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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

OSCAR DARIO GALLEGO OSORIO,

Petitioner,

v.

MARCELLO VILLEGAS, Warden of
BLUEBONNET DETENTION FACILITY,
JOSH JOHNSON, Acting Field Office Director
of Enforcement and Removal Operations,
DALLAS Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:25-CV-293-H

**PETITIONER'S REPLY TO
RESPONDENTS' NOTICE [DKT. 9],
RENEWED MOTION FOR
EMERGENCY STAY AND
TEMPORARY RESTRAINING
ORDER, AND MOTION TO
RECONSIDER BRIEFING
SCHEDULE**

1 Petitioner Oscar Dario Gallego Osorio ("Petitioner") respectfully submits this Omnibus
2 Motion in response to Respondents' Notice [Dkt. 9] filed on January 2, 2026. For the reasons set
3 forth below, Petitioner moves this Court to grant an emergency stay of removal and/or a
4 temporary restraining order, and to reconsider the briefing schedule currently set for January 20,
5 2026.

6 The government's Notice confirms that the threat of removal is active and imminent.
7 Respondents explicitly state that U.S. Immigration and Customs Enforcement (ICE) is "working
8 on Petitioner's removal and will continue to do so" despite this pending litigation. Furthermore,
9 Respondents offer only a three-day notice period before executing a removal. This window is
10 procedurally deficient and fails to afford this Court or Petitioner sufficient time to adjudicate the
11 merits of the underlying habeas petition.

12 Petitioner further establishes that removal would result in irreparable harm. Physical
13 removal from the United States would trigger a ten-year bar on Petitioner's eligibility to return.
14 Even if a waiver were eventually available, the current processing times for the Department of
15 Homeland Security and the Department of State ensure that Petitioner would be forced to wait
16 outside the United States for at least four years before everything is processed. This consequence
17 cannot be undone by a later court order, making the harm truly irreparable.

18 Unlike the petitioner in *Torres Medrano v. Noem*, No. 1:25-cv-00285-H (N.D. Tex. Dec.
19 22, 2025) (Dkt. 8), who failed to demonstrate a substantial likelihood of success on the merits,
20 Petitioner here relies upon the final, nationwide judgment in *Maldonado Bautista v. Garland*.
21 Because Petitioner's right to a bond hearing has already been adjudicated and confirmed by a
22 court of competent jurisdiction, the 'merits' requirement is satisfied. Moreover, whereas the Court
23 in *Medrano* sought a government commitment regarding non-removal (Dkt. 7), the Respondents

24 PETITIONER'S REPLY TO RESPONDENTS' NOTICE [DKT. 9], RENEWED
MOTION FOR EMERGENCY STAY AND TEMPORARY RESTRAINING ORDER,
AND MOTION TO RECONSIDER BRIEFING SCHEDULE - 3

1 in this matter have already filed a Notice [Dkt. 9] confirming their intent to proceed with
2 removal efforts.

3 The January 20, 2026, deadline is particularly problematic given that Monday, January
4 19, 2026, is a legal holiday during which the Court is closed. A deadline of January 20, the day
5 before Petitioner's master calendar hearing on January 21, ensures Petitioner will have less than
6 twenty-four hours to review the government's arguments. Under the government's stated policy,
7 if a removal order is issued on January 21, Petitioner could be removed as early as January 24.
8 This schedule effectively moots the litigation before Petitioner can file a meaningful reply.
9 Under 28 U.S.C. § 2243, the government is required to respond within three days unless good
10 cause is shown for an extension. No such cause has been demonstrated here. Petitioner
11 respectfully requests that the Court shorten Respondents' response deadline to January 12, 2026,
12 to allow for a resolution of the *Maldonado Bautista* claims prior to the January 21 hearing.

13 Finally, Petitioner objects to Respondents' assertion that he may be moved out of this
14 District without notice. Such a transfer would severely impede Petitioner's access to counsel and
15 his ability to prepare for his upcoming hearing.

16 For the reasons set forth above, Petitioner Oscar Dario Gallego Osorio respectfully requests that
17 this Court grant an emergency stay of removal and/or temporary restraining order preventing
18 Respondents from removing Petitioner from the United States; enjoin Respondents from
19 transferring Petitioner out of the Northern District of Texas without prior notice; and shorten
20 Respondents' response deadline to January 12, 2026. Petitioner further requests that the Court
21 immediately rule on the request for a temporary restraining order to preserve the status quo until
22 the merits of the Petition can be adjudicated.

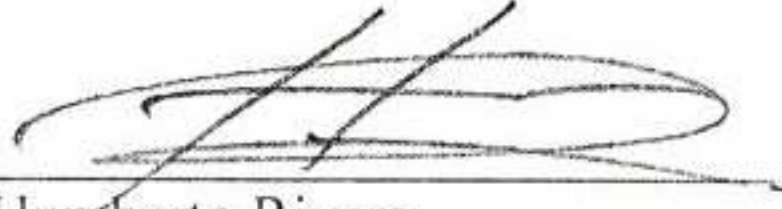
23 DATED January 2, 2025.

24 PETITIONER'S REPLY TO RESPONDENTS' NOTICE [DKT. 9], RENEWED
MOTION FOR EMERGENCY STAY AND TEMPORARY RESTRAINING ORDER,
AND MOTION TO RECONSIDER BRIEFING SCHEDULE - 4

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Respectfully submitted

ORTIZ LAW FIRM, PLLC

By: 

Humberto Rivera
State Bar No. 17997
E-Mail: hrivera@ortizfirm.com
1425 Greenway Dr, Suite 150
Irving, TX 75038
Tel: (972) 386-7777
Fax: (214) 943-9356
ATTORNEY FOR PETITIONER

CERTIFICATE OF CONFERENCE I hereby certify that on January 5, 2026, I conferred with Assistant U.S. Attorney Brian Stoltz regarding the relief requested in this motion. Respondents oppose this motion in its entirety. Counsel for the government asserted that a stay is premature as no final order of removal has yet been entered. However, Petitioner maintains that the stay is necessary to preserve the Court's jurisdiction prior to the January 21 hearing.

By: 
Humberto Rivera

CERTIFICATE OF SERVICE I hereby certify that on January 2, 2026, a copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system.

By: 
Humberto Rivera

PETITIONER'S REPLY TO RESPONDENTS' NOTICE [DKT. 9], RENEWED MOTION FOR EMERGENCY STAY AND TEMPORARY RESTRAINING ORDER, AND MOTION TO RECONSIDER BRIEFING SCHEDULE - 5

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PETITIONER'S REPLY TO RESPONDENTS' NOTICE [DKT. 9], RENEWED
MOTION FOR EMERGENCY STAY AND TEMPORARY RESTRAINING ORDER,
AND MOTION TO RECONSIDER BRIEFING SCHEDULE - 6