
**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 26-50183

Ignacio Sosnava Rodriguez
Petitioner–Appellee,

v.

Sylvester M. Ortega, in his official capacity as Director of the
San Antonio Field Office of ICE’s Enforcement and Removal
Operations; Markwayne Mullin, U.S. Department of Homeland Security;
Todd Wallace Blanche, Acting U.S. Attorney General; Department of
Homeland Security; DOJ Executive Office for Immigration Review,

Respondents-Appellants.

CONSOLIDATED WITH

No. 26-50219

Alejandro Villegas Angel,
Petitioner–Appellee,

v.

Markwayne Mullin, Secretary, U.S. Department of Homeland
Security; Todd Wallace Blanche, Acting U.S. Attorney General; Miguel
Vergara, San Antonio Field Office Director for Enforcement and
Removal; United States Department of Homeland Security; United States
Immigration and Customs Enforcement; Executive Office for Immigration
Review, Office of the General Counsel,

Respondents-Appellants.

CONSOLIDATED WITH

No. 26-50221

Miguel Angel Gomez Alvarado
Petitioner–Appellee,

v.

Michael Vergara, in his official capacity as Acting Director of San Antonio
Field Office for U.S. Immigration and Customs Enforcement; Todd Lyons, in
his capacity as the Acting Director for the U.S. Immigration and Customs
Enforcement; Markwayne Mullin, Secretary,
U.S. Department of Homeland Security,

Respondents-Appellants

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
Nos. 1:26-cv-384, 1:26-cv-309, 1:26-cv-273

**PETITIONERS-APPELLEES’ OPPOSITION TO RESPONDENTS-
APPELLANTS’ MOTION FOR STAY OF DISTRICT COURT
JUDGMENTS PENDING REHEARING EN BANC**

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CERTIFICATE OF INTERESTED PERSONS

Petitioners-Appellees certify that the following listed persons and entities as described in the fourth sentence of 5th Cir. Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

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- Alejandro Villegas Angel, Petitioner-Appellee;
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INTRODUCTION

Petitioners are three fathers who have lived in the United States for over a decade. The district courts found that their procedural due process rights were violated when the government detained them absent any individualized justification. Months after Petitioners were released from immigration detention, where 22 people have died *this year*, and where Petitioners experienced rotten food, inadequate medical care, maggot- and fungus-ridden mattresses, and devastating separation from their families—Respondents now, for the *first time*, request a stay of the district court decisions.

Respondents’ motion fails at every turn. It violates the Federal Rules of Appellate Procedure and seeks relief well beyond preservation of the status quo pending appeal. Its claims of irreparable injury are entirely untethered to the relief sought. It makes no mention of the irreparable injury that re-detention would cause to Petitioners. Nor are Respondents likely to succeed on the merits. The Court should reject Respondents’ thinly veiled attempt to secure a preemptive judgment before full en banc review by abusing the stay process.

BACKGROUND

On February 6, 2026, this Court determined that any noncitizen who has not been admitted into the United States is subject to mandatory detention under 8 U.S.C. §1225(b)(2)(A). *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502–08 (5th

Cir. 2026). The Court did not address whether any such detention comports with the Due Process Clause.

The Petitioners have each lived in the United States for more than a decade, are fathers to U.S.-citizen children, and have never been convicted of a crime. ROA.26-50183.80, 120–22; ROA.26-50219.7, 10–11; ROA.26-50221.6–7, 89. Each was arrested and detained by Immigration and Customs Enforcement (“ICE”) under §1225(b)(2)(A) after a traffic stop. ROA.26-50183.80; ROA.26-50219.11, ROA.26-50221.69. Each brought an as-applied due process challenge to their mandatory detention. ROA.26-50183.3, 89–90; ROA.26-50219.3, 12–14, ROA.26-50221.2, 9. And in late February or early March 2026, each was ultimately released after a district court balanced the relevant factors in their individual cases and concluded that the risk of the erroneous deprivation of their strong liberty interests necessitated additional process that would create minimal burden for the government. ROA.26-50183.127–34; ROA.26-50219.71–86; ROA.26-50221.79–94. Since their release, Petitioners have returned to their families, continued to report to their immigration court hearings, and complied with all that the government has asked of them. Pet.Add.10, 17–18, 26.

Respondents appealed Petitioners’ habeas grants in early March. ROA.26-50183.137; ROA.26-50219.93; ROA.26-50221.97. The Court expedited and consolidated these appeals and a panel held argument on April 29, 2026. Dkt.27;

Dkt.148. On July 2, 2026, the panel dismissed the appeals, with the majority concluding that Petitioners have meaningful due process rights, and finding that noncitizens detained under §1225(b)(2)(A) must be given a bond hearing within 90 days of their detention. Dkt.160. On July 10, 2026, the Court ordered en banc rehearing and vacated the panel’s decision. Dkt.174-1. Respondents then filed a motion asking that the en banc Court “issue a precedential order staying the district courts’ judgments pending en banc review.” Mot.13.

ARGUMENT

The purpose of a stay pending appeal is to “suspend judicial alteration of the status quo” in order to “preserve the availability of subsequent review” on the merits. *Nken v. Holder*, 556 U.S. 418, 429, 432 (2009) (citation modified). As this is “an ‘intrusion into the ordinary processes of administration and judicial review,’” *id.* at 427, it is “extraordinary relief” for which applicants bear a “heavy burden,” *Plaquemines Par. v. Chevron USA, Inc.*, 84 F.4th 362, 373 (5th Cir. 2023) (citations omitted).

Whether an applicant can meet that burden depends on “(1) whether [he] has made a strong showing that he is likely to succeed on the merits; (2) whether [he] will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken*, 556 U.S. at 426. “The first two factors . . . are the most

critical.” *Id.* at 434. Here, the government has not properly brought a stay motion, much less satisfied any *Nken* factor.

I. The Court Should Deny Respondents’ Motion Because It Is Procedurally Improper.

Procedural infirmities alone compel denial of Respondents’ motion, which plainly violates the Federal Rules of Appellate Procedure and seeks relief well beyond a stay of the district court judgments.

1. Respondents have not complied with Federal Rule of Appellate Procedure 8(a)(2), which “mandates that the party moving for a stay in a court of appeals must have either first tried and failed to obtain a stay in the district court or, alternately, ‘show that moving first in the district court would be impracticable.’” *Whole Woman’s Health v. Paxton*, 972 F.3d 649, 652–54 (5th Cir. 2020) (holding a stay motion “must be denied” where, as here, moving party did not seek stay from district court and “d[id] not even attempt” to explain failure to do so); *see also A.A.R.P. v. Trump*, 145 S. Ct. 1034, 1035 (2025) (Mem.) (Alito, J., dissenting); *Rhone v. City of Tex. City*, 2022 WL 4310058, at * 1 (5th Cir. Sept. 19, 2022) (per curiam).

