

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 EL PASO DIVISION

4 **LUIS DAVID TRAVIESO-RODRIGUEZ,** §
5 Petitioner, V. § No. 3:26-cv-335-KC
6 **Todd Blanche,** Attorney General of the United States §
7 **Warden** of the El Paso Camp Detention Center; § DHS No. 
8 **Mary De Anda-Ybarra,** Field Office Director, ICE; §
9 **Todd M. Lyons,** Director, Ice; §
10 **Markwayne Mullin,** Secretary, Department of Homeland Security §
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12 **PETITIONER'S RESPONSE TO FEDERAL RESPONDENTS' ADVISORY**
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14 **TO THE HONORABLE COURT:**

15 Petitioner, through undersigned counsel, respectfully submits this response to Federal
16 Respondents' April 27, 2026 Advisory to the Court (ECF No. 9) and the accompanying
17 Declaration of Acting Supervisory Detention and Deportation Officer Michael R. Avalos
18 (ECF No. 9-1).

19 **I. Respondents' Advisory Confirms, Rather Than Undermines, Petitioner's Showing Under**
20 **Zadvydas**

21 1. In his April 14, 2026 advisory, Petitioner informed the Court that since the Court's prior
22 Order, Respondents have repeatedly transferred him among distant detention facilities,
23 including facilities in Louisiana, the Port Isabel Detention Center, and the Everglades
24 Detention Facility, before returning him to Krome North SPC in Florida. These serial
25 interstate transfers have occurred without any visible progress toward securing travel
26 documents or a receiving country's acceptance.

27 2. This pattern is not incidental. It underscores the absence of a coordinated removal plan. If
28 removal were truly imminent, Petitioner would be staged for departure, not cycled

29 through facilities across multiple states. Instead, Respondents' actions reflect a system
30 managing detention—not effectuating removal.

31 3. Respondents' latest advisory confirms this reality. They acknowledge that Cuba has
32 denied travel documents and that there is no timeline for removal to Cuba. They further
33 assert only that removal to Mexico is “anticipated within approximately 15 days,”
34 without providing any supporting evidence. These admissions reinforce, rather than
35 rebut, Petitioner's showing that there is no significant likelihood of removal in the
36 reasonably foreseeable future, as required under *Zadvydas v. Davis*, 533 U.S. 678,
37 689–92, 699–701 (2001).

38 4. This is not a case where removal is merely delayed. It is a case where removal is not
39 currently possible to any country.

40 II. Removal to Mexico Remains Purely Speculative

41 5. Respondents ask the Court to accept that removal to Mexico will occur within
42 approximately 15 days. But they provide no documentation to support that assertion.

43 6. They do not provide any confirmation from the Government of Mexico that it has agreed
44 to admit Petitioner. They do not show that any travel document or laissez-passer has been
45 requested or issued. They do not identify any scheduled removal flight, coordination with
46 foreign authorities, or logistical steps toward execution.

47 7. Critically, Respondents do not even assert—**let alone demonstrate**—that Mexico has
48 affirmatively agreed to accept Petitioner. That omission is dispositive. An “anticipated”
49 removal without a receiving country's acceptance is not a removal plan; it is speculation.

50 8. Under *Zadvydas*, once a detainee shows prolonged detention without actual progress
51 toward removal, the burden shifts to the government to present evidence demonstrating

52 that removal is significantly likely in the reasonably foreseeable future. 533 U.S. at 701.
53 The Fifth Circuit has made clear that this burden requires more than expressions of hope
54 or expectation. The government must produce evidence showing that removal is actually
55 likely—not merely possible. *Andrade v. Gonzales*, 459 F.3d 538, 543–45 (5th Cir. 2006).

56 9. Respondents’ submission falls far short of that standard. With respect to Cuba, removal is
57 concededly impossible at this time. With respect to Mexico, removal is unsupported by
58 any evidence of acceptance or documentation. On this record, removal remains
59 speculative.

60 III. Petitioner’s Signature Is Not the Barrier to Removal

61 10. Respondents suggest that one obstacle to removal is Petitioner’s alleged refusal to sign
62 removal documents. That argument misstates the governing legal framework.

