UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Jelldis Odili GOMEZ-ZEPEDA Petitioner, v. Kristi Noem, et. al Respondents.	No.**8:26-cv-00178-DLB**

PETITIONER'S SUPPLEMENTAL BRIEFING

Pursuant to this Honorable Court's February 4, 2026 Order, Petitioner, by and through her undersigned counsel, respectfully submits this supplemental briefing regarding the Court's authority to grant Petitioner's additional injunctive relief.

I. Introduction

This Honorable Court has already concluded that Petitioner's current detention is unlawful and has granted habeas relief on two occasions. The only remaining question is remedial: whether the Court may (1) restrict Respondents from re-detaining Petitioner absent specific, objective circumstances, and (2) require that, before any attempt to remove her to Mexico, Respondents provide the reasonable-fear procedures set out in the regulations and recognized by multiple courts.

Both forms of relief fall squarely within the Court's broad equitable authority in habeas corpus and are consistent with how other district courts, including courts within the Fourth Circuit, have remedied similar government violations. We respectfully pray that this Honorable Court should therefore include Petitioner's proposed injunctive language in its final order.

II. Background

Petitioner previously obtained withholding of removal with respect to her home country of Honduras. Years later, after a lengthy period on supervision during which she always complied with ICE's conditions, ICE suddenly revoked her release (twice) and detained her (twice), now asserting an intent to remove her to Mexico under a reinstated removal order, without first providing her with the reasonable-fear interview and immigration-judge review set forth in 8 C.F.R. §§ 208.31 and 1208.31. Importantly, on or about November 14, 2025, Petitioner requested a reasonable-fear interview for Mexico before USCIS, but she has not yet received one. (See Petitioner's proposed Exhibit No. 1 for February 4, 2026, Evidentiary Hearing).

The Court has already twice held that her detention is unlawful. In doing so, it necessarily concluded that Respondents may not continue to detain Petitioner under the same statutory and constitutional theory that the Court has rejected. The question now is how to ensure that this violation does not simply repeat itself again and again via re-detention or third-country removal without the required legal process.

Significantly, the day after this Court issued its last Order granting Petitioner's writ of habeas corpus, ICE abruptly and without explanation or good cause, imposed substantially more (more than double) unreasonable conditions on Petitioner. This appears to be in retaliation for Petitioner's Habeas Corpus and/or the Evidentiary Hearing. Prior to the Court's latest ruling, Petitioner was required to remain home for a day for an ICE/ISAP visit every other month, and an office visit on the alternate month. However, the day after habeas relief was granted, ICE notified Petitioner that her reporting requirements had been significantly increased: she must now attend two in-person office visits per month and two in-person home visits per month, notwithstanding the absence of

any allegation that Petitioner violated a condition of supervision, failed to appear for any hearing, or posed a flight risk or danger to the community.

This abrupt escalation in supervision, occurring immediately after Petitioner prevailed in federal court, demonstrates precisely why injunctive relief is necessary. Absent a clear judicial prohibition, Respondents retain the ability to penalize Petitioner for the exercise of her Constitutional rights through increasingly restrictive supervision or re-detention based on the same unlawful theories already rejected by this Court. (Copies of Petitioner's prior and revised reporting schedules, with English translation, are attached hereto and incorporated herein as Exhibit 8.)

III. District Courts Have Broad Authority in Habeas Corpus to Enjoin Re-detention Absent Narrow, Objective Circumstances

Under 28 U.S.C. § 2241 and § 2243, a district court must "dispose of the matter as law and justice require," which includes tailoring forward-looking injunctive relief to prevent repetition of the very violation that gave rise to habeas relief.

Recent immigration habeas cases confirm that courts may, and do, enjoin ICE from re-detaining a successful habeas petitioner except under specified conditions. In *Said v. Noem*, the the Court granted a habeas petition. The court's order required a bond hearing under 8 U.S.C. § 1226(a) and then expressly enjoined respondents from re-arresting the petitioner unless he committed a new violation of law, failed to attend a properly noticed hearing, or became subject to detention pursuant to a final order of removal. That is a similar structure of relief Petitioner requests here. *Said v. Noem,* No. 3:25-cv-00938-MOC, 2025 LX 592150 (W.D.N.C. Dec. 17, 2025). Further, in *Ortega Miranda v. Bondi*, the Eastern District of Virginia Court similarly held that a long-time resident detained under § 1225(b) was properly detained under § 1226(a) and entitled to a bond hearing. After ordering the hearing and clarifying the statutory framework, the court enjoined ICE from denying bond on the basis of § 1225(b) and further enjoined respondents,

in the event of release, from re-arresting the petitioner absent a new violation of law, failure to appear, or detention under a final order of removal. *Ortega Miranda v. Bondi*, No. 3:25cv769, 2026 LX 87989 (E.D. Va. Feb. 3, 2026). Additionally, in *Uzhca Ortega v. Bondi*, the District of Minnesota granted a habeas petition challenging detention under § 1225(b)(2), ordered immediate release, and then enjoined respondents from re-detaining the petitioner "under this same statutory theory, absent materially changed circumstances." *Uzhca Ortega v. Bondi*, No. 26-830 (DWF/LIB), 2026 U.S. Dist. (D. Minn. Feb. 2, 2026).