Nor could Respondents show impracticability. The authority for a stay flows from “the perceived need ‘to prevent irreparable injury to the parties or to the public’ pending review” that would result from an order going into effect. *Nken*, 556 U.S. at 432 (citation omitted). As such, a stay motion may be impracticable where the moving party demonstrates an emergency such that first seeking relief below may

lead to otherwise avoidable irreparable harm. *E.g.*, *Voice of the Experienced v. Wescott*, 2025 WL 2222990, at *1 (5th Cir. Aug. 5, 2025) (noting Court excused failure to move below because moving party demonstrated impracticability); Stay Mot., *Wescott*, No. 24-30420 (5th Cir. July 3, 2024), ECF No. 12 (describing the emergency—district court’s order required immediate implementation of sweeping policy changes in prison over holiday weekend).

But since the entry of the district court judgments four-and-a-half months ago, Respondents complied without ever seeking a stay. And as explained *infra*, those judgments are causing no irreparable harm, let alone an emergency making a district court motion impracticable. A litigant “must exercise ‘due diligence’ and cannot create an emergency through its own delay.” *In re AT&T Inc. Customer Data Sec’y Breach Litig.*, 2025 WL 3125918, at *2 (N.D. Tex. Sept. 23, 2025) (citing *Benisek v. Lamone*, 585 U.S. 155, 159–60 (2018)). Respondents’ violation of Rule 8(a) alone justifies denial. *Paxton*, 972 F.3d at 652–54.

2. Respondents’ requested relief—a “precedential order” staying individual district court judgments for the purpose of creating new law that binds other courts, Mot.1—is not a request for a stay pending review on the merits at all. A stay “simply suspend[s] judicial alteration of the status quo.” *Nken*, 556 U.S. at 429 (citation

omitted); *see E.T. v. Paxton*, 19 F.4th 760, 770 (5th Cir. 2021) (noting importance of maintaining the status quo when considering a stay motion).

Respondents instead urge the Court to use a stay to dramatically *alter* the status quo in this Circuit, under which “as-applied constitutional challenges” to immigration detention “remain available.” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 583 (2022); *see Jennings v. Rodriguez*, 583 U.S. 281, 312 (2018); *Buenrostro-Mendez*, 166 F.4th at 498 (addressing only “the statutory interpretation issue”). Respondents want a stay to definitively assert a new rule never adopted by any appellate court: that such as-applied due process challenges are foreclosed for all noncitizens detained under §1225(b)(2)(A). Changing the law is not the proper role of a stay. *See Dayton Bd. of Educ. v. Brinkman*, 439 U.S. 1358, 1358–59 (1978) (Stewart, J., in chambers) (concurring in stay denial because the status quo would “be preserved only by den[ial]”).

What Respondents actually seek is “justice on the fly,” by trying to make a stay a resolution of the merits. *Nken*, 556 U.S. at 427. But stay decisions do not “spawn binding legal consequences regarding the merits of [a] case,” *U.S. Navy SEALs 1-26 v. Biden*, 72 F.4th 666, 675 n.9 (5th Cir. 2023), because an order granting a stay “is not a final adjudication of the merits,” *F.T.C. v. Food Town Stores, Inc.*, 547 F.2d 247, 249 (4th Cir. 1977). Even Supreme Court stays “are not conclusive as to the merits.” *Trump v. Boyle*, 145 S. Ct. 2653, 2654 (2025); *see*

Öztürk v. Hyde, 155 F.4th 187, 198–202 (2d Cir. 2025) (Menashi, J., concurring) (collecting cases).

The Court has already ordered en banc review on an extremely expedited schedule. Respondents do not care about Petitioners’ custody status; they have never argued that Petitioners’ temporary liberty pending appeal is causing harm. A stay now would needlessly return Petitioners to detention, with no impact on the Court’s ability to meaningfully review the merits. Instead, the “precedential” order Respondents request would upend circuit caselaw before briefing, argument, and the Court’s “considered judgment” on the merits. *Nken*, 556 U.S. at 427.

II. Respondents Fail to Demonstrate that Extraordinary Relief Is Warranted.

Respondents fail to meet their “heavy burden” of justifying a stay. *Plaquemines*, 84 F.4th at 373 (citation omitted). It is the three Petitioners who stand to suffer irreparable harm, not Respondents. Respondents also fail to establish a likelihood of success on the merits, but regardless, the absence of irreparable injury to them without a stay requires denying their motion.

A. Respondents Show No Irreparable Injury.

To obtain a stay pending appeal, the moving party “must show a likelihood that it will suffer irreparable harm absent a stay.” *Trump v. CASA, Inc.*, 606 U.S. 831, 859 (2025). Because Respondents fail to make that showing, the Court should

deny relief on that basis alone and “avoid delving into the merits.” *Labrador v. Poe*, 144 S. Ct. 921, 929 (2024) (Mem.) (Kavanaugh, J., concurring).

Respondents hinge their entire argument about irreparable injury on a false premise: that the decisions below “infringe on the Executive’s immigration enforcement efforts” because they held §1225(b)(2)(A) “facially unconstitutional.” Mot.24–25. Not so: the district courts made no facial holdings. A facial challenge must show that the challenged statute “is unconstitutional in all of its applications”; reviewing courts “consider only the text of the measure itself, not its application to the specific circumstances” of an individual case. *United States v. Morgan*, 147 F.4th 522, 526 (5th Cir. 2025) (citations omitted). In contrast, an “as-applied challenge asks whether a law—though constitutional in some circumstances—is nonetheless unconstitutional as applied” to the challenger. *Id.* Here, the district courts granted Petitioners’ *as-applied* due process claims after conducting individualized analyses based on each noncitizen’s facts; they made no rulings as to the general validity of §1225(b)(2). *See* ROA.26-50183.130–31; ROA.26-50219.81–83; ROA.26-50221.88–90. Moreover, even had they been facial analyses, the judgments are merely district court orders granting individualized relief that are “not binding precedent” in any other case. *Flores v. FS Blinds, LLC*, 73 F.4th 356, 364 n.4 (5th Cir. 2023) (quoting *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011)).

