

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

OSCAR HERNANDEZ-AMAYA

CIVIL ACTION

VERSUS

NO. 25-889-JWD-RLB

DONALD J. TRUMP, et al.

JOINT RESPONSE TO THE COURT'S OCTOBER 6, 2025 ORDER

As directed by the Court in its October 6, 2025 *Order*, ECF No. 6, the parties have conferred and submit this joint response regarding further proceedings in this case.

I. DISCOVERY

A. Joint Position

The parties agree that no discovery is necessary to resolve Petitioner's *Motion for Temporary Restraining Order and Preliminary Injunction*, ECF No. 5.

B. Petitioner's Position

If Respondents include additional evidence into the record (including, but not limited to, a declaration), Petitioner reserves the right to request the opportunity to respond and, depending on the additional evidence provided, request discovery pertaining to that additional evidence.

C. Respondents' Position

Respondents reserve the right to submit additional evidence with their response to Petitioner's motion and petition. Respondents agree that Petitioner may submit a reply and include a proposed briefing schedule below. To the extent that Petitioner intends to seek discovery at a later date, a motion for leave of court with the "reasons for the request" should be submitted in accordance with Rule 6(a)-(b) of the Federal Rules Governing Section 2254 Cases in the United

States District Courts (hereinafter, the “Federal Habeas Rules”), which the Court may deem applicable to this proceeding under Rule 1(b) of those rules. *See Ndudzi v. Castro*, No. SA-20-CV-0492-JKP, 2020 WL 3317107, at *9 (W.D. Tex. June 8, 2020) (applying the Federal Habeas Rules to habeas claims by an asylum-seeker in ICE detention).

II. EVIDENTIARY HEARING

A. Joint Position

The parties agree that an evidentiary hearing is unnecessary to resolve Petitioner’s *Motion for Temporary Restraining Order and Preliminary Injunction*.

B. Petitioner’s Position

Petitioner reserves the right to request an evidentiary hearing depending on any additional evidence Respondents plan to include in the record.

C. Respondents’ Position

Respondents are continuing to investigate the facts underlying Petitioner’s claims and reserve the right to submit additional evidence with their response to Petitioner’s motion and petition. To the extent that Petitioner wishes to respond to that evidence, he may do so in his reply. Respondents believe that the Court can resolve this matter on the briefing and, if helpful to the Court, oral argument.

III. ORAL ARGUMENT

A. Petitioner’s Position

Petitioner does not believe that oral argument is necessary on the *Motion for Temporary Restraining Order and Preliminary Injunction*, but reserves the right to request a hearing depending on any additional evidence Respondents plan to include in the record.

B. Respondents' Position

Respondents believe that oral argument may aid the Court as it considers the legal issues raised in Petitioner's motion and petition but defer to the Court's discretion regarding the necessity and scheduling of that hearing.

IV. ADDITIONAL ISSUES

A. Petitioner's Position

Consolidation with the Merits. Petitioner does not agree with Respondents' position, *infra*, that briefing on the *Motion for Temporary Restraining Order and Preliminary Injunction* is necessarily sufficient to address the factual and legal issues raised by the petition. Petitioner filed his Motion because he suffers irreparable injury each instant he stays in immigration detention beyond constitutional limits. *See Kostak v. Trump et al.*, No. CV 3:25-1093, 2025 WL 2472136, at *8 (W.D. La. Aug. 27, 2025) (citing *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012)); *see also Elrod v. Burns*, 427 U.S. 347, 373 (1976).¹ As such, his request for preliminary and expeditious relief in order to ensure the habeas writ remains effective so that his

¹ There is no such thing as a hierarchy of constitutional rights where the violation of some cause irreparable injury and others do not. *See e.g., D.C. v. Heller*, 554 U.S. 570, 634 (2008) ("The very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon"); 11A C. Wright, A. Miller, & Mary Kay Kane, *Federal Practice and Procedure*, § 2948.1 at 161 (2d ed. 1995) ("When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary"). Importantly, wrongful incarceration is an irreparable injury. *See Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6143643, at *6 (W.D. La. Sept. 17, 2020), *report and recommendation adopted*, No. 6:20-CV-00866, 2020 WL 6064881 (W.D. La. Oct. 14, 2020) ("Respondents' continued violation of Petitioner's constitutional right to substantive due process - her indefinite detention - is itself an irreparable injury. No further showing of irreparable injury is necessary"); *Lake v. Speziale*, 580 F. Supp. 1318, 1335 (D. Conn. 1984) (finding in another context that the "injury of incarceration [that] flows from the defendants' failure to act in conformance with the requirements of the Constitution" meets the irreparable harm standard for injunctive relief).

