
**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

YOENDRIZ LEYVA LAMBERT,
Petitioner,

v.

Civil Action No. EP-26-CV-00427-DB

WARDEN, ERO EL PASO CAMP EAST MONTANA,
Respondent.

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE**

Petitioner Yoendriz Leyva Lambert, through his Next Friend, respectfully submits this Reply to the Government's Response and states as follows:

I. Introduction

Respondents argue that Petitioner's continued detention is lawful because his removal is allegedly reasonably foreseeable. However, Respondents fail to provide credible evidence demonstrating that Petitioner's removal to Cuba or any third country is significantly likely in the reasonably foreseeable future.

Under Zadvydas v. Davis, detention following a final order of removal is limited to the period reasonably necessary to effect removal. When removal is not reasonably foreseeable, continued detention violates due process.

Respondents' response relies on speculation rather than concrete evidence that removal will actually occur.

II. Petitioner Has Fully Complied With ICE Supervision

Petitioner has demonstrated a long history of compliance with immigration authorities.

After being released under an Order of Supervision in 2017, Petitioner faithfully complied with all ICE reporting requirements. He attended every scheduled check-in appointment and never failed to appear.

In fact, Petitioner often attended these check-ins accompanied by his family, including his young daughter who suffers from cerebral palsy. On multiple occasions he presented himself voluntarily to ICE officers while caring for his child.

This history demonstrates that Petitioner is not a flight risk and has consistently complied with immigration supervision requirements.

III. Petitioner's Family Ties and Humanitarian Circumstances

Petitioner's continued detention imposes extraordinary hardship on his family.

Petitioner is the father of two United States citizen children. One of his children suffers from cerebral palsy, a serious medical condition requiring ongoing care and specialized medical treatment available in the United States.

Petitioner's spouse is a lawful permanent resident of the United States and has filed an I-130 Petition for Alien Relative on Petitioner's behalf.

Before his detention, Petitioner helped support his family by performing construction and home repair work for relatives and members of his community while waiting for the approval of his employment authorization.

Since Petitioner's detention, his family has suffered severe hardship. They have lost their vehicle and their housing and are currently relying on the assistance of friends for temporary shelter.

The emotional and financial impact of Petitioner's detention on his disabled child and his family is profound.

IV. Removal Is Not Reasonably Foreseeable

Respondents claim that removal to Cuba is pending authorization. However, they provide no travel document, no acceptance by the Cuban government, and no timeline for removal.

Petitioner has had a final order of removal since December 4, 2017, and was previously released under an Order of Supervision because the government determined that removal was not reasonably foreseeable at that time.

Respondents' vague statement that authorization is "pending" does not establish that removal is significantly likely to occur.

Courts have repeatedly held that speculative removal efforts are insufficient to justify prolonged detention.

V. Refusal of Third-Country Removal Does Not Justify Continued Detention

Respondents argue that Petitioner refused removal to Mexico.

Petitioner is not a citizen of Mexico and has no legal status, family ties, or protection there. Deportation to a third country where an individual has no lawful status and faces serious safety concerns cannot serve as the basis for indefinite detention.

Petitioner fears for his safety outside the United States and reasonably refused removal to a country where he has no protection.

Such refusal does not justify prolonged detention.

VI. Respondents Violated This Court's Order

Respondents' filing admits that Petitioner is currently detained in Georgia at:

Folkston ICE Processing Center

However, on February 25, 2026, this Court issued an order preventing removal or transfer outside the Court's jurisdiction while the case is pending.

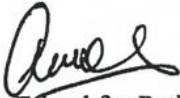
Respondents' transfer of Petitioner outside the jurisdiction raises serious concerns regarding compliance with this Court's directive and undermines the Court's ability to exercise authority over the case.

VII. Conclusion

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

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's release under appropriate supervision; or
3. Grant any additional relief the Court deems just and proper.

Respectfully submitted,



Next Friend for Petitioner