No irreparable injury results from these non-binding, months-old orders, because they do not enjoin the Executive from implementing §1225(b)(2) or *any* immigration policy, Mot.24–25; nor do they bind Respondents in any way beyond conditionally altering the custody status of Petitioners. *See* ROA.26-50183.133; ROA.26-50219.85–86; ROA.26-50221.91–93.¹ The complete absence of legal and practical consequences of these judgments, other than as to the temporary custody status of Petitioners, sharply distinguishes Respondents’ request from the cases they cite, in which lower court orders precluded Executive action against thousands, if not millions, of people, and thus potentially impacted the government’s enforcement efforts. Mot.24–25. In *Trump v. CASA*, the Supreme Court found irreparable harm absent a stay because the lower courts had entered nationwide injunctions that “prevent[ed] the Government from enforcing its policies against nonparties.” 606 U.S. at 859. In *DHS v. D.V.D.*, the Supreme Court stayed a national class-wide injunction that imposed numerous requirements on DHS *every time* it sought to remove a noncitizen to a third country. 145 S. Ct. 2153 (2025) (Mem.); *D.V.D. v. DHS*, 778 F. Supp. 3d 355, 392–93 (D. Mass. 2025). In *Noem v. Vasquez Perdomo*, the Court stayed an injunction that prevented immigration officers from *ever* making

¹ All three Petitioners remain in removal proceedings and—as Respondents acknowledge—have complied with the requirements placed on them. *See* Resp.Add.93–95; Pet.Add.10, 18, 26. Petitioners’ conditional release has thus not restricted Respondents’ ability to enforce immigration laws against them.

stops in L.A. based on any of a multitude of factors. 146 S. Ct. 1, 2, 4 (2025) (Mem.) (Kavanaugh, J., concurring); *see also Noem v. Nat’l TPS All.*, 145 S. Ct. 2728, 2729 (2025) (staying district court order that prevented DHS from ending TPS for 600,000 noncitizens).

To the extent Respondents experienced harm² from the precedential *panel* decision, that was already vacated. Dkt.174-1. In contrast, as Respondents’ lack of supporting authority establishes, the judgments here provide no “sweeping relief” against the government and instead impacts *only* three individuals’ rights. *CASA*, 606 U.S. at 855. And as to Petitioners specifically, their freedom pending appeal poses *no* harm, which their current liberty without incident demonstrates. Respondents wholly fail to argue otherwise.

Finally, Respondents’ unexplained delay in seeking a stay “vitiates . . . their allegations of irreparable harm,” *Kohls v. Ellison*, 166 F.4th 728, 732 (8th Cir. 2026) (quoting *Beame v. Friends of the Earth*, 434 U.S. 1310, 1313 (1977)), making clear they have no genuine interest in staying the orders pending merits review. *See*

² Amici have refuted Respondents’ unsupported claim, Mot.26, that the mandatory detention here prevents flight and criminal activity. Dkt.119 at 16–17 (“Empirical evidence does not show high rates of absconding among noncitizens in removal proceedings.”). Nor do Respondents explain how habeas petitions seeking a process to *assess* flight risk and danger would lead to flight and danger. As to Respondents’ observation about slower non-detained case processing, Resp.Add.97-98, this is entirely within their own control.

Dillard v. Sec. Pac. Corp., 85 F.3d 621 (5th Cir. 1996) (“long delay implie[s] lack of irreparable harm”).

B. A Stay Will Irreparably Injure Petitioners.

Respondents do not address whether “issuance of the stay will substantially injure the other parties interested in the proceeding,” *Nken*, 556 U.S. at 426, wrongly suggesting that this factor merges with the public interest and their own purported harm. Mot.33. But harm to other parties and the public interest merge only when the government *opposes* a stay. *U.S. Navy SEALs 1-26 v. Biden*, 27 F.4th 336, 353 (5th Cir. 2022). Respondents thus “must [separately] show that the requested stay will not harm” Petitioners. *All. for Hippocratic Med. v. FDA*, 2023 WL 2913725, at *19 (5th Cir. Apr. 12, 2023). They cannot make such a showing. Tearing Petitioners from their families, depriving them of their liberty, and subjecting them to deplorable conditions will undeniably cause irreparable harm to them and their U.S.-citizen children. *See United States v. Bogle*, 855 F.2d 707, 710–11 (11th Cir. 1988) (“[U]nnecessary deprivation of liberty clearly constitutes irreparable harm.”).

Mr. Sosnava Rodriguez has two adolescent U.S.-citizen children: a daughter with severe depression and suicidal ideation whose mental health worsened during his detention, and a son who cried himself to sleep at night and struggled in school. Pet.Add.3, 8. In detention, Mr. Sosnava Rodriguez was kept awake at night not just by the maggots infesting his mattress, but by the fact his family had gone into debt

and had their utilities cut off because he could no longer pay the bills. Pet.Add.5–6, 8–9. Served rotten meat and only allowed outside for an hour a day, Mr. Sosnava Rodriguez’s health declined, his prediabetes and blood pressure worsening. Pet.Add.6–7.

Mr. Gomez Alvarado, who has a two-year-old deaf U.S.-citizen son, spent four months behind bars while his son stopped talking and could no longer call him “papa.” Pet.Add.22–23, 25–26. He lost his job and remains in debt. Pet.Add.26. He contracted a fungus from his detention center mattress that still has not gone away and often awakens in fear that he is still detained. Pet.Add.24. And Mr. Villegas Angel, who has two U.S.-citizen daughters, eight and eleven, the eldest of whom has special needs, sat powerless while his daughters fell behind in school and his family’s savings dried up. He lives in constant fear of being taken away again. Pet.Add.15, 17–18.

Petitioners’ experiences are not unique. Respondents’ suggestion that there “are many benefits to detention” for noncitizens, Resp.Add.97, is derisible. The “better standard of living” noncitizens supposedly enjoy, Resp.Add.98, is belied by

soaring deaths in detention, which reached a historic high of 33 in 2025.³ At least 22 more have died this year, nearly half of them in the Fifth Circuit.⁴

A recent analysis of official ICE records revealed that “[d]eaths in ICE custody have increased at a [disproportionate] rate,” while medical experts were concerned by possible “inadequate or delayed care” and “the high number of people who died by apparent suicide.”⁵ The analysis also details “unsanitary facilities and inadequate food,” and “sub-standard health infrastructure and services.”⁶ Recent facility inspections in Texas and Louisiana revealed similar failures regarding medical care, suicide prevention, food safety, sanitation, and use of force.⁷ ICE’s own records further reveal a breathtaking rise in the use of force in detention, with

³ ICE, *Detainee Death Reporting*, <https://www.ice.gov/detain/detainee-death-reporting> (last updated June 29, 2026); UCLA Law Behind Bars Prison Project, *ICE Deaths in Custody*, <https://uclaprisondata.org/ice-deaths-in-custody> (last updated June 2026).

⁴ *Detainee Death Reporting*, supra n.3 (listing 19 deaths through June 4); ICE, *News Releases and Statements*, <https://www.ice.gov/newsroom> (filter Topic for “Detainee Death Notifications”) (listing three additional deaths) (last visited July 16, 2026).

⁵ Hum. Rts. Watch & Physicians for Hum. Rts., *Dying in Detention: Rising Deaths in an Expanding US Immigration Detention System* 1, 3–4 (June 2026), <https://phr.org/wp-content/uploads/2026/06/PHR-HRW-Report-US-Deaths-ICE-detention-2026.pdf>.

⁶ *Id.* at 5.

