

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

YENIER CRUZ GONZALEZ,
Petitioner,

v.

No. 3:26-CV-00390-DB

MARKWAYNE MULLIN¹, *Secretary,*
Department of Homeland Security, et al.,
Respondents.

Federal Respondents' Supplemental Briefing to the Court

Pursuant to this Court's order issued on April 2, 2026, ECF No. 9, Respondents file this supplemental briefing. Petitioner can be legally removed to Costa Rica or Spain without his consent, however, neither country has accepted him for third country removal at this time. Ex. A (ERO Declaration) ¶¶ 5-6. The government of Mexico will accept third country nationals if they consent, but Petitioner has consistently refused to depart to Mexico, which prevents his removal to Mexico. *Id.* at ¶ 7. Respondents are continuing to work to coordinate Petitioner's removal to a third country that will accept Petitioner. *Id.* at ¶¶ 8-9.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Nathan Ripley

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Attorneys for Federal Respondents

¹ In accordance with Fed. R. Civ. P. 25(d) Kristi Noem's successor, Markwayne Mullin, is automatically substituted as the defendant in this action.

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2026, I caused the Federal Respondents' Supplemental Brief to be served on Petitioner by sending copies via certified U.S. mail as follows:

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Dated: April 7, 2026

Respectfully submitted,

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