These decisions share a common premise: once a court has found that the government's detention of a noncitizen is unlawful, it may protect that judgment by forbidding the government from simply re-detaining the same person on the same defective theory, unless new, objectively verifiable circumstances arise. That is precisely what Petitioner seeks here.

IV. Due Process and DHS's Own Regulations Require Reasonable-Fear Procedures and IJ Review Before Third Country Removal

Additionally, Petitioner's situation fits squarely within another line of cases, largely from this District, holding that when DHS seeks to remove a person under a reinstated order to a new country (here, Mexico) and the noncitizen asserts a fear of persecution or torture in that country, DHS must provide the "reasonable fear" interview and immigration-judge review required by 8 C.F.R. §§ 208.31, 1208.31, and 241.8 before removal may lawfully proceed.

In *Renderos v. Baker*, the Maryland Court confronted a scenario closely analogous to Petitioner's: a noncitizen who had obtained withholding of removal to her home country, whom DHS then sought to remove her to Mexico under a reinstated order. The Court held that, under 8 C.F.R. §§ 208.31, 1208.31, and 241.8, Ms. Nolasco Renderos was entitled to a reasonable-fear interview and, if negative, de novo immigration-judge review concerning her fear of removal to

Mexico. The Court ordered DHS either to refer her for a reasonable-fear interview by a specified date or to release her, and further held that continued refusal to provide the required process would render removal not "reasonably foreseeable" under ***Zadvydas***, necessitating release from detention. *Renderos v. Baker*, No. 25-cv-3087-ABA, 2026 LX 25452 (D. Md. Jan. 7, 2026).

Likewise, in *Portela-Hernandez v. Trump*, Judge Hurson recognized that a noncitizen with withholding of removal to one country cannot lawfully be removed to a different "third country" without being afforded the reasonable-fear procedures that implement the withholding and CAT statutes. Continued detention without those procedures, coupled with speculative assertions about third-country removal, failed to establish that removal was "reasonably foreseeable" under 8 U.S.C. § 1231(a)(6) as interpreted by ***Zadvydas***. *Portela-Hernandez v. Trump*, No. 25-1633-BAH, 2026 LX 85628 (D. Md. Jan. 9, 2026).

Moreover, at the February 4, 2026, Evidentiary Hearing, when asked what process, procedures, or options were available to Petitioner to avoid her removal to Mexico, Respondents' two witnesses testified that Petitioner had no rights, procedures, or options; it was only up to the discretion of ICE whether to arrest, detain, and remove Petitioner (within a short time) to Mexico.

Accordingly, Petitioner is entitled to the full reasonable-fear process, including IJ review of any negative determination, with respect to removal to Mexico and until that process is completed, removal to Mexico is not "reasonably foreseeable" for purposes of § 1231(a)(6) and **Zadvydas**; and district courts may order both release and specific procedural steps (reasonable-fear interview, IJ review) as part of habeas relief where DHS refuses to provide the required process.

V. Application: This Honorable Court Should Adopt Petitioner's Narrow, Case-Specific Recommended Injunction

This Honorable Court has already twice found Petitioner's detention unlawful. Without specific injunctive language, Respondents could simply re-arrest Petitioner on the same defective

theory or attempt to remove her to Mexico without providing the reasonable-fear/IJ-review procedures recognized in the law and above- mentioned cases. The requested language is thus necessary to: 1) protect the Court's judgment, by preventing Respondents from again circumventing the ruling through immediate re-detention on the same basis; 2) ensure compliance with due process and DHS regulations before any third-country removal; and 3) Maintain the status quo of supervision (existing ICE/ISAP conditions) so that Petitioner is not punished for asserting her rights.

Moreover, the requested injunction is narrowly tailored. It does not prohibit all future detention. Instead, it mirrors the conditions set in *Said, supra. Ortega Miranda, supra, and Uzhca Ortega, supra,* by allowing re-detention if Petitioner engages in new, concrete conduct, such as committing a crime or failing to appear, or if she is later subject to lawful detention under a final order after receiving appropriate fear-screening procedures.

VI. Proposed Language

To implement the foregoing principles, Petitioner respectfully requests that the Court include the following paragraph in its order:

Respondents are ENJOINED from rearresting Petitioner, unless she has committed a new violation of any federal, state, or local law; or has failed to attend any properly noticed immigration or court hearing; or she has been given a " reasonable fear " interview, with the assistance of counsel (if she requests) before an Asylum Officer, and received reasonable notice and opportunity to respond relating to potential removal to a Third Country; and will not change the ICE / ISAP reporting requirements for Petitioner from those in existence as of February 4, 2026.

VII. Conclusion

Because the Court's habeas authority and equitable powers fully encompass the requested relief, and because analogous courts have granted materially similar injunctions in similar circumstances, Petitioner respectfully asks the Court to adopt the proposed injunctive language in its final order.

Dated: February 6, 2026

Respectfully submitted,

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