As set forth in Petitioner's petition, immigration detention can only have two legitimate government purposes: ensuring appearance at future immigration proceedings and preventing danger to the community pending completion of removal. *See Zadvydas v. Davis*, 533 U.S. 678, 691 (2001). At all times, detention must be reasonably related to a nonpunitive objective, and "where detention's goal is no longer practically attainable, detention no longer bears reasonable relation to the purpose for which the individual was committed." *Id.* at 690 (internal citations and quotations omitted). At that point, otherwise permissible detention becomes "the exercise of power without any reasonable justification" and a violation of due process. *County of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998).

constitutional rights are not further violated does not translate into a readiness to seek full resolution on the merits absent any discovery, an evidentiary hearing, and/or further guidance from this Court. Respondents' briefing proposal on the underlying petition for habeas corpus is thus premature. Petitioner has the right to not be forced into a Hobson's choice that requires him to stay in jail longer in order to create a fulsome record, or roll the dice in order to seek final resolution now—and thereby waive his rights to amend his petition, seek additional discovery, and request a final hearing on the merits.

Because the Court could find that the facts alleged to date are insufficient to prove Petitioner's case, Petitioner cannot concede that consolidation is warranted. Accordingly, Petitioner reserves all rights to seek leave for discovery and/or to amend his Petition pursuant to the Court's issuance of an order on his Motion.

In the interest of efficiently resolving the instant Motion, Respondents submit the following proposed case schedule:

Proposed Date	Event
Friday, October 24, 2025	Respondents shall file their opposition to the <i>Motion for Temporary Restraining Order and Preliminary Injunction</i> .
Friday, October 31, 2025	Petitioner may file a reply to Respondents' opposition to the <i>Motion for Temporary Restraining Order and Preliminary Injunction</i> .

B. Respondents' Position

Consolidation with the Merits. Because briefing on Petitioner's *Motion for Temporary Restraining Order and Preliminary Injunction* is likely to sufficiently address the factual and legal issues raised by the petition and there is otherwise no right to a jury trial on Petitioner's habeas claims,² Respondents request that the Court consider consolidating any hearing and ruling on that

² Cf. *Ralston v. Dir., TDCJ-CID*, No. 6:11cv88, 2011 WL 6058587, at *2 (E.D. Tex. Oct. 6, 2011) ("There is no right to a jury trial in habeas corpus proceedings.").

motion with the merits pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure.

Proposed Schedule. As an initial matter, Respondents do not believe that Petitioner has raised any issues in his motion or petition that warrant the expedited, emergency relief of a temporary restraining order. To the contrary, this case involves a prototypical habeas challenge to the legal basis for Petitioner's detention, and there is no allegation of imminent, irreparable injury other than the fact of detention itself—an injury that, by definition, is present in every habeas case. *See* Pet'r's Mot. 10 (identifying the alleged irreparable harm as “wrongful imprisonment”); *cf. Abdullah v. Bush*, 945 F. Supp. 2d 64, 67 (D.D.C. 2013) (denying a motion for a preliminary injunction by a habeas petitioner where the petitioner “has not explained what irreparable injury he faces outside of the injuries addressed by the merits of [the] underlying habeas petition itself”).

That said, Respondents acknowledge that the Court retains full discretion regarding scheduling. *See* Fed. Habeas R. 4 (requiring the filing of an answer, motion, or other response to a habeas petition “within a fixed time” set by the judge). In the interest of efficiently resolving this case, Respondents submit the following proposed case schedule:

Proposed Date	Event
Friday, October 24, 2025	Respondents shall file (1) their opposition to the <i>Motion for Temporary Restraining Order and Preliminary Injunction</i> and (2) an answer to the <i>Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241</i> .
Friday, October 31, 2025	Petitioner may file a reply to Respondents' answer and opposition to the <i>Motion for Temporary Restraining Order and Preliminary Injunction</i> .

Counsel for the Respondents are available thereafter if the Court would like to schedule oral argument.

Baton Rouge, Louisiana, this 10th day of October, 2025.

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