

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

REINALDO MORENO-RODRIGUEZ,

Petitioner,

v.

WARDEN, *et al.*,

Respondents.

Case No. 3:26-cv-00084-DCG

Judge David C. Guaderrama

SUPPLEMENTAL BRIEF

In compliance with this Court's Order of April 23, 2026, Petitioner hereby files this Supplemental Brief. Petitioner responds to the Court's questions in order as follows:

- (1) Does Petitioner dispute Respondents' assertion that he "has failed to comply with removal to Mexico under the Cuba, Venezuela, Nicaragua, and Haiti (CVNH) repatriation agreement?" If so, why?**

Response: **Petitioner disputes Respondents' assertion, for the following reasons.** To the best of Petitioner's knowledge (and his undersigned counsel's research), there is no official "Cuba, Venezuela, Nicaragua, and Haiti (CVNH) repatriation agreement," that has been entered into between Mexico and the United States. Online research shows that the CVNH program was a Biden Administration program which granted parole to individuals from these four countries, and that the Trump Administration halted that program by way of a Federal Register notice from the U.S. Department of Homeland Security on March 25,

2025. This termination set a maximum date for the parole of individuals who were admitted through the CHNV program.

(See <https://www.federalregister.gov/documents/2025/03/25/2025-05128/termination-of-parole-processes-for-cubans-haitians-nicaraguans-and-venezuelans>) (last visited on April 30, 2026).

Petitioner entered the U.S. in 1996, decades before the CVNH program existed, and the termination of the CVNH program has no effect on him. See ECF # 14-1, page 2 of 4.

Petitioner has not refused to be removed from the U.S., he has only refused to cooperate when he believed that his removal would not be accomplished in a safe manner. Petitioner has objected to being removed to Mexico by Respondents in the following situations:

1. Respondents have sought to leave Petitioner in Mexico without any travel documents issued by the Mexican government;
2. Respondents have sought to leave Petitioner in Mexico without any personal identification documents (including those that they confiscated from him);
3. Respondents have sought to leave Petitioner in a high-risk and dangerous area in Mexico and near the U.S.-Mexican border; and
4. Petitioner has refused to be removed to Mexico under circumstances where he believes that his life is at risk.

Respondents have not provided Petitioner with any documents showing that the Mexican government has agreed to accept his transfer there. Respondents have not provided Petitioner with any “travel documents” issued by a Mexican Consulate in the U.S., showing that he will have any legal status in, or permission to remain in, Mexico.

Petitioner would welcome the opportunity to testify about his experiences being transported to the U.S.-Mexican border, the circumstances of Respondents' efforts to remove him to Mexico without any travel documents or personal identification documents (including those that Respondents confiscated from him), and what Respondents' agents told him enroute to the U.S.-Mexican border and at the U.S.-Mexican border.

(2) Does Petitioner dispute that 8 U.S.C. § 1231(a)(1)(C) authorizes detention where an alien fails to comply with removal to Mexico under the CVNH repatriation agreement, with citations to relevant authority? If so, why?

Response: **Petitioner disputes Respondents' assertion, for the following reasons.** In the case of *Azmera Kesete v. Brian Acuna, et al.*, 25-1749, 2026 WL 1027655 (W.D. La. Mar. 31, 2026), the district court found that extended immigration detention was reasonable where the noncitizen refused to sign an application for a German passport and a subsequent German visa application. *See Kesete v. Acuna*, 2026 WL 1027655, at *3; *see also Hook v. Lynch*, 639 F. App'x 229, 230 (5th Cir. 2016) (denying a petition where the petitioner failed to cooperate with efforts to remove him); *Shabanov v. Tate*, H-23-3136, 2024 WL 1772873, *3 (S.D. Tex. Apr. 24, 2024) (Petitioner refused to sign a travel document offered by the Embassy of the Russian Federation); *Gluschenko v. United States Dep't of Homeland Security*, 566 F. Supp. 3d 693, 709-11 (W.D. Tex. 2021) (rejecting a *Zadvydas* claim from a Russian detainee who willfully obstructed the removal process by refusing to sign travel documents during his in-person interview with consular officials). The key difference between Mr. Moreno-Rodriguez's situation and those in the cases above is that he has not refused to sign any requests for travel documents, applications for passports, applications for visas, or actual travel documents presented by a foreign government official.

Here, Respondents have not presented Mr. Moreno-Rodriguez with any travel-document related documents for his signature. If given the opportunity, he will testify that he would cooperate with his removal to Mexico if he is given his U.S. identity documents, travel documents from the Mexican government, and assurance that he will not be left in a life-threatening situation at or near the U.S.-Mexican border.

(3) Would a determination that 8 U.S.C. § 1231(a)(1)(C) authorizes Petitioner's detention foreclose the relief he seeks? If not, why?

Response: **Petitioner does not dispute** that a determination that 8 U.S.C. § 1231(a)(1)(C) authorizes his continued detention forecloses the relief that he seeks under Count I of his Amended Petition for a Writ of Habeas Corpus. ECF # 12, p. 6-8, ¶¶ 18-25. On the other hand, Count II of his Amended Petition raises a Due Process claim and violation even under Respondents' detention authority under § 1231(a)(1)(C), as he has not had the procedural due process protections of having the Mexican government issue travel documents to him, and the minimal protection of having his U.S. identity documents returned to him in advance of his removal to Mexico. ECF # 12, p. 8-9, ¶¶ 26-29. For these reasons, Petitioner respectfully requests that his Amended Petition not be dismissed or denied.

Respectfully submitted this 30th day of April 2026.

/s/Brian Scott Green

Brian Scott Green

Colorado Bar ID # 56087

Law Office of Brian Green PLLC

8700 E Jefferson Avenue, #370021

Denver, CO 80237

(443) 799-4225

BrianGreen@greenUSimmigration.com

Low Bono Counsel for Petitioner