63 11. Removal does not depend on a noncitizen’s consent. Once a country agrees to accept an
64 individual and travel documents are issued, removal is routinely carried out regardless of
65 whether the individual signs paperwork. The relevant question under *Zadvydas* is not
66 whether Petitioner has “complied,” but whether the government can actually effectuate
67 removal in the reasonably foreseeable future.

68 12. Here, Respondents’ own declaration identifies the true barrier: Cuba has denied travel
69 documents, and there is no evidence that Mexico has agreed to accept Petitioner. Without
70 a willing receiving country and the necessary documentation, removal cannot occur. The
71 focus on Petitioner’s signature improperly shifts attention away from the government’s
72 failure to meet its burden under *Zadvydas* and *Andrade*.

73 IV. Respondents Have Already Had Ample Time to Effectuate Removal

74 13. *Zadvydas* recognizes six months as a presumptively reasonable period for post-order
75 detention, but it does not create a safe harbor where the government has already had
76 substantial time to arrange removal and has failed to make meaningful progress. 533 U.S.
77 at 700–01.

78 14. Here, Petitioner has been subject to a final order for an extended period. During that time,
79 Respondents have not secured acceptance from any country. Instead, they have
80 repeatedly transferred him among domestic facilities.

81 15. The Court’s prior Order afforded Respondents additional time—until April 27, 2026—to
82 effectuate removal. Their current advisory confirms that, despite that opportunity, they
83 remain unable to remove Petitioner to Cuba and have not demonstrated that Mexico will
84 accept him.

85 16. On this record, the presumptively reasonable period has long since elapsed, and
86 continued detention under 8 U.S.C. § 1231(a)(6) is no longer authorized.

87 **V. Repeated Transfers Continue to Undermine Meaningful Habeas Review**

88 17. Respondents’ practice of transferring Petitioner across multiple facilities has significantly
89 impaired counsel’s ability to maintain consistent communication, prepare filings, and
90 monitor Respondents’ actions. Although Respondents now report that Petitioner is back
91 at Krome, they provide no assurance that these transfers will cease.

92 18. These practices raise serious constitutional concerns. Habeas review must provide a
93 meaningful opportunity to challenge the lawfulness of detention, and detention practices
94 cannot be structured in a way that renders that review ineffective in practice. *Boumediene*
95 *v. Bush*, 553 U.S. 723, 779 (2008).

96 19. The combination of prolonged detention, speculative removal theories, and repeated
97 transfers that disrupt access to counsel amplifies the due process concerns that led the
98 Supreme Court to impose constitutional limits on post-order detention in *Zadvydas*.

99 **VI. Relief Requested**

100 For the foregoing reasons, Petitioner respectfully requests that the Court:

101 A. Decline to credit Respondents' unsupported assertion that removal to Mexico will
102 occur within approximately 15 days as evidence of a significant likelihood of
103 removal in the reasonably foreseeable future;

104 B. Find that Respondents have failed to meet their burden under *Zadvydas* and
105 *Andrade* to show that removal is significantly likely in the reasonably foreseeable
106 future;

107 C. Order Respondents, within a short deadline, to produce all communications with
108 Cuban and Mexican authorities regarding Petitioner's removal, any requests for or
109 issuance of travel documents, and any concrete removal arrangements; and

110 D. Grant the petition for writ of habeas corpus and order Petitioner's immediate
111 release under reasonable conditions of supervision.

112 Continued detention on this record would contravene the constitutional limits articulated in
113 *Zadvydas* and result in precisely the type of indefinite civil immigration detention that the
114 Supreme Court has held is impermissible.

115 Respectfully submitted on April 27, 2026.

116 /s/ Georgia Santos Laurent

117 Georgia Santos Laurent

118 SanLaurent & Hutchens Law Group PLLC

119 SBOT: 24151446

120 FL Bar: 0289377

121 Office 1: 1001 Cypress Creek Rd, Suite 302

122 Cedar Park, TX 78613

123 Telephone: (512) 693-9343

124 **Office 2:** 2951 FM1460 #1702

125 Georgetown, TX 78626

126 Phone: (512) 361-7090

127 Email: georgia@slhilaw.com

128 Counsel for Petitioner

129 Admitted into the Western & Southern Districts of Texas

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CERTIFICATE OF SERVICE

164 I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF
165 system, which will send notice to all registered counsel of record.

166 April 27, 2026.

167

168 /s/ *Georgia Santos Laurent*

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