

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

SOHEILIESTAHBANATI,

Behnaz

A 

Petitioner,

v.

Todd Blanche,
Acting Attorney General of the
United States of America,
et. al.

Respondents

Civil Action No. 5:26-CV-00154-FB

PETITIONER'S RESPONSE TO
RESPONDENTS' OBJECTIONS

INTRODUCTION

Petitioner respectfully submits this brief reply to Respondents' Objections to the Magistrate Judge's Report and Recommendation. Respondents' Objections offer no basis for rejecting the Magistrate Judge's well-reasoned analysis and should be overruled.

RESPONSE

**A. Petitioner has no objections to the Magistrate Judge's Report and
Recommendations.**

Petitioner states no objections to the Magistrate Judge's Report and Recommendations and reasserts her position as previously presented.

**B. Respondents' objections fail because the Magistrate Judge checked the executive's
power and ensured they did not exceed their authority.**

Respondents stated their intent to challenge a judgement by this Court that would fall "outside" of the Court's *habeas* jurisdiction. They essentially base their argument on the principles

of the separation of powers, claiming that the Court would be restricting the Executive Branch's discretionary arrest authority, should it render a judgement in Petitioner's favor.

This claim fails because of the principles of checks and balances, which ensure that no one branch exceeds its authority. In *Boumediene v. Bush*, the Supreme Court held that foreign nationals detained at Guantanamo Bay had a constitutional right to *habeas corpus* review, rejecting the executive's claim that its detention authority was insulated from judicial oversight. 553 U.S. 723, 724-25 (2008). The Court struck down provisions of the Military Commissions Act that stripped federal courts of *habeas* jurisdiction, finding that neither the executive nor Congress could eliminate the Great Writ without a constitutionally adequate substitute.

Here, even though Respondents concede the Court's *habeas* jurisdiction in theory, they try to erase it in practice, because they are stating an intent to challenge the actual exercise of said jurisdiction. While doing so, they also exceed their own branch's authority to re-detain and re-arrest Petitioner at will, even when there are no legal grounds to do so, and those grounds have been proven before a Court—as is the case here.

Further, the Court critically reaffirmed that judicial review of executive detention is not an encroachment on executive power. Rather, it is the precise constitutional mechanism designed to prevent unchecked detention authority. As the Court warned, to permit the executive to operate beyond the reach of *habeas* review would allow it to "switch the Constitution on or off at will," a result fundamentally incompatible with the separation of powers and the system of checks and balances the Framers established. *Id.* at 727. Furthermore, it would also allow the executive to say "what the law is," an idea incompatible with the idea of judicial review. *See id.*; *Marbury v. Madison*, 5 U.S. 137, 177 (1803) (establishing that it is "emphatically the province and duty of the judicial department to say what the law is").

Here, the Magistrate Judge did not encroach on the executive's arrest authority but rather, checked it. He did this by writing that there cannot be removability to a third country unless and until an agreement from that third country to accept the alien, is made. This is a key third-country removal principle plainly found in the INA text. *See* 8 U.S.C. § 1231(b)(1)-(2).

Petitioner has already been secured.

Therefore, for the reasons given above, Petitioner asks that this Court overrule Respondents' objections, and grant Petitioner *habeas* relief, and any other applicable forms of relief accordingly.

Respectfully submitted,

Dated: April 14, 2026

/s/ Ruby L. Powers

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