IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALERXI RONDON REYES	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 2:26-cv-1324
	:	
JAMAL L. JAMISON, ET AL.,	:	
	:	
Respondents.	:	

RESPONSE IN OPPOSITION TO
MOTION FOR RECONSIDERATION

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I. INTRODUCTION

Petitioner moves this Court to reconsider and vacate its April 9, 2026 Order (ECF 15) and accompanying Memorandum Opinion (ECF 14) denying the Petition for Writ of Habeas Corpus. ECF 16, 17. Petitioner claims that reconsideration is appropriate based on "three relevant pieces of new evidence." ECF 16 ¶ 3. However, because this evidence is not newly available or material to the Court's decision, the Court should deny the motion.

II. LEGAL STANDARD

The standard for granting a motion for reconsideration under Rule 59[1] of the Federal Rules of Civil Procedure is very high. *See Quan Van Nguyen v. Wenerowicz,* 2014 WL 1415331, at *1 (E.D. Pa. April 10, 2014); *Curiale v. Timber Holding Corp.*, 1997 WL 713950, at *1 (E.D. Pa. Nov. 10, 1997). "Because federal courts have a strong interest in the finality of judgments, motions for reconsideration should be granted sparingly." *Burger King Corp. v. New England Hood & Duct Cleaning Co.*, 2000 WL 133756, *2 (E.D. Pa. Feb. 4, 2000). A party seeking reconsideration of a district court's order must show either (1) "an intervening change in the controlling

[1] Petitioner requests that the Court reconsider its prior ruling, citing to both Rule 59 and 60. *See* ECF 16 ¶ 1; 17 at 1, 4-5. However, although motions for reconsideration under these Rules are similar, each serves a distinct purpose. *United States v. Fiorelli*, 337 F.3d 282, 288 (3d Cir. 2003). Rule 60 provides six grounds for relief from final judgment, order, or proceeding. *Id.* (citing Fed. R. Civ. P. 60(b)(1)). In contrast, Rule 59 "is a device to relitigate the original issue" decided by the district court. *Fiorelli*, 337 F.3d at 288 (citing *Smith v. Evans*, 853 F. 2d 155, 158 (3d Cir. 1988)). Petitioner's motion seeks to relitigate his habeas petition based on newly discovered evidence. Therefore, Respondents construe the motion as one under Rule 59.

law;" (2) the availability of new evidence that was not available when the court issued its prior order; or (3) "the need to correct a clear error of law or fact or to prevent manifest injustice." *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999).

Motions for reconsideration "cannot be used to reargue issues that the court has already considered and disposed of." *McSparren v. Pa.*, 289 F. Supp. 3d 616, 621 (M.D. Pa. 2018) (citing *Blanchard v. Gallick*, 2011 WL 1878226 at *1 (M.D. Pa. May 17, 2011)). Additionally, a motion for reconsideration may not be used to "present a new legal theory for the first time" or as a vehicle "to raise new arguments that could have been made in support of the original motion." *MMG Ins. Co. v. Guiro, Inc.*, 432 F. Supp. 3d 471, 474 (M.D. PA. 2020) (citing *Vaidya Xerox Corp.,* 1997 WL 732464, *2 (E.D. Pa. Nov. 25, 1997)). "Mere dissatisfaction with the Court's ruling is not a proper basis for reconsideration." *Glendon v. Energy Co. v. Borough of Glendon,* 836 F.Supp 1109, 1122 (E.D. Pa. 1993).

III. LEGAL ANALYSIS

The underlying habeas petition challenged the lawfulness of Petitioner's detention pending removal under 8 U.S.C. § 1231, after Immigration and Customs Enforcement (ICE) revoked Petitioner's Order of Supervision (OSUP). ECF 1. Central to this challenge was whether ICE complied with the regulation at 8 C.F.R. § 241.4 in revoking Petitioner's OSUP and re-detaining him. *Id.* After thoroughly analyzing the evidentiary record, the Court found that ICE properly revoked Petitioner's OSUP under 8 C.F.R. § 241.4 and, thus, Petitioner's re-detention

comported with due process, the Immigration and Nationality Act (INA), the INA's implementing regulations, the Administrative Procedures Act (APA), and the *Accardi* doctrine. ECF 14 at 4, 15.

