

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

FILED

APR 24 2026

CLERK, U.S. DISTRICT COURT  
BY [Signature] WESTERN DISTRICT OF TEXAS  
DEPUTY CLERK

JOSE POLANCO PENELVER

Petitioner,

v.

KEN PAXTON Attorney General;

MARK WAYNE MULLEN Secretary of Department of Homeland Security;

U.S. ICE Field Office Director For The Western District of Texas Field Office,

Warden ERO EL Paso E. Montana Detention Facility,  
Respondent(s)

Case No: 3:26-CV-00169-KC

**TRAVERSE TO RESPONDENTS RESPONSE**

Petitioner, JOSE POLANCO PENELVER pro se files this traverse against respondents response in a timely manner and states as follows:

Petitioner was transferred several times while in custody of DHS/ICE and was unable to be notified properly by the Courts or Counsel or able to file a change of address due to restrictions from institutions during his movements and communication barriers. (see exhibit A attached) envelope

Petitioner has been moved back to Stewart Detention Center after several other detention centers in hopes that he could not communicate with family members, counsel or anyone who may possible assist in his Habeas Corpus petition, or prepare any legal documents.

In the response Respondent states false statements pertaining to the petitioner and removal to Cuba. It states that Petitioner was moved to Louisiana where the Court has no jurisdiction to hear or rule on his Habeas petition.

Respondent also state that Petitioner was moved to Louisiana to execute removal to Cuba on or before 3-15-2026 which is not a fact as he still remains detained illegally over 30-days later.

The IJ ordered that Petitioner be brought before the Court on February 17-2026 for a Hearing and it seems that respondents do no honor or respect the Judges order and are deliberately "playing forum games or [keep] moving [him] so that his filing could not catch up." Khalil v. Joyce, 771 F. Supp. 3d 268, 285 (S.D.N.Y. 2025)

Petitioner Humbly asks this Court to retain jurisdiction in his Habeas Corpus and have him transferred back to Texas for the Judges ordered Court Hearing with-out any objection from petitioner.

**CERTIFICATE OF OATH**

**I Swear** under Penalty of Perjury from the United States of America if this Motion is found to be false, frivolous, or made in bad faith. I also swear that this motion is true to the best of my knowledge.

**I further state** that this motion is not a copy of a motion that has been ruled on nor has it been deposited of by this Court.

**I Swear** that this motion has been prepared and read to me in my native tongue or language that I understand **and everything that is said in the following motion is true.**

*Petitioner need counsel and a Spanish interpreter from this moment forward.*

x 

*(See Exhibit A attached)*

April- 16, 2026

**JOSE POLANCO PENELVER**



Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

**CERTIFICATE OF SERVICE**

I Swear, that a true and correct copy of the following Motion has been placed in the hands of an institution official to be furnished and forwarded by first class mail to the following parties listed below on April 16, 2026

**1. U.S. DISTRICT COURT**

**For the Western District of Texas**

**El Paso Division**

525 Magoffin Ave, Suite 105

El Paso, TX 79901

**2. Office Of Chief Counsel DHS/ICE**

El Paso E. Montana Detention Facility

8915 Montana Ave. Suite 100

El Paso, TX 79925

x 

April- 16, 2026

**JOSE POLANCO PENELVER**



Stewart Detention Center

146 CCA Rd.

Lumpkin, GA 31815

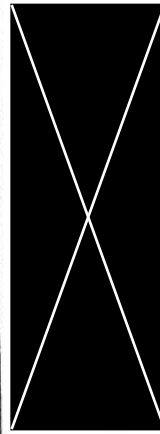
(Exhibit A)

U.S. Department of Justice  
United States Attorney's Office  
Western District of Texas  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216

Official Business  
Penalty for Private Use \$300

Attn: AVSA, Hwy  
Jen

CERTIFIED MAIL



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Jena, LA 71342

SAN ANTONIO TX 780  
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US POSTAGE

\$010.44

Jose Polanco Penalver



Jena/LaSalle Detention Facility  
830 Pine Hill Road

02/18/26

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UNABLE TO FORWARD  
RETURN TO SENDER

RETURN TO SENDER

NOT HERE

PROHIBITED ITEMS

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NO LONGER AT  
FACILITY

Jose Polanco



Stewart Detention  
146 CCA Rd.  
Cumpton, GA 3181

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**CERTIFIED MAIL**

Page 5 of 5

Filed 04/24/26

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C/O Clerk of Courts

FILED

APR 24 2026

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY

U.S. District Court  
For the Western District of Texas  
El Paso Division  
525 Magoffin Ave, Suite 105  
El Paso, TX 79901

79901-257830



\*Legal Mail\*