UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

BHARATBHAI PATEL, *Petitioner*,	§	
	§	CIVIL ACTION NO. 1:26-cv-00211
v.	§	
KRISTI NOEM, *et al*., *Respondents*.	§	

BRIEF REGARDING LAWFUL DETENTION

Respondents ("the Government") hereby submit this brief to evidence that Petitioner's detention is lawful and that his removal is significantly likely in the reasonably foreseeable future. The initial issue in this case was whether Petitioner could be removed while he has deferred action. This issue is now moot because Petitioner's deferred action has been terminated. **Gov't Ex. A**.

The remaining issue is whether Petitioner's Order of Supervision ("OSUP") has been lawfully revoked under 8 C.F.R. §§ 241.4(l) or 241.13(i). Petitioner's OSUP was initially revoked on November 28, 2025, pursuant to 8 C.F.R. § 241.4(l)(2) because the conditions of Petitioner's release had been served and it is appropriate to execute Petitioner's final order of removal entered on February 27, 2012. *See* **Dkt. No. 11-5**. On May 14, 2026, the Acting Field Office Director issued a subsequent Notice of Revocation of Release to revoke Petitioner's OSUP because it is appropriate to enforce the removal order entered against him. *See* **Gov't Ex. B**. DHS gave Petitioner an informal interview in which he was permitted to respond to the reasons for the revocation of his OSUP, and Petitioner agreed with his scheduled removal. *See* **Gov't Ex. C**. The Government has fully complied with 8 C.F.R. § 241.4(l) in revoking Petitioner's OSUP.

In any event, the Government has demonstrated that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future and has thus complied with the requirements of 8 C.F.R. § 241.13(i) as well. DHS has scheduled Petitioner for a removal flight to India on June 1, 2026, out of the John F. Kennedy International Airport. *See* **Gov't Ex. D**. DHS has obtained a travel document for Petitioner so that he will be accepted by India. *See* **Gov't Ex. E**. As there is a significant likelihood of his removal, and the Government gave Petitioner the required informal interview, the Government has complied with 8 C.F.R. § 241.13(i), as well as 8 C.F.R. § 241.4(l), in revoking Petitioner's OSUP. Accordingly, the Court should find that Petitioner's detention and imminent removal are lawful and decline to issue any injunctive relief that will prohibit the execution of Petitioner's final order of removal.

Dated: May 15, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 15, 2026, the foregoing was filed and served through the Court's CM/ECF system.

s/ Alexander McDonough
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