Importantly, in reaching this conclusion, the Court recognized the limitations placed on it in reviewing ICE's discretionary decision to revoke Petitioner's OSUP. The Court made clear that it was not reviewing ICE's discretionary decision to revoke Petitioner's OSUP but rather whether ICE complied with its own revocation procedures when doing so. *Id.* at 6 (citing *Barrios v. Ripa*, No. 1:25-cv-22644, 2025 WL 2280485, at *4 (S.D. Fla. Aug. 8, 2025)). Indeed, the Court reiterated that:

> [I]t is not within the Court's purview to weigh in on Respondents' discretionary decision to revoke Petitioner's OSUP for violation of a condition of release. That is, it is not the Court's role to decide whether Petitioner committed any crimes or is associated with criminal activity as a result of his December 2025 arrest—instead, the Court is evaluating whether Respondents' actions in revoking Petitioner's OSUP violated constitutional due process and the procedural safeguards guaranteed by the INA's implementing regulations and the APA.

ECF 14 at 8. The Court thus concluded that Respondents "plainly followed the procedures set out in the relevant regulations . . . when revoking Petitioner's OSUP" and accordingly, denied the habeas petition. *Id.* at 14.

It is through this lens that the Court should evaluate Petitioner's motion for reconsideration. Respondents argue that the Court should reconsider its prior finding based on three pieces of newly available evidence: (1) an e-mail from Petitioner's assigned Deportation Officer; (2) a letter from the Philadelphia District Attorney's Office; and (3) Petitioner's medical records from the Federal Detention Center (FDC). ECF 16, 17. This evidence, however, is not newly available and, more

importantly, does not inform the central issue underlying the Court's prior analysis—whether ICE complied with the applicable regulations in revoking Petitioner's OSUP and re-detaining Petitioner.

A. E-mail Correspondence with ICE

First, Petitioner provides an e-mail from his assigned Deportation Officer to argue that the Court should reconsider its prior finding. ECF 16 ¶ 4; 16-2. This e-mail states that ICE has not yet identified a third country to which Petitioner may be removed or a travel document for this intended third country. ECF 16-2. Seizing on this information, Petitioner argues that ICE's revocation of Petitioner's OSUP was unlawful at its inception because Petitioner's removal to a third country was not in fact reasonably foreseeable. However, Petitioner already presented this same argument in the habeas petition, ECF 1 ¶ 45, 61, 67, and the Court already addressed it in its decision. *See* ECF 17 at 9 (rejecting due process challenge to detention on the basis that Petitioner's removal was not reasonably foreseeable because the evidence demonstrated that ICE was in the process of identifying an appropriate third country for removal). Thus, as Petitioner is simply seeking to reargue an issue that the Court already decided, the Court should deny the motion on this basis alone. *See McSparren,* 289 F. Supp. at 621.

The fact that ICE has not yet identified a third country to which Petitioner may be removed also does not mean that Petitioner's removal is not reasonably foreseeable. The third country removal process takes time, as Petitioner's own evidence acknowledges. *See* ECF 16-5 at 9 ("Historically, when an individual was

granted [relief under the Convention Against Torture] while detained, he or she would either remain detained *for 90 to 180 days,* while ICE looked for a third country to accept the individual") (emphasis added). Petitioner has been detained for two months and eighteen days, not even half of the presumptively reasonable six-month period set forth in *Zadvydas v. Davis,* 533 U.S. 678 (2001).

The evidence of record demonstrates that the RIO division of ICE headquarters *initiated* the third country removal process, and at no point in its briefing did the government represent that ICE had already identified a third country or obtained a travel document for that third country. ECF 8, Ex. L. The Court recognized this and nonetheless found that "Petitioner's re-detention [was] not unlawful or unreasonable given that ICE *is in the process* of identifying an appropriate third country for Petitioner's removal . . ." ECF 14 at 9 (emphasis added). Thus, the new evidence provided by Petitioner does not impact the Court's prior analysis.

