 1229a(c)(7)(C)(ii), a noncitizen has a statutory right to file a motion to reopen at any time based on changed country conditions. To allow the Government to execute a removal order while such a motion is pending – thereby rendering the statutory right a nullity – constitutes a legal error reviewable by this Court. *See You v. Nielsen*, 321 F. Supp. 3d 451, 456 (S.D.N.Y. 2018) (holding that § 1252(g) does not bar a stay of removal where a noncitizen seeks to “enforce [the] statutory right to have a motion to reopen adjudicated”).

The question before the Court is not why the Secretary chose to execute the removal order. Rather, the question is whether the way Respondents acted accords with the Constitution and the laws of this country. Whether Respondents’ actions were legal is not a question of discretion, and, therefore, falls outside the ambit of § 1252(g). “Respondents are empowered to remove Petitioner at their discretion. But they cannot do so in any manner they please.” *You*, 321 F. Supp. 3d at 457. It would be unlawful, for example, to execute Respondent’s removal by dropping him in a life raft in the middle of the ocean. It would be, and in fact, is unlawful for the Respondents to execute Respondent’s removal by removing him to a country where he fears for his life, before he has had an opportunity to prove his fears are credible.

Petitioner's challenge is not a mere appeal to the Government's prosecutorial discretion; rather, it raises fundamental constitutional and legal questions regarding equitable tolling and due process. Petitioner asserts that his failure to depart was a result of circumstances beyond his control – specifically, his status as a minor and the domestic abuse suffered by his mother – and that these factors warrant tolling of the filing deadlines. These are pure questions of law and constitutional claims that fall squarely within the jurisdictional savings clause of the REAL ID Act. *See* 8 U.S.C. § 1252(a)(2)(D). Because these claims involve the application of law to undisputed facts regarding Petitioner's history and the conditions in Honduras, this Court retains the presumptive jurisdiction to hear the claim and provide interim relief. *See INS v. St. Cyr*, 533 U.S. at 298.

2. 8 U.S.C. §1252(b)(9)

While Section 1252(b)(9) channels judicial review of "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien" into a Petition for Review (PFR) before the Court of Appeals, the Supreme Court has clarified that this provision is not a limitless bar. In *Jennings v. Rodriguez*, the Court rejected the notion that § 1252(b)(9) "swallow[s] every claim that can be tied in any way to a removal proceeding." *Jennings v. Rodriguez*, 138 S. Ct. 830, 840 (2018). Instead, the clause applies only to those claims that are part of the process of determining an alien's removability or are a direct challenge to the

order of removal itself. Here, Petitioner is not seeking to vacate the underlying final order via this habeas petition; rather, he is seeking to protect a distinct statutory right to have his Motion to Reopen adjudicated under 8 U.S.C. § 1229a(c)(7)(C)(ii) before he is removed to a country where his life is at risk.

Furthermore, applying § 1252(b)(9) as a jurisdictional bar in this specific context would create a jurisdictional vacuum that violates the Suspension Clause. Because the Immigration Court has not yet ruled on the Petitioner's motion to reopen, there is no final order stemming from that motion for the Court of Appeals to review. Consequently, the Petitioner cannot seek a stay from the Court of Appeals under 8 U.S.C. § 1252(b)(3)(B). If the District Court were also divested of jurisdiction, the Government would be permitted to execute the removal order and render the Petitioner's statutory right to reopening a nullity before any judicial officer could intervene. As the Supreme Court noted in *INS v. St. Cyr*, "the writ of habeas corpus has always been available to review the legality of executive detention," and it cannot be "zippered" shut where no adequate and effective alternative for judicial review exists. *INS v. St. Cyr*, 533 U.S. at 301-05. This Court therefore retains jurisdiction to issue a TRO to maintain the status quo and ensure that Petitioner's constitutional and statutory claims are not mooted by the very "execution" he seeks to challenge.