⁷ Off. of Pro. Resp., *ERO El Paso Camp East Montana Inspection 2026-001-098* (Feb. 6, 2026), https://www.ice.gov/doclib/foia/odo-compliance-inspections/eroElPasoCampEastMontana_ElPasoTX_Feb10-12_2026.pdf; DHS Off. of Inspector Gen., *Results of an Unannounced Inspection of Winn Correctional Center in Winnfield, Louisiana* (June 2, 2026), <https://www.oig.dhs.gov/sites/default/files/assets/2026-06/OIG-26-08-Jun26.pdf>.

more than a thousand examples during 2025, often against people who “asked staff for things” like “food and water, medical care, and personal belongings.”⁸

Respondents’ suggestion that “if” detention “is unpleasant,” Petitioners can simply “leave,” Resp.App.98, is like telling them to “help themselves by jumping from the frying pan into the fire,” *Hernandez-Lara v. Lyons*, 10 F.4th 19, 29 (1st Cir. 2021). It ignores their statutory and constitutional rights to contest removal and pursue their meritorious cancellation claims, *see A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025), as well as the possibly permanent family separation that could result from waiving those rights. The Constitution cannot tolerate a system in which individuals must forfeit their rights, their families, or even their lives to avoid inhumane confinement.

C. Respondents Have Not Established Likelihood of Success on the Merits.

1. Due process requires constitutionally adequate procedures to demonstrate that infringement of a fundamental liberty interest is substantively valid. *Washington v. Harper*, 494 U.S. 210, 220 (1990). Petitioners’ detention implicates the most fundamental of constitutionally protected interests: “[f]reedom from imprisonment.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S.

⁸ Douglas MacMillan et al., *Internal ICE records reveal widespread use of force in detention centers*, The Washington Post (May 4, 2026), <https://www.washingtonpost.com/business/2026/05/04/ice-detention-centers-force/>.

71, 80 (1992)). It is settled that substantively valid purposes of immigration detention are to ensure a noncitizen's presence for removal proceedings (and where ordered, removal), and secondarily, to prevent danger to the public. *Id.* at 690–91; *Jennings*, 583 U.S. at 285. Where immigration detention serves no valid purpose—where a noncitizen presents no risk of flight or danger—detention is unconstitutionally arbitrary. *See Barbosa da Cunha v. Freden*, 175 F.4th 61, 94 (2d Cir. 2026); *Lopez-Campos v. Raycraft*, 175 F.4th 713, 732–33 (6th Cir. 2026).

Yet, while held under §1225(b)(2)(A), Petitioners received *no* process to evaluate whether their detention was needed to prevent flight or danger. The district courts correctly found this lack of process violated due process, taking as a given these established purposes of immigration detention. ROA.26-50183.131, ROA.26-50219.83, ROA.26-50221.90.

2. Respondents contend that because §1225(b)(2)(A) does not by its terms apply only to people who pose a flight risk or danger, that ends the procedural due process inquiry. Mot.12–14. This is wrong. Because Petitioners' detention implicates a fundamental liberty interest, the Constitution dictates what is procedurally required and does not permit arbitrary custody.

Connecticut Dep't Pub. Safety v. Doe, 538 U.S. 1 (2003), a decades-old sex offender registry case that the Supreme Court has never used to evaluate the constitutionality of detention, does not preclude this claim. Doe claimed a law

requiring post-conviction placement on the registry violated procedural, but not substantive, due process because there was no process for proving he was not presently dangerous. *Id.* at 6. However, the state made clear that the registry did not indicate present dangerousness. *Id.* at 4–6.

Doe has no bearing here. *Doe* conceded the statute did not infringe a fundamental constitutional right, *id.* at 8, much less the enumerated right to physical liberty. Here, Petitioners invoke the most fundamental, constitutionally-expressed liberty interest. *Kerry v. Din*, 576 U.S. 86, 91–92 (2015). In cases like this, no statute can limit the procedures required by the Constitution. *See Doe*, 538 U.S. at 8 (Scalia, J., concurring). Otherwise, Congress could “detract from the privilege afforded by the constitution”—a power it lacks. *Counselman v. Hitchcock*, 142 U.S. 547, 565 (1892); *see also Foucha*, 504 U.S. at 73, 83 (holding Constitution required a hearing on a factor not included in the statute).

Doe does not, and cannot, stand for the proposition that individuals only have the procedural protections provided by Congress. Where a fundamental right is implicated, the Constitution requires a valid justification for its deprivation; and where, as here, Congress has not provided a sufficient justification, due process entitles Petitioners to an opportunity to contest whether their individual detention meets a valid regulatory goal.

3. Respondents’ extraordinary argument that deprivation of an individual’s physical liberty merely requires a rational basis also fails. Mot.17. Because “[t]he Constitution itself protects [the right to] physical liberty,” *Jauch v. Choctaw Cnty.*, 874 F.3d 425, 430 (5th Cir. 2017), that right is by definition fundamental, *Kerry*, 576 U.S. at 90; *Foucha*, 504 U.S. at 80. It is this right to physical liberty that Respondents infringed by detaining Petitioners. Respondents’ disingenuous attempts to reframe the right in question as a right “to remain at large in the United States during removal proceedings,” Mot.16, conflicts with Supreme Court precedent, *Zadvydas*, 533 U.S. at 690 (explaining that government custody, including immigration detention, infringes the fundamental right to physical liberty).

Accordingly, the test Respondents put forward for identifying *unexpressed* “fundamental” rights, which assesses whether a right is “deeply rooted in this Nation’s history and tradition,” Mot.16 (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997)), has no application here. *See Dep’t of State v. Muñoz*, 602 U.S. 899, 910 (2024); *Mirabelli v. Bonta*, 146 S. Ct. 797, 804 (2026) (Barrett, J., concurring). The rational basis standard is therefore also irrelevant. *See Glucksberg*, 521 U.S. at 720, 728; *see also Zadvydas*, 533 U.S. at 690 (allowing civil custody only in “certain special and ‘narrow’ nonpunitive ‘circumstances,’” where a “special justification” outweighs an individual’s liberty interest, and only accompanied by strong procedural protections) (citations omitted).

Respondents argue, as a backstop, that even if rational basis review did not apply, Petitioners' claims fail because Congress "regularly makes rules that would be unacceptable if applied to citizens." Mot.17 n.1 (quoting *Mathews v. Diaz*, 426 U.S. 67, 79–80 (1976)). *Diaz* does not support Respondents. While noncitizens are not "entitled to enjoy all the advantages of citizenship," it is undisputed "that all persons, [noncitizens] and citizens alike, are protected by the Due Process Clause." 426 U.S. at 78 & n.12. Indeed, in *Diaz* itself the Court *reiterated* that the Fifth Amendment "protects every one of those [noncitizens] from deprivation of life, liberty, or property without due process of law. *Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to that constitutional protection.*" *Id.* at 77 (citations omitted) (emphasis added); *see also Santillan Quiroz v. Mullin*, 2026 WL 1876709, at *16 (10th Cir. June 30, 2026) (despite *Diaz*, "the Supreme Court has never said that due process protections fall away completely in the immigration context. Quite the opposite.").

