UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

BHARATBHAI PATEL, Petitioner, v. KRISTI NOEM, et al., Respondents.	Case No. 1:26-cv-211

PETITIONER'S AMENDED[1] OPPOSED MOTION FOR LIMITED DISCOVERY

Petitioner Bharatbhai Patel moves for limited discovery related to the government's decision to revoke his order of supervision. As grounds, Mr. Patel states:

While "[a] habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). There are circumstances where discovery is permitted. There, "a habeas petitioner must demonstrate that good cause exists to permit discovery." *Claytor v. Masters*, 2015 WL 7301075, at *7 (S.D.W. Va. Oct. 7, 2015), R&R adopted, 2015 WL 7302765 (S.D.W. Va. Nov. 18, 2015); *see also* Rules Governing Section 2254 Cases, Rule 6(a) ("A party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise ...").[2]

[1] Amended to reflect Respondents' opposition.

[2] Courts may apply this rule to immigration habeas cases under section 2241. *Gaitan–Campanioni v. Thornburgh,* 777 F.Supp. 1355, 1356 (E.D. Tex. 1991) (applying Rule 6(a) to section 2241 case brought by federal immigration detainees); *see also Momennia v. Estrada*, 2003 WL 21318323, at *1 n.1 (N.D. Tex. May 21, 2003).

To demonstrate good cause, a Petitioner must show that there are "specific allegations before the court" which demonstrate "reasons to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is ... entitled to relief." *Momennia*, 2003 WL 21318323, at *1 (quoting *Harris v. Nelson,* 394 U.S. 286, 300, 89 S.Ct. 1082, 1091, 22 L.Ed.2d 281 (1969)).

Here, good cause exists for Mr. Patel to be permitted leave to issue written discovery because his order of supervision was revoked by a person other than the specific signatories permitted under the Code of Federal Regulations. Mr. Patel should be entitled to explore whether "the signator on the Notice of Revocation acted without delegated authority." *See* Order Denying TRO, Dkt. No. 15 at 4.

Further, the revocation notice is premised on Mr. Patel's criminal conviction, for which he was placed on supervision. The notice itself specifies no new circumstances underlying the decision to revoke Mr. Patel's order of supervision. Mr. Patel should therefore be permitted to explore whether there were any other changed circumstances not identified in the notice.

Accordingly, for good cause shown, Mr. Patel should be permitted to issue the following limited written discovery to Respondents:

(1) A request for production directed to Respondents for all nonprivileged communications concerning the decision to revoke Petitioner's order of supervision;

(2) An interrogatory directed to Respondents seeking an answer under oath as to whether the "AFOD" who signed the revocation notice possessed signatory authority to do so; and

(3) An interrogatory directed to Respondents seeking an answer under oath as to what changed circumstances, if any, guided the decision to revoke Petitioner's order of supervision.

WHEREFORE, Petitioner Bharatbhai Patel respectfully requests that the Court grant this motion for limited discovery and permit Mr. Patel to issue one request for production and two interrogatories to Respondents.

Dated: March 27, 2026

Respectfully submitted,

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Attorneys for Petitioner Bharatbhai Patel

LOCAL RULE 7.1 CERTIFICATE

I hereby certify that that on March 27, 2026, I conferred with counsel for Respondents on the relief requested herein. Respondents oppose the relief requested herein.

/s/ James M. Slater
James M. Slater

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document will be served on all counsel of record via CM/ECF.

/s/ James M. Slater
James M. Slater