3. *All Writs Act*

Finally, the Government’s argument that this Court cannot “preclude” the execution of an order ignores the Court’s inherent power to maintain the status quo. If this Court were found to lack jurisdiction to stay the removal, Petitioner would be left without any judicial forum to prevent his deportation to a country where he faces a documented risk of harm, before his legal claims are even heard. Such a jurisdictional gap would violate the Suspension Clause. U.S. Const. art. I, § 9, cl. 2. Under the All Writs Act, 28 U.S.C. § 1651, and the Court’s inherent equitable powers, this Court may stay a removal where such removal would divest the Court of its ability to adjudicate a pending habeas petition. *See M.A. v. DHS*, 440 F. Supp. 3d 1103, 1114 (D. Minn. 2020) (holding that § 1252(g) does not bar a stay of removal where the stay is necessary to protect the court’s jurisdiction over a habeas claim). If the Court were powerless to stay a removal while it considers its own jurisdiction or the merits of a constitutional claim, the Government could “unilaterally moot” Petitioner’s claims by removing him from the country, effectively terminating his ability to seek the very relief the law provides. *See V.W. v. Conway*, 236 F. Supp. 3d 554, 582 (N.D.N.Y. 2017) (granting stay to protect the court’s “meaningful and enforceable” habeas jurisdiction).

C. Petitioner's motion for a TRO complied with FRCP 65.

The Petitioner's motion for a TRO complied with the requirements of FRCP 65(b)(1)(B). Petitioner's counsel certified in writing her efforts to provide Respondents with notice.

It is more than slightly concerning that counsel for the U.S. government would represent in a court pleading that "No such certification accompanied Petitioner's motion, and indeed the U.S. Attorney's Office has no record of Petitioner's counsel making any effort to give notice of the motion for temporary restraining order," Dkt. 4 at 15, when:

- **Petitioner's motion plainly included such a certification.** Dkt. 2 at ¶ 7 ("Non-Concurrence: Pursuant to Local Rule 7.1, Petitioner's counsel contacted the Assistant United States Attorney on December 12, 2025, seeking concurrence. As of this filing, no response has been received, and the motion is filed as non-concurred."); and
- **At approximately 12:00 PM on December 12, 2025, undersigned counsel attempted to reach counsel for Respondents (Civil Chief AUSA Richard Euliss) by phone at 717-221-4482, the main phone line for the U.S. Attorney's Office for the Middle District of Pennsylvania. Counsel left a voicemail, which was never returned.**

Moreover, even if the motion had not complied with Rule 65(b)(1), this Court retains the authority under the All Writs Act, 28 U.S.C. § 1651, to issue an order enjoining the Respondents from transporting or removing the Petitioner from the physical boundaries of this Jurisdiction, as courts have done when a similarly-situated Petitioner failed to comply with the requirements of FRCP 65(b)(1) in *Cleofas-Pedro v. Soto*, Civil Action No. 25-18257 (JXN), 2025 U.S. Dist. LEXIS 254367 (D.N.J. Dec. 9, 2025); *see also Castro v. Bondi*, Civil Action No. 25-17598 (JXN), 2025 U.S. Dist. LEXIS 226443 (D.N.J. Nov. 18, 2025). Similarly, this Court has the same authority, extended to it by the same All Writs Act, 28 U.S.C. § 1651, to enforce substantial compliance with the previously-issued Order.

Moreover, a court order is binding and valid from the moment it is issued, even if it is later found to be procedurally or legally defective. The Collateral Bar Doctrine holds that a person must obey a court order until it is stayed or overturned, even if the order is eventually determined to be unconstitutional or in violation of federal rules. The Respondents may not ignore an order of the Court and then use its noncompliance with the FRCP as a defense against contempt later. *See GTE Sylvania, Inc. v. Consumers Union*, 445 U.S. 375, 386 (1980), where the Court noted that persons subject to an injunctive order are “expected to obey that decree until it is modified or reversed, even if they have proper grounds to object to it.”

The Respondents were not without legal remedy, should they have sought to stay, vacate, or dissolve the Court's order. They could have availed themselves of the orderly review process by moving to Dissolve the Court's order under FRCP 65(b)(4), which explicitly provides for such relief when a Court issues an order without notice. They did not. By violating the TRO rather than moving to dissolve it under the two-day notice provision Rule 65(b)(4), the defendants bypassed the judicial process in favor of self-help, to the severe detriment of Mr. Maldonado Flores.

Because the TRO was a valid exercise of judicial power at the time of the breach, the court maintains the authority, and the obligation, to grant relief for the violation. In *United States v. United Mine Workers*, 330 U.S. 258, 293 (1947), the Supreme Court ruled that a party can be held in criminal contempt for violating an order even if that order is later set aside on appeal. The court's interest in vindicating its authority is independent of the underlying procedural validity of the motion. Relief is necessary to protect the integrity of the judicial system, as "disobedience of [a court order] is a contempt of its lawful authority, to be punished... even though [the order] be erroneous." *Walker v. City of Birmingham*, 388 U.S. 307, 314 (1967).