4. Respondents incorrectly characterize *Demore*, *Carlson*, and *Reno*, none of which employed rational basis review to the deprivation of a fundamental right or endorsed all applications of any no-bond detention statute. *Demore* stands for the conclusion that *if* specific evidence before Congress demonstrates that past convictions evince dangerousness and flight risk, *then* Congress's decision to mandate detention for that narrow group does not violate due process.

The Supreme Court in *Demore v. Kim* held that “detention during deportation proceedings [is] a constitutionally valid aspect of the deportation process,” 538 U.S. 510, 523 (2003), *if* the detention bears a sufficiently strong relationship to its intended purpose, *id.* at 527 (discussing *Zadvydas*). For the statute at issue in *Demore*, §1226(c), that requirement was satisfied by the congressional record preceding the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), Pub. L. 104-208, 110 Stat. 3009 (1996). The Court emphasized that it was precisely because “Congress had before it” evidence directly relevant to “deportable criminal aliens” that individualized review was not necessary. *Demore*, 538 U.S. at 528. The Court did not, however, proclaim a blanket rule that all no-bond detention is constitutional. *See* 538 U.S. at 518–21.

Neither the IIRIRA congressional record, nor anything else in the panel dissent to which Respondents point, Mot.20 (citing Resp.Add.65–66), constitutes the type of evidentiary basis the Supreme Court found critical in *Demore*. Instead, Respondents resort to citing the dissent’s generalized statements, including a 1996 Department of Justice Inspector General report never even mentioned in the IIRIRA legislative reports, which attributed INS’s low overall deportation rate to several factors, including the government’s “failure to send surrender notices.” *See* Resp.Add.66; Dkt.110-1 at 29–30. The congressional record contains *no* mention of a risk of danger or flight specific to noncitizens who merely entered without

inspection, in sharp contrast with the record the *Demore* Court pointed to, which considered extensive data specific to “deportable criminal aliens.” *See* 538 U.S. 518–21.

Carlson v. Landon, 342 U.S. 524 (1952), and *Reno v. Flores*, 507 U.S. 292 (1993), *see* Mot.18–19, are not to the contrary. The Supreme Court in *Carlson* urged that while “denial of [] due process” could be permissible “where there is reasonable apprehension of hurt from [noncitizens] charged with a philosophy of violence against the Government,” 342 U.S. at 542, “purpose to injure could not be imputed generally to [noncitizens] subject to deportation, *id.* at 538; *see also Demore*, 538 U.S. at 525. Further emphasizing the narrow permissibility of no-bail detention for Communists at issue, the *Carlson* Court observed that “detention without bond has been the exception.” *Id.* at 538 n.31.

And while the Supreme Court in *Reno* concluded that then-INS could refer to “reasonable presumptions and generic rules,” 507 U.S. at 313, it did so with reference to a non-fundamental interest: the proposed right of children to be released from a “government-supervised and state-licensed shelter-care facility” without any appropriate guardian, *id.* at 310–11. The government interests there included not just preventing danger and flight, but “protect[ing] the welfare of juveniles.” *Id.* at 312. Even so, the “reasonable presumptions” were based on an evidence-based

consideration that “state guardianship procedures” are a reliable proxy for safety. *Id.* at 312 n.7. There has been no such consideration here.

Critically, the Supreme Court has always left open as-applied challenges to mandatory detention. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring); *supra* I.2. If *Demore* had foreclosed these challenges, the Supreme Court would have said so in *Jennings*, rather than explicitly leaving them open. 583 U.S. at 312.

5. Finally, Respondents’ misstatements of long-settled law, Mot.20–24, cannot alter over a century of precedent: Petitioners have “entered” and reside in the United States and thus have procedural due process rights, particularly as to their physical liberty, beyond what Congress has provided.

Respondents’ claim that “admission—not physical entry—is the touchstone” for when independent constitutional due process rights attach, Mot.21, is flatly untrue. Respondents mischaracterize clear caselaw, starting with *Wong Wing v. United States*, 163 U.S. 228, 238 (1896) (“all persons within the territory of the United States are entitled to the protection guarantied by [the fifth and sixth amendments]”) and continuing through *DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (“a[noncitizen] *detained shortly after unlawful entry* cannot be said to have ‘effected an entry’” and thus is “on the threshold”) (emphasis added) (citation omitted). *See also* Resp.Add.9–13.

No case supports Respondents’ position. *Thuraissigiam* says nothing about noncitizens, like Petitioners, who *have* effectuated entries: Thuraissigiam had not entered because he was apprehended *immediately* after crossing the border. 591 U.S. at 138–40. *Nishimura Ekiu* and *Kaplan* also highlight the distinction between those who have not entered—both involved excludable noncitizens apprehended at ports of entry—and those who have entered the country. See *Nishimura Ekiu v. United States*, 142 U.S. 651, 661 (1892) (petitioner *detained at port* and placed in “mission-house” pending decision on admission only entitled to statutory provisions regarding admission); *Kaplan v. Tod*, 267 U.S. 228, 257 (1925) (child *apprehended at port* and ordered excluded at Ellis Island did not enter just because executive officers temporarily permitted her stay with aid society). *Landon v. Plascencia*, 459 U.S. 21 (1982), further belies Respondents’ mischaracterization: there, the Supreme Court concluded that while, *as a statutory matter*, a lawful permanent resident apprehended at a port after returning from a brief trip abroad was correctly placed in exclusion proceedings, *id.* at 30–32, *as a constitutional matter*, given the significance of her U.S. ties, she was entitled to additional due process, *id.* at 32.⁹ Here, Petitioners were apprehended years after entry and maintain physical presence

⁹ *Landon* does not say that due process applies “only” after admission, *contra* Mot.22; however, its focus on admission makes sense because Ms. Plascencia’s prior admission formed the basis of her claim.

and residence in the United States. Their entitlement to procedural due process rights as to their physical liberty is beyond question.

As Respondents raise no argument demonstrating a likelihood of success on the merits, this factor weighs heavily in Petitioners' favor.

D. The Public Interest Lies in the Rule of Law

Respondents make no public interest argument separate from their irreparable harm argument, which fails because the purported harms they invoke do not flow from the district court judgments they seek to stay. The public interest is also a “distinct” factor where the government seeks a stay. *U.S. Navy Seals*, 27 F.4th at 353. And “there is the highest public interest in the due observance of all the constitutional guarantees.” *United States v. Raines*, 362 U.S. 17, 27 (1960). That interest will be served by the en banc Court hearing the parties' positions on the important constitutional issues implicated in this case in the normal course, not making a preemptive judgment when the government has shown no irreparable harm.

