

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
JUL 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY CM
DEPUTY CLERK

ERIC GONZALEZ-PENA,
Petitioner,

No. 3:26-CV-1822

v.

TODD BLANCHE, et al.,
Respondents.

PETITIONER'S RESPONSE TO THE COURT'S ORDER FOR SUPPLEMENTAL BRIEFING

Petitioner Eric Gonzalez-Pena, through counsel, respectfully submits this Response to the Court's Order for Supplemental Briefing.

I. Cuba Has Already Refused To Accept Petitioner.

Respondents acknowledge that the Government of Cuba has refused to accept Petitioner's repatriation.

The inability to remove Petitioner to Cuba is not speculative. It is an established fact admitted by Respondents.

ICE attempted to repatriate Petitioner through official channels with the Government of Cuba. Those efforts failed because Cuba declined to accept him.

Accordingly, Petitioner's designated country of removal is presently unavailable.

II. Respondents Have Failed To Demonstrate That Removal To Mexico Is Significantly Likely.

Rather than showing that removal to Mexico is imminent, Respondents merely describe an internal administrative process under the CVNH program.

Their response contains no evidence that:

- Mexico has agreed to receive Petitioner;
- Mexico has issued travel authorization;
- Mexico has accepted responsibility for Petitioner;
- Mexico has granted him admission;

- transportation has been scheduled;
- or that any Mexican governmental authority has consented to his entry.

Instead, Respondents merely state that ICE is attempting removal through the CVNH program.

That does not establish a significant likelihood of removal in the reasonably foreseeable future as required under *Zadvydas*.

III. Petitioner Cannot Lawfully Enter Mexico.

Even assuming ICE wishes to transport Petitioner to Mexico, significant legal and practical barriers remain.

Petitioner possesses no Mexican passport. He possesses no Mexican visa.

He possesses no Mexican residency. He possesses no legal immigration status in Mexico.

Nothing before the Court demonstrates that Mexico has agreed to admit Petitioner notwithstanding these deficiencies.

Without lawful admission into Mexico, Respondents' assertion that removal is reasonably foreseeable remains speculative.

IV. Petitioner Has No Meaningful Connection To Mexico.

Petitioner has never established residence in Mexico. He has no family members there.

He has no relatives. He has no friends. He has no employment. He has no housing.

He has no support network whatsoever. These facts substantially distinguish Mexico from Petitioner's country of nationality and underscore the uncertainty surrounding Respondents' proposed removal.

V. Petitioner's Fear Of Mexico Is Genuine.

Petitioner has consistently expressed fear of removal to Mexico.

Respondents acknowledge that ICE referred Petitioner for third-country fear screening after he expressed that fear.

Although USCIS ultimately issued a negative fear determination under the applicable screening standard, that determination does not eliminate the practical realities facing Petitioner if removed to Mexico.

Petitioner reasonably fears that removal to a country where he possesses no legal status, no family support, no resources, and no ability to lawfully remain would expose him to substantial danger.

VI. The Foreign Terrorist Organizations Notification Form Heightened Petitioner's Concern.

Petitioner was asked to sign a Foreign Terrorist Organizations Notification Form.

From Petitioner's perspective, this unusual request heightened his concern regarding the circumstances of the contemplated third-country removal.

His refusal to sign documents without counsel present should not be construed as evidence that removal is reasonably foreseeable.

Rather, it reflects a legitimate desire to understand significant legal consequences before executing unfamiliar government documents.

VII. Removal To Mexico Would Leave Petitioner Particularly Vulnerable.

If transported to Mexico without lawful status, family support, housing, employment, or financial resources, Petitioner would immediately become an exceptionally vulnerable individual.

Individuals lacking legal status and community support are especially susceptible to becoming victims of organized criminal groups, including drug cartels, kidnappers, extortionists, traffickers, and other violent criminal organizations operating in various regions of Mexico.

Petitioner's circumstances would place him at heightened risk because he would effectively arrive alone, undocumented, without resources, and without any lawful means of remaining in the country.

VIII. Respondents Have Identified No Alternative Country.

Judge Briones specifically asked whether Respondents have identified another third country.

Respondents effectively answer that question in the negative.

Their response states that ICE Headquarters is actively working to identify another third country but that **there are presently no updates.**

Thus, no country other than Mexico has been identified as willing to receive Petitioner.

Without an accepting country, removal remains speculative.

IX. The Record Demonstrates Continued Uncertainty.

Under *Zadvydas*, the relevant inquiry is not whether ICE continues attempting removal.

The question is whether removal is significantly likely in the reasonably foreseeable future.

Here,

- Cuba has refused admission;
- Mexico has not been shown to have accepted Petitioner;
- Petitioner lacks legal status in Mexico;
- no travel authorization from Mexico has been produced;
- no other country has been identified;
- Respondents concede they continue searching for alternatives.

These facts demonstrate continuing uncertainty rather than a realistic prospect of removal.

Prayer

WHEREFORE, Petitioner respectfully requests that this Court conclude that Respondents have failed to demonstrate that Petitioner's removal is significantly likely in the reasonably foreseeable future and grant the Petition for Writ of Habeas Corpus, together with such other relief as the Court deems just and proper.

In El Paso, Texas at July ____, 2026.



ERIC GONZALEZ-PENA
ALIEN 
DETAINEE