D. This Court Should Find Respondents in Contempt of Court and Issue Coercive Sanctions.

Petitioner moves that this Court find the Respondents to be in contempt and issue coercive sanctions. Contempt of Court includes: “(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice; (2) Misbehavior of any of its officers in their official transactions; (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.” 18 USC § 401. The power to hold a party in contempt is also inherent to the Court’s Article III powers. *See Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 108 (2017); *see also James v. Sauer*, Civil Action No. 1:14-69, 2025 U.S. Dist. LEXIS 191943 (W.D. Pa. Sep. 29, 2025) at *3 (“[W]here civil contempt is warranted, district courts have broad discretion in fashioning an appropriate remedy.”).

“[T]o show civil contempt, a plaintiff must establish the following: ‘(1) that a valid court order existed; (2) that the defendants had knowledge of the order; and (3) that the defendants disobeyed the order.’” *Roe v. Operation Rescue*, 919 F.2d 857, 871 (3d Cir. 1990). Willfulness is not an element of contempt, nor does evidence of good faith bar a conclusion that the Respondents acted in contempt. *Robin Woods Inc. v. Woods*, 28 F.3d 396, 399 (3d Cir. 1994). It is not necessary that the Respondents be formally served with the order or that the violation be intentional. *Quinter v. Volkswagen of America*, 676 F.2d 969, 973 (3rd Cir. 1982).

Petitioner unquestionably meets these three factors. A valid Court order existed at the time the Petitioner was removed. The Respondents had knowledge of the valid order enjoining them from removing the Petitioner; it was provided to them by counsel for Petitioner prior to the departure of the Petitioner's deportation flight. Petitioner was then deported in disobedience of the Court's order, of which they had actual notice.

It cannot be disputed that the Respondents had actual notice of this Court's order. The order was properly served by the Court's electronic filing system. Fed. R. Civ. P. 5(b)(2)(E). A document filed electronically is deemed served on all parties who are registered users of the CM/ECF system. M.D. Pa. Local Rule 5.7. The Order was served on counsel for Respondents, both through proper service *via* CM/ECF and by personal e-mail notification by undersigned counsel. *See* Dkt. 4 at fn. 3. And it is long-established that "notice to counsel is imputed to a client with regards to matters in which the lawyer represents the client." *N.J. Reg'l Council of Carpenters v. Chanree Constr. Co.*, Civil Action No. 13-5613 (JAP), 2014 U.S. Dist. LEXIS 32601 (D.N.J. Mar. 12, 2014). The Respondents had actual notice of the Court's order.

Respondents argue that the habeas petition is now moot because they have brazenly deported the Petitioner in violation of this Court's Order, which granted Petitioner a judicial stay of removal. *See* Exh. A. Respondents should not be

rewarded for their flagrant violation of this Court's valid order. Moreover, the Respondents should be held accountable for a pattern of lawless behavior. 18 USC § 401; *Chambers v. Nasco, Inc.*, 501 U.S. 32, 41-42 (1991) (upholding imposition of sanctions for a party's bad-faith conduct, including attempts to deprive the court of jurisdiction by acts of fraud). Federal courts have the inherent power to manage their own proceedings and to control the conduct of those who appear before them. *Id.* at 43-46.

For additional context, Respondents have violated numerous orders and settlement agreements in Courts throughout the United States. *See, e.g., Noem v. Abrego Garcia*, No. 24A949 (S. Ct. 2025) (holding that the Federal Respondents must facilitate the return of a non-citizen who was illegally removed in violation of his grant of Withholding of Removal); *J.G.G. v. TRUMP*, 1:25-cv-00766, (D.D.C.) (Nov. 17, 2025) (finding that the Court may initiate criminal contempt proceedings for violating a TRO that forbade the deportation of individuals); *Umanzor Chavez v. Noem*, 1:25-cv-00252 (S.D.Tex 11/14/2025) (ordering the Respondents to return the Petitioner after they deported him in violation of a TRO and discussed contempt at the hearing); *Castanon-Nava v Dep't of Homeland Security*, 1:18-cv-03757 (N.D. Ill 11/13/2025) (ordering the release of 13 non-citizens detained in violation of the *Castanon-Nava* Consent Decree); *J.O.P. vs. Dep't of Homeland Security*, 8:19-CV-01944-SAG (D. Md. 04/23/2025) (ordering the Respondents to

facilitate the return of a J.O.P. class member whom Respondents deported in violation of the settlement agreement); *Zelaya Hernandez v Noem*, 8:25-cv-03409-PX (D. Md. 11/12/2025) (ordering Respondents to facilitate the return of an Honduran Petitioner who was illegally deported to Honduras in violation of her grant of Withholding of Removal); *Sanchez Cruz v U.S. Dep't of Homeland Security*, 2:25-cv-13347-MAG-APP, (E.D. Mich. 11/12/2025) (pending TRO filed for Petitioner's illegal removal in violation of auto-stay provision associated with a Motion to Reopen *In Absentia* Removal Order).