CONCLUSION

Petitioners respectfully request the Court deny Respondents' motion to stay.

Dated: July 17, 2026

Respectfully submitted,

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***Admission pending*

CERTIFICATE OF COMPLIANCE

I certify that the foregoing motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 5,200 words, excluding the parts of the document exempted by Fed. R. App. P. 27(a)(2)(B). It also complies with the typeface requirements of Fed. R. App. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced and easy-to-read typeface using Microsoft Word in 14-point size font.

July 17, 2026

/s/ Rebecca Cassler

Rebecca Cassler

Counsel for Petitioners-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2026, I electronically filed the foregoing with the Clerk for the United States Court of Appeals for the Fifth Circuit by using the CM/ECF system. A true and correct copy of this brief has been served via the Court's CM/ECF system on all counsel of record.

July 17, 2026

/s/ Rebecca Cassler

Rebecca Cassler

Counsel for Petitioners-Appellees

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 26-50183

Ignacio Sosnava Rodriguez
Petitioner–Appellee,

v.

Sylvester M. Ortega, in his official capacity as Director of the
San Antonio Field Office of ICE’s Enforcement and Removal
Operations; Markwayne Mullin, U.S. Department of Homeland Security;
Todd Wallace Blanche, Acting U.S. Attorney General; Department of Homeland
Security; DOJ Executive Office for Immigration Review,

Respondents–Appellants.

CONSOLIDATED WITH

No. 26-50219

Alejandro Villegas Angel,
Petitioner–Appellee,

v.

Markwayne Mullin, Secretary, U.S. Department of Homeland
Security; Todd Wallace Blanche, Acting U.S. Attorney General; Miguel Vergara,
San Antonio Field Office Director for Enforcement and Removal; United States
Department of Homeland Security; United States Immigration and Customs
Enforcement; Executive Office for Immigration Review, Office of the General
Counsel,

Respondents–Appellants.

CONSOLIDATED WITH

No. 26-50221

Miguel Angel Gomez Alvarado
Petitioner-Appellee,

v.

Michael Vergara, in his official capacity as Acting Director of San Antonio Field Office for U.S. Immigration and Customs Enforcement; Todd Lyons, in his capacity as the Acting Director for the U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary, U.S. Department of Homeland Security,

Respondents-Appellants

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
Nos. 1:26-cv-384, 1:26-cv-309, 1:26-cv-273

DECLARATION OF IGNACIO SOSNAVA RODRIGUEZ

I, Ignacio Sosnava Rodriguez, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge:

1. I am 47 years old and I have lived in the United States since 2004, when I entered the country without inspection. I am a citizen of Mexico.
2. I have been living in Texas since I came to the United States, and have been settled in Elgin, Texas with my family since 2024. We are fortunate enough to own our own home here. Before that we lived in Austin.

3. My wife and I have been together since 2010 and we have two children together, both of whom were born in the United States. Our son is 11 years old and our daughter is 13 years old. I also have two U.S. citizen stepdaughters who are 18 and 20 years old.
4. I am a self-employed construction worker and have always worked hard to be the main provider for my family. I get contracted to work on projects for a variety of construction contractors throughout Central Texas.
5. I have never been convicted of a crime in Mexico or the United States, and I have only ever been charged with traffic violations.
6. I am a practicing Catholic and my family and I have been members of Sacred Heart Catholic Church in Elgin since we moved here in 2024. We go every Sunday and both my children had their first communion this year. Religion is a very important part of my life.
7. My family is just as important. Unfortunately, my 13-year-old daughter has been struggling with her mental health for several years. She suffers from depression and anxiety, and she has threatened to harm or kill herself on multiple occasions. She often locks herself in her room and refuses to eat. My wife and I are constantly worried that she will try to take her own life. Even though she receives regular behavioral services, it is a daily struggle, and we have been working hard to find her more specialized care.

8. I am applying for cancellation of removal and adjustment of status for certain non-permanent residents under 8 U.S.C. § 1229b because I have lived in the United States for more than 10 years, have good moral character, and my U.S. citizen children would suffer exceptional and extremely unusual hardship if I were deported, especially my daughter, who needs my financial and emotional support and could not get the intensive mental health treatment she needs in Mexico. My case is currently on appeal to the Board of Immigration Appeals.
9. On December 23, 2025, two days before Christmas, I was leaving home and driving to work in the morning when I got pulled over by a State Trooper. He did not charge me with any traffic violation, but instead of letting me go, he called Immigration and Customs Enforcement (ICE). After the ICE officers came to pick me up, they shackled me by my hands, waist, and feet in a van with several other men. They kept us in the van, parked in a parking lot, and kept bringing more people until it was full. We spent most of the day there, shackled, without being given water, and not knowing what was going to happen to us.
10. Finally, around 5:00pm, they took us to an ICE office for processing. The officers wanted us all to sign papers agreeing to leave the country, and they got mad at those of us—like me—who wouldn't sign. When one man tried

to explain that he was applying for legal status based on being married to a U.S. citizen, the officer got very angry and told him that none of us had any right to stay in this country. Some men ended up signing the deportation papers because they were exhausted and sad, and the ICE officers told them that if they signed, they would be taken to Mexico and could spend Christmas with their families. Instead, these men got locked up with the rest of us until they were deported in early January.

11. Late that night, they took all of us to T. Don Hutto Detention Center in Taylor, Texas. They didn't let us sleep all night because they were processing us, and that didn't finish until late the next day. I couldn't stop thinking about my kids. I knew they were going to wonder why I didn't come home from work that day, and my wife was going to have to explain what happened. We were supposed to all go to church together on Christmas Eve and have a big meal and celebration for Christmas. I was sad that this beautiful time would be ruined for them, and I knew that it might not just be Christmas. I was worried about losing them and my whole life here forever.
12. The guards took everything we owned away from us and gave us two sets of uniforms, socks, and underwear, all already used. They gave us mattresses, too, and we were all so tired we couldn't wait to go to sleep. But when I got to my bunk, I noticed that the sheet covering my mattress had holes in it and

there were little white worms in the mattress. I was so tired I laid down and went to bed anyway, but soon all of us ended up with bites on our skin from the worms. We had to wait two days before we could see the doctor, then use a cream on the bites for a month. They didn't ever give us new mattresses. Every night I could still feel the worms biting my legs.

13. The worms weren't the only thing that made sleeping at Hutto hard. It was so, so cold. I was always freezing because I only had my thin uniform and nothing more. Other men would steal each other's clothes to try to stay warm.

14. We also had to wake up at 4:00am if we wanted to eat breakfast. If you weren't in line by then, the guards would leave for the cafeteria without you. I was always hungry, because they gave us so little food, and it was probably the worst food I've ever eaten. The meat was always the most disgusting. I remember they served us sausages several times that were rotten. There were cockroaches in the cafeteria too. Sometimes they would crawl up onto the tables while we were eating.