B. Letter from Philadelphia District Attorney's Office

Second, Petitioner provides a letter from the Philadelphia District Attorney's Office to argue that the Court should reconsider its prior finding. ECF 16 ¶ 5, 16-3. This letter discusses Petitioner's December 6, 2025 arrest for Driving Under the Influence, Simple Assault, Recklessly Endangering Another Person, False Identification to Law Enforcement, and Criminal Mischief. ECF 16-3. The letter does not definitively state *why* the District Attorney's Office withdrew these charges, only that such a determination was made following a "complete review of

the case." *Id.* Nonetheless, Petitioner extrapolates that "the District Attorney concluded that Mr. Rondon Reyes' medical records—noting chest pain and confusion at the time of the arrest and an assessment of his medical condition at a hospital—presented evidentiary concerns. . .". ECF 17 at 2. Based on this unsupported inference, Petitioner argues that ICE unlawfully revoked his OSUP because he did not in fact violate the conditions of his release through his arrest for DUI and related charges. *Id.*

First, this evidence is not newly available. The underlying arrest occurred in December 2025, more than five months ago, and the letter was at the very least available to Petitioner at the time of his initial habeas filing. Second, the Court previously addressed Petitioner's arguments related to his arrest, which formed one of the bases upon which ICE revoked his OSUP, and acknowledged that "it is not the Court's role to decide whether Petitioner committed any crimes or is associated with criminal activity as a result of his December 2025 arrest . . .". ECF 14 at 8. Despite this clear finding, Petitioner again asks the Court to opine on the merits of the underlying arrest in determining whether ICE properly revoked Petitioner's OSUP. For all the reasons the Court already stated, it should decline to do so.

C. Petitioner's Medical Records

Third, Petitioner provides copies of his medical records from the FDC to argue that the Court should reconsider its prior finding. ECF 16 ¶ 6; ECF 20. These records document Petitioner's various medical conditions, including Type 2 diabetes mellitus, hyperlipidemia, and heart disease, and show that he is and has been

receiving his required medication and treatment while detained. *See* ECF 20. Nonetheless, Petitioner argues that these medical conditions require the Court to reconsider its prior finding and order his immediate release, since Respondents have not demonstrated why Petitioner needs to be in custody while ICE facilitates the third country removal process. ECF 17 at 18.

Once again, evidence related to Petitioner's underlying medical conditions is not newly available. After all, these medical conditions were or should have been known to him and his attorneys as early as December 2025, when these same medical conditions apparently led to his arrest for DUI and related charges. The medical records also do not impact the Court's legal analysis. ICE was aware of Petitioner's medical conditions when revoking his OSUP and re-detaining him, as evidenced by the record. *See* ECF 8, Ex. D ("The subject claims to take prescription medication for Diabetes."). Notwithstanding this information, ICE made the discretionary decision to revoke Petitioner's OSUP and re-detain him based on his very recent criminal activity, which ICE determined violated the conditions of his release, as well as his past significant criminal and immigration history. The Court has already acknowledged that it lacks jurisdiction to review this discretionary determination. ECF 14 at 6. Thus, as the medical records bear on, at most, whether ICE properly exercised its discretion, this does not provide a basis upon which the Court should reconsider its prior decision.

D. Other Evidence

Though not highlighted in the motion as one of the "three relevant pieces of new evidence," Petitioner also provides a copy of the United States Citizen and Immigration Services' reasonable fear finding, as well as an expert report discussing relief under the Convention Against Torture (CAT), more generally. ECF 16-4, 16-5. This evidence is not newly available, as Petitioner had his credible fear interview nearly three years ago, in June 2023, and Petitioner could have requested a copy of that interview, or the expert report, at any point thereafter. ECF 8, Ex. G. Moreover, it is unclear to Respondents what purpose this evidence serves, as Respondents have acknowledged that Petitioner cannot be removed to the Dominican Republic by virtue of his grant of deferral of removal under the CAT. Thus, as this issue is not in dispute, and as the evidence has no bearing on whether ICE complied with the regulations in revoking Petitioner's OSUP, the Court should not reconsider its prior finding based on this evidence.

Accordingly, none of the evidence provided by Petitioner, either singly or in combination, provides a basis for the Court to reconsider its prior holding. Therefore, the Court should find that Petitioner failed to meet the high burden for reconsideration and deny the motion.

IV. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the motion for reconsideration be denied.

Respectfully submitted,

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Dated: May 15, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Motion for Reconsideration via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: May 15, 2026

/s/ Daniella D. Lees
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