Courts have repeatedly recognized that the Government has both the authority and the obligation to facilitate return when an individual has been wrongfully removed. removed. *See, e.g., Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1018, 225 L. Ed. 2d 655 (2025) (“The order properly requires the Government to ‘facilitate’ Abrego Garcia’s release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.”); *Nken v. Holder*, 556 U.S. 418, 436 (2009) (explaining that effective relief after wrongful removal can be provided “by facilitation of their return, along with restoration of the immigration status they had upon removal”); *Lopez-Sorto v. Garland*, 103 F.4th 242, 248–53 (4th Cir. 2024) (concluding that the respondents could redress wrongful removal to El Salvador by facilitating the petitioner’s return per DHS’s own directives). Plaintiff’s requested remedy is the remedy that

Defendants conceded they were willing to provide Abrego Garcia, see *Abrego Garcia v. Noem*, No. 25-1404, Dkt. No. 4-1, at 8 (4th Cir. April 16, 2025).

As part of their routine exercise of judicial power, district courts also have the inherent authority to fashion equitable remedies that extend extraterritorially. This occurs not infrequently in the immigration context. See, e.g., *Walters v. Reno*, 145 F.3d 1032, 1050-51 (9th Cir. 1998) (requiring parole into country or other arrangement for hearing attendance for class of noncitizens); *Singh v. Waters*, 87 F.3d 346,350 (9th Cir. 1996) (ordering government to permit return for immigration hearing following unlawful removal); *Grace v. Whitaker*, 344 F. Supp. 3d 96, 144-45 (D.D.C. 2018) (ordering government to return noncitizens wrongfully removed); *Ms. L v. ICE*, 403 F. Supp. 3d 853, 860 (S.D. Cal. 2019) (court has remedial authority to bring back parents who were wrongfully deported and therefore unlawfully separated from their children); *Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 408 (S.D.N.Y. 2004) (ordering noncitizen “be returned to the United States” after unlawful removal); *Dennis v. INS*, No. 01-cv-279, WL 295100, at *4 (D. Conn. Feb. 19, 2002) (same).

The petitioner was removed despite Respondents’ receipt of a judicial stay of removal. For the purposes of his return, whether that violation was ultimately

caused by perfidy, administrative incompetence, or simply the “banal horror”³ of wrongful removal is irrelevant; the Government must undo its wrongful actions.

IV. REMEDIES

Coercive fines and attorney’s fees are standard remedies for contempt of court, and this Court should order the federal defendants to pay them in an amount to be determined. *First Nat’l Realty Partners LLC v. May*, Civil Action No. 25-1119 (MAS) (JBD), 2025 U.S. Dist. LEXIS 190537 (D.N.J. Sep. 25, 2025) at *10.

Petitioner moves for this Court to issue coercive sanctions, along with any other remedy that this Court finds appropriate, in order to facilitate the immediate return of Petitioner, as well as order the Respondents to provide regular status updates regarding the efforts it has made to facilitate his return. Petitioner, through his attorney, intends to fully cooperate with the Respondents so that they can arrange his return trip to the United States on ICE Air. This Court should also award attorney’s fees for bringing this Motion for Contempt and Sanctions.

WHEREFORE, this Court should make a finding of contempt and issue sanctions, and any other appropriate remedies, to facilitate Petitioner’s return to the United States.

Dated: December 31, 2025

Respectfully submitted,

/s/ Karen L. Hoffmann

³ *D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1487238, at *1 (D. Mass. May 23, 2025).

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Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 31, 2025, I served the opposing counsel with a copy of this pleading via CM/ECF.

Dated: December 31, 2025.

/s/ Karen L. Hoffmann
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CERTIFICATE OF NONCONCURRENCE

Pursuant to Local Rule 7-1, I, Karen Hoffmann, hereby certify that I sought concurrence from the Defendants by contacting the Assistant US Attorney's Office via e-mail, and on December 31, 2025, counsel for Respondents stated they did not concur with the instant motion.

Dated: December 31, 2025

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