15. Our meals usually had a lot of carbs and sugar in them, like rice, spaghetti, and sweet bread, so I found it very hard to manage my prediabetes. The medical staff there kept telling me that my blood sugar was getting worse and my prediabetes was advancing, but there wasn't anything I could do

about it. I also have high blood pressure. Once I had to go to medical because I was feeling very stressed about my family and I was having a hard time breathing. It still took me several days to get an appointment. They ended up giving me some pills to take, but didn't say what they were, just that one was for my blood pressure and one was to help me sleep. Often the nurses didn't speak Spanish and didn't use an interpreter, so I didn't really understand what they were telling me and I don't think they understood me. I only took the sleeping pill twice because it made me feel out of it, like I was sedated.

16. The best part of my days at Hutto was the one hour we got to go outside in the sun. But because there were so many people detained there, sometimes we could only go out at 6:00am, and then we would be locked inside without seeing the sun again the whole day. The days went by slowly. I was so sad and stressed that I didn't really want to talk to other people. Mostly I just wanted to sleep, but I couldn't even really do that.

17. If anyone ever complained about the situation or asked for anything, the guards would get very angry. They always seemed to be mad and wanted to find any reason to scream at us. They would yell curse words and threaten to report us or send us to the freezer (what we call solitary). Once they locked

up some guys who were just having a loud verbal argument in the freezer for 15 days without letting them out.

18. The real thing that kept me going was my family. I tried to talk to them every day, but it was hard and expensive. It was \$5 for a video call and \$3 for a telephone call, and the calls would often get cut off. And between 50 people there were only five tablets and two telephones. Even though I wasn't far from my home, my family never got to visit me. My wife was afraid to come, and she didn't want my children to witness me in that place. I felt bad that they had to see me on video calls in my uniform and with all my hair shaved off—I didn't even look like myself.

19. The longer I stayed detained, the harder things got for my family. It was very sad. My children depend on me, not just to support them financially, but because I love them. My wife told me that my son cried a lot at night and wasn't sleeping. His teachers told her that he started falling asleep at school and was getting bad grades. And my daughter was locking herself in her room more and refusing to eat.

20. My daughter's mental health got so bad that my wife had to stop working to stay home with her. Eventually, we fell so behind on our bills that they cut off the electricity and the water at our house. We were behind on our mortgage and our car payments. My wife was struggling to afford groceries.

She finally had to borrow \$10,000, and it still wasn't enough to cover everything, so I ended up losing my truck.

21. The day I found out that I was going to be released from detention was a powerful day. I almost couldn't believe it. The worst part about being detained is that you don't know what's going to happen to you, when or if you're ever going to get out. It attacks you mentally and physically—just like you can almost never see the sun when you're locked up, it's hard to find hope.

22. I was so happy to walk out of the detention center. I couldn't wait to see my children. I kept telling them please don't be sad anymore, I'm here. But I had only been home for about a month when my wife got detained by ICE after a traffic stop too. She was sent to Karnes County Detention Facility and locked up there for about a month before she finally got released. That month was extremely difficult for our family. I was working full-time, but I could barely focus. I was constantly calling to check in on my daughter to make sure was ok. At home, I tried to spend as much time with her and my son as possible to help them feel loved and safe, but I could tell how much they were suffering. My daughter especially just didn't have the strength to deal with her mother's absence, especially so soon after mine. She would

come out of her room with red eyes every morning. She never wanted to eat.

I got her a kitten, hoping it would make her feel better.

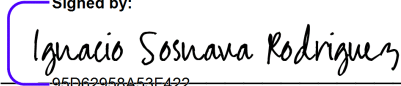
23. Even though my wife and I are both home and safe now, I can still see the impact of our detention on both our children. They are worried about what's going to happen to our family—we all are. We just don't know what's going to happen to us.

24. I still carry my detention with me, too. I have trouble sleeping because I think about the worms in my mattress. Sometimes I wake up at 4am thinking I have to go eat. I constantly worry about the State Trooper pulling me over again. I'm always looking over my shoulder. It's exhausting. I'm tired, I'm afraid, and I feel like I'm running all the time.

25. When I found out this week that the government wants to take away my habeas decision and detain me again, my heart fell. This year has been overwhelming for our family and it feels like we are only just starting to get back to normal after everything that has happened to us. I haven't done anything wrong since they let me go. I went to my immigration court hearing and I'm still fighting my case to be able to legally stay here with my family. I want to follow the rules and do what the government asks of me, but I don't understand why they want to lock me up again.

26.I feel like there's a heavy weight on my chest. I don't know how we will be able to go through this again and what it will do to us. I pray to God that I can stay with my family.

Dated: July 16, 2026

Signed by:

95D62958A53F422...
Ignacio Sosnava Rodriguez

CERTIFICATION OF TRANSLATION

I, Lily Hartmann, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

I am competent to interpret from Spanish into English and English into Spanish. On July 16, 2026, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish to the declarant. After I finished translating the foregoing declaration, the declarant verified that the contents of the declaration are true and accurate.

Dated: July 16, 2026
Lily Hartmann



**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 26-50183

Ignacio Sosnava Rodriguez
Petitioner-Appellee,

v.

Sylvester M. Ortega, in his official capacity as Director of the
San Antonio Field Office of ICE's Enforcement and Removal
Operations; Markwayne Mullin, U.S. Department of Homeland Security;
Todd Wallace Blanche, Acting U.S. Attorney General; Department of Homeland
Security; DOJ Executive Office for Immigration Review,

Respondents-Appellants.

CONSOLIDATED WITH

No. 26-50219

Alejandro Villegas Angel,
Petitioner-Appellee,

v.

Markwayne Mullin, Secretary, U.S. Department of Homeland
Security; Todd Wallace Blanche, Acting U.S. Attorney General; Miguel Vergara,
San Antonio Field Office Director for Enforcement and Removal; United States
Department of Homeland Security; United States Immigration and Customs
Enforcement; Executive Office for Immigration Review, Office of the General
Counsel,

Respondents-Appellants.

CONSOLIDATED WITH

No. 26-50221

Miguel Angel Gomez Alvarado
Petitioner-Appellee,

v.

Michael Vergara, in his official capacity as Acting Director of San Antonio Field Office for U.S. Immigration and Customs Enforcement; Todd Lyons, in his capacity as the Acting Director for the U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary, U.S. Department of Homeland Security,

Respondents-Appellants

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
Nos. 1:26-cv-384, 1:26-cv-309, 1:26-cv-273

DECLARATION OF ALEJANDRO VILLEGAS ANGEL

I, Alejandro Villegas Angel, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge:

1. I am 31 years old and I have lived in the United States since 2011, when I entered the country without inspection when I was just 16 years old. I am a citizen of Mexico.

