IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUAN CARLOS SANCHEZ RODRIGUEZ, Petitioner, v. MARKWAYNE MULLIN[1], *et al.* in their official capacities; Respondents.	Case No. 5:2026-cv-00515 **Petitioner's Response in Opposition to Respondents' Motion to Lift Stay**

I. INTRODUCTION

Respondents' request to lift the stay and thereby effectuate Petitioner's removal rests on a fundamental mischaracterization of the claims before this Court. This case does not present a routine challenge to the duration of post-removal-order detention. Rather, Petitioner challenges the lawfulness of his detention itself, which stems from Respondents' failure to comply with mandatory regulatory procedures governing the revocation of his Order of Supervision.

Because these claims remain unresolved and because removal would irreparably moot them the stay must remain in place.

II. RESPONDENTS MISCHARACTERIZE THE NATURE OF THE PETITION

[1] As the current Secretary of Homeland Security, Secretary Markwayne Mullin automatically replaces Kristi Noem for these proceedings.

Respondents attempt to recast this case as a premature claim under *Zadvydas v. Davis*, arguing that Petitioner has not yet been detained for six months. That argument misses the point. Petitioner's claims are not limited to the duration of detention. Instead, Petitioner alleges that:

1. His Order of Supervision was never lawfully revoked;
2. He was detained without written notice, without explanation, and without the required interview; and
3. Respondents failed to comply with mandatory procedures under 8 C.F.R. § 241.4.

These claims arise under the Due Process Clause and the well-established principle that agencies must follow their own regulations. See *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Respondents' reliance on *Zadvydas* does not address, let alone resolve, these independent constitutional and regulatory violations.

III. REMOVAL WOULD IRREPARABLY PREJUDICE PETITIONER AND EFFECTIVELY MOOT HIS CLAIMS

Respondents' request to lift the stay seeks to accomplish indirectly what they cannot yet justify directly, Petitioner's removal, before this Court has had the opportunity to adjudicate the legality of his detention. Granting that request would result in immediate and irreparable prejudice.

First, removal would effectively moot the core claims presented in this habeas action. Petitioner challenges the legality of his current detention, including the Government's failure to comply with mandatory procedures governing the revocation of his Order of Supervision. If Petitioner is removed from the United States, he will no longer be in the custody of Respondents

within this Court's jurisdiction, thereby depriving the Court of its ability to grant meaningful habeas relief. See *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (requiring a live case or controversy throughout all stages of litigation).

Second, removal would foreclose meaningful judicial review of serious constitutional violations. Courts have long recognized that where removal would extinguish a petitioner's ability to obtain review of unlawful detention, a stay is necessary to preserve the integrity of the judicial process. Without such protection, Respondents could evade review of their own regulatory violations simply by effectuating removal before the Court rules.

Third, the harm is not speculative—it is immediate and irreversible. Once removed, Petitioner would face significant practical and legal barriers to pursuing his claims from abroad, including lack of access to counsel, evidentiary limitations, and jurisdictional hurdles. These barriers render post-removal review illusory as a practical matter.

Courts routinely deny motions to lift stays under analogous circumstances precisely to prevent this result—i.e., where removal would moot pending claims and deprive the petitioner of effective judicial review. Maintaining the stay is therefore necessary to preserve this Court's jurisdiction and to ensure that Petitioner's claims are adjudicated on the merits rather than extinguished through procedural maneuvering.

IV. RESPONDENTS FAIL TO DEMONSTRATE COMPLIANCE WITH REQUIRED PROCEDURES

Respondents' motion rests on the unsupported assertion that Petitioner was afforded all required procedural protections, including service of a notice of revocation and compliance with applicable regulations. That assertion is both conclusory and insufficient.

Petitioner has specifically alleged that:

1. He was not provided with written notice of the revocation of his Order of Supervision;
2. He was not informed of the reasons for such revocation;
3. He was not afforded the required post-revocation interview; and
4. The purported revocation was not carried out by an authorized official in accordance with 8 C.F.R. § 241.4.

In contrast, Respondents offer only a bare claim that a "Notice of Revocation of Release" was served, without submitting that document, identifying its contents, or demonstrating compliance with the regulatory framework. This is insufficient to carry their burden, particularly where they seek extraordinary relief that would effectively terminate this litigation.

At minimum, the record reflects a material factual dispute regarding whether Respondents complied with:

1. The notice requirements mandating that a noncitizen be informed of the reasons for revocation;
2. The procedural safeguards requiring a prompt interview to respond to those reasons; and
3. The regulatory limitations on authority, which restrict who may revoke an Order of Supervision and under what circumstances.

These are not minor or technical deficiencies. The Supreme Court has made clear that when an agency fails to follow its own regulations—particularly those designed to protect individual liberty—its actions are invalid. See *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Critically, Respondents' attempt to minimize these violations by reframing the case as a *Zadvydas* timing issue does not cure the underlying procedural defects. Even if detention were otherwise authorized, it cannot be lawfully maintained where the predicate revocation itself is procedurally defective.

Given these unresolved factual disputes and legal deficiencies, Respondents cannot meet the high standard required to justify lifting the stay. To the contrary, these issues underscore why the stay must remain in place pending full adjudication.

V. THE STATUS QUO MUST BE PRESERVED

The existing stay serves a fundamental and limited purpose: preserving the status quo while this Court considers serious constitutional and statutory claims. Respondents now seek to upend that equilibrium in a manner that would irreversibly prejudice Petitioner and undermine the Court's ability to provide meaningful relief. Maintaining the status quo is particularly appropriate where, as here:

1. The petitioner raises substantial due process claims;
2. There are unresolved factual disputes regarding the legality of government action; and
3. The relief sought by the government would effectively moot the case.

By contrast, lifting the stay would allow Respondents to circumvent judicial review entirely, converting the pending litigation into a nullity. Courts have consistently rejected such attempts where the effect would be to deprive a petitioner of his day in court.

The balance of equities weighs decisively in Petitioner's favor. On one side is Petitioner's fundamental liberty interest and his right to have his claims heard. On the other is Respondents'

interest in immediate removal, an interest that can be fully vindicated if they ultimately prevail on the merits.

Similarly, the public interest strongly supports maintaining the stay. There is no public interest in permitting the government to effectuate removal in violation of its own regulations or before courts have had the opportunity to review the legality of its actions. To the contrary, the public interest lies in ensuring that executive action remains subject to judicial oversight and adheres to constitutional and regulatory constraints.

VI. CONCLUSION

For the foregoing reasons, and in light of the substantial constitutional issues presented, the material factual disputes that remain unresolved, and the risk of irreparable harm, Petitioner respectfully requests that the Court deny Respondents' Motion to Lift Stay and maintain the existing stay pending resolution of the merits of this action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2026, a true copy of the above Petitioner's Response in Opposition to Respondents' Motion to Lift Stay was filed via the Court's CM/ECF and that a copy will be sent automatically to all counsel of record.

DATE: April 28, 2026.

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