

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRYAN MIGUEL DURAN JAVIER,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

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Civil Action No. 4:25-CV-06120

**THE FEDERAL RESPONDENTS' REPLY TO PETITIONER'S RESPONSE TO
RESPONDENTS' ADVISORY AND CLARIFICATION OF THE RECORD**

Since Federal Respondents filed the Advisory (Dkt. No. 7), the parties have conferred and counsel for Petitioner has informed that Petitioner will no longer be amending his petition. Of course, the Federal Respondents take no issue whatsoever with such course of action. And while a brief extension might be appropriate given Petitioner's change in position, the Government does not make such request and takes no issue with adhering to the original deadline—today, January 14, 2026. There is thus no controversy, and a lengthy back-and-forth on this matter is neither here nor there. The Federal Respondents only briefly remark on Petitioner's contention that no agreement was initially reached.

It is enough that the parties ultimately agreed to abide by the original deadlines. Yet Petitioner misrepresents to the Court that the parties did not reach an agreement in the first place—that is patently untrue. By a brief chronology, the undersigned initially reached out to counsel for Petitioner and raised a defect in Petitioner's pleadings; the undersigned merely suggested the route taken in the Advisory (Dkt. No. 7) (amendment, with the Government's

response within seven days) if Petitioner wanted to do so. Petitioner agreed with that course of action. Indeed, the Government informed Petitioner that since the parties were in agreement, the undersigned would go ahead and file the Advisory (Dkt. No. 6). Counsel for Petitioner uneventfully gave the go-ahead.

Later the same day, counsel for Petitioner reached out to the undersigned to indicate, in short, that he changed his mind. Specifically, he stated that he had taken the previous call from his car and did not have a chance to review his pleadings, but having since sat down and reviewed them, Petitioner intends to stand on his original pleadings. The Government understood and indicated that in light of this change in position, it would adhere to its original deadline.

That could and should have been the end of that. But now instead of merely updating the Court that he changed his mind, Petitioner feels compelled to misrepresent that he never agreed to the Advisory in the first place, which is plainly untrue. This misrepresentation does nothing for purposes of his litigation strategy; it merely serves to save face from appearing indecisive (which, in any event, is nothing to be embarrassed about in litigation wherein strategies are understandably dynamic). But to the extent Petitioner insinuates that the Government is mistaken, only the opposite is true.

Dated: January 14, 2026

Respectfully submitted,

NICHOLAS J. GANJEI
UNITED STATES ATTORNEY

By: /s/ Shawn D. Ren
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Counsel for the Federal Respondents

CERTIFICATE OF SERVICE

I certify that on January 14, 2026, the foregoing was filed and served on counsel for Petitioner via the Court's CM/ECF service.

/s/ Shawn D. Ren

Shawn D. Ren

Assistant United States Attorney