2. I have been living in Texas since I came to the United States, and have been settled in Dale, Texas with my family for several years. We bought a piece of land here and I built our family's house on it, with my own hands.
3. My wife and I have been together since I was 17 years old. We got married in 2016 and we have two daughters, both U.S. citizens. My oldest daughter is 11 and my youngest is 8.
4. I work in construction for a company here in Texas. I have always been the primary financial provider for my family until my detention earlier this year.
5. I have never been convicted of a crime in Mexico or the United States, and I have only ever been charged with one traffic violation, for driving without a license.
6. I am Catholic and I go to church almost every Sunday at San Francisco Javier Catholic Church in Del Valle, Texas, about 20 minutes from my home.
7. My family is the most important thing in my life. I am very close with both of my daughters. My oldest daughter's life has been challenging. When she was two years old and still not speaking, we found out she has speech and developmental delays, and likely has autism. She still does not speak very well. She has been held back in school and receives speech therapy and other special education classes. I love spending time with her, though, and with my younger

daughter. My younger daughter loves to be outside with me on our land, riding horses and helping with chores. She's always by my side.

8. Although I have not yet applied because my next court date is not until 2028, I plan to apply for cancellation of removal and adjustment of status for certain non-permanent residents under 8 U.S.C. § 1229b. Because I have lived in the United States for more than 10 years, have good moral character, and my daughters—particularly my eldest—would suffer exceptional and extremely unusual hardship if I were deported, I believe I have a strong case. I want to keep fighting my case so that I can stay here legally with them and make sure they have everything they need.
9. On February 10, 2026, I got pulled over when I was driving my youngest daughter back from the store. The police accused me of driving without a license. They called ICE, who said to bring me in and they would pick me up at the local police station. The police put me in handcuffs and took me away in front of my 8-year-old daughter.
10. After about two days at the local jail, ICE came to pick me up. I was able to talk to my wife and she told me not to sign anything. That's what ICE tried to get me and all the other people at their office to do, give up our rights and sign for voluntary departure. Many people did, but I refused, so I got locked up at T. Don Hutto Detention Center.

11. I'd never been in detention before. It was really difficult. It was so cold. The food was awful. I didn't want to eat it, but the guards still woke us up every morning at 4:00am to take us to the cafeteria. They were supposed to take us outside every day for an hour, but often they didn't take us at all. And the water was so hot it was uncomfortable to even take a shower.
12. Most of all, I hated being separated from my family and not knowing what was going to happen to them, especially my daughters. My blood pressure got worse and I had to start taking medication. My wife told me that after I got detained, my daughters didn't want to go school in the mornings and they cried a lot, especially my youngest. My oldest daughter's teachers said she wasn't paying attention in school. Knowing they were sad was really hard for me, and I hated that my wife had to deal with all of it on her own. I tried to talk to all of them on the phone every day, at least to say hello and that I loved them, but the calls were so expensive.
13. My daughters did get to come visit me once with one of my cousins, but I couldn't hug them or even touch their hands. They didn't understand why, and I could tell that they didn't feel comfortable in that place. I hated that they had to see me wearing a prison uniform. The visit made me feel even more sad.
14. When I found out I was going to be released, I couldn't believe it. There were so many people who had spent months and months at Hutto, even years, people

who had lost everything, people who were getting deported. I was afraid that I would never make it out of there. When I got home, my daughters cried with joy when they saw me. It made me cry too.

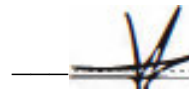
15. Since then, I've been worried every day that I'm going to be locked up again.

My daughters are worried too. They ask me, you're going to stay with us dad, aren't you? It was terrible news when I found out the government wants to try to put me back in detention. I don't understand why.

16. I want to fight my case and get legal status to stay with my family. I have a hearing in 2028 and my lawyer is already working with me to get ready for it. I'm staying in touch with him and collecting the documents he needs. I will do whatever I need to do to show that I will keep following the rules.

17. I don't know how my family would be able to manage without me again. We used all our small savings the first time I got detained. My daughters would be devastated. I can't even tell my family about this, because I know it will make them sad and scared.

Dated: July 16, 2026

A handwritten signature in blue ink, appearing to read 'Alejandro Villegas Angel', is written over a horizontal line.

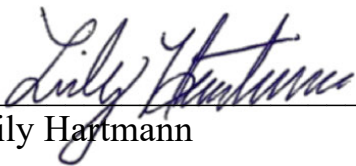
Alejandro Villegas Angel

CERTIFICATION OF TRANSLATION

I, Lily Hartmann, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

I am competent to interpret from Spanish into English and English into Spanish. On July 16, 2026, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish to the declarant. After I finished translating the foregoing declaration, the declarant verified that the contents of the declaration are true and accurate.

Dated: July 16, 2026



Lily Hartmann

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 26-50183

Ignacio Sosnava Rodriguez
Petitioner–Appellee,

v.

Sylvester M. Ortega, in his official capacity as Director of the
San Antonio Field Office of ICE’s Enforcement and Removal
Operations; Markwayne Mullin, U.S. Department of Homeland Security;
Todd Wallace Blanche, Acting U.S. Attorney General; Department of Homeland
Security; DOJ Executive Office for Immigration Review,

Respondents–Appellants.

CONSOLIDATED WITH

No. 26-50219

Alejandro Villegas Angel,
Petitioner–Appellee,

v.

Markwayne Mullin, Secretary, U.S. Department of Homeland
Security; Todd Wallace Blanche, Acting U.S. Attorney General; Miguel Vergara,
San Antonio Field Office Director for Enforcement and Removal; United States
Department of Homeland Security; United States Immigration and Customs
Enforcement; Executive Office for Immigration Review, Office of the General
Counsel,

Respondents–Appellants.

CONSOLIDATED WITH

No. 26-50221

Miguel Angel Gomez Alvarado
Petitioner-Appellee,

v.

Michael Vergara, in his official capacity as Acting Director of San Antonio Field
Office for U.S. Immigration and Customs Enforcement; Todd Lyons, in his
capacity as the Acting Director for the U.S. Immigration and Customs
Enforcement; Markwayne Mullin, Secretary,
U.S. Department of Homeland Security,

Respondents-Appellants

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS
Nos. 1:26-cv-384, 1:26-cv-309, 1:26-cv-273

DECLARATION OF MIGUEL GOMEZ ALVARADO

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Dated: July 16, 2026

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CERTIFICATION OF TRANSLATION

I, Jennifer Reyes, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

I am competent to interpret from Spanish into English and English into Spanish. On July 16, 2026, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish to the declarant. After I finished translating the foregoing declaration, the declarant verified that the contents of the declaration are true and accurate.

Dated: July 16, 2026



Jennifer Reyes