

United States District Court
Western District of Texas
El Paso Division

JOSE ENRIQUE OJEDA DUARTE,
Petitioner,

v.

WARDEN, *et al.*,
Respondents.

No. EP-26-CV-00089-DCG

**Federal Respondents' Response to Petitioner's Motion for Temporary Restraining Order
and Advisory to the Court**

Pursuant to the Court's order issued on April 15, 2026, ECF No. 7, Federal¹ Respondents respectfully file this Response to Petitioner's Motion for Temporary Restraining Order (ECF No. 6) and Advisory to the Court. In response to the Court's Order, Federal Respondents aver that Petitioner was removed from the United States on April 13, 2026. Upon information and belief, Petitioner was removed to Caracas, Venezuela. Petitioner's order of removal is not final, and his case is currently pending appeal before the Board of Immigration Appeals.

Unfortunately, Petitioner's removal was an inadvertent error due to a data quality issue within DHS-ERO's case information system. ERO management has been notified of this error. Upon information and belief, ERO is currently working diligently to initiate the process to return Petitioner to the United States. This process requires coordination with HQ RIO and the Attache who oversees ICE operations in Venezuela.

Dated: April 16, 2026

¹ The Department of Justice does not represent the Warden.

Respectfully submitted,

JUSTIN R. SIMMONS
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants: Afshan J. Khan, Law Office of Afshan J. Khan, 986 Lake Street, Suite 102, Roselle, IL 60172, *Attorney for Petitioner*.

/s/ Natasha D. Hines
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