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

ALERXI RONDON REYES, Petitioner, v. J.L. JAMISON, et al.; Respondents.	Case No.: 2:26-cv-1324

PETITIONER'S REPLY IN SUPPORT OF HIS MOTION FOR RECONSIDERATION

This Court should reconsider its previous decision denying Mr. Rondon Reyes' habeas petition, as new evidence confirms that Mr. Rondon Reyes' removal to a third country was not "reasonably foreseeable" when ICE revoked his Order of Supervision ("OSUP") on February 27, 2026. An email from Mr. Rondon Reyes' Deportation Officer dated April 15, 2026—confirms that removal to a third country was not reasonably foreseeable at the time of his re-detention and is not reasonably foreseeable now. Instead, Respondents have subjected Mr. Rondon Reyes, a 61 year old man with atrial fibrillation, heart disease, hyperlipidemia, and type 2 diabetes mellitus, to unlawful detention for the last three months, without any possibility of removing him. Even more recent evidence, of how Mr. Rondon Reyes' health has deteriorated since his transfer to the Moshannon Valley Processing Center, after this Court's decision on April 10, 2026, ECF 15, and after Mr. Rondon Reyes filed his Motion for Reconsideration on May 7, 2026, ECF 16, shows that his detention is punitive and not reasonably related to the purposes of civil immigration detention. *See* Ex. F, Medical Records from Moshannon Valley Processing Center.[1] Respondents primary

[1] Mr. Rondon Reyes will subsequently file a motion to file his new medical records under seal or protective order given the highly sensitive personal information contained therein. They are therefore not attached to this motion but will be submitted promptly.

argument against reconsideration is that evidence submitted in support of Reconsideration is not "new" and so does not change the Court's previous analysis. ECF 22. But, by not engaging with the new evidence, Respondents failed to demonstrate why the standard for reconsideration has not been defeated. As explained in the Memorandum of Law in Support of Reconsideration, ECF 17, and *infra*, the evidence submitted is newly available and determinative of Mr. Rondon Reyes' claim for release. Accordingly, reconsideration of this Court's previous due process analysis is warranted.

ARGUMENT

I. The Email from Mr. Rondon Reyes' Deportation Officer Confirms that His Removal to a Third Country Was and Is Not Reasonably Foreseeable, Which Should Change This Court's Previous Due Process Analysis.

This Court previously found that because "ICE is in the process of identifying an appropriate third country for Petitioner's removal" that his "re-detention is not unlawful or unreasonable." ECF 14 at 9. But, newly available evidence, from more than a month after his detention, and after this Court issued its decision denying the habeas petition (ECF 14), confirms that ICE did not have travel documents on February 27, 2026 when it revoked Mr. Rondon Reyes' OSUP, and also did not have travel documents more than a month and a half later, on April 15, 2026. *See* ECF No. 16-2, Ex. A, Email from Deportation Officer Istvan Hosszu. This newly available evidence confirms that Mr. Rondon Reyes' removal is not reasonably foreseeable and informs why this Court's previous due process analysis should be reconsidered. The government's failure to submit any proof in its response, ECF 22, that removal is actually reasonably foreseeable shows that it is not. Accordingly, Mr. Rondon Reyes should be released.

Re-detention is unconstitutional under *Zadvydas v. Davis* when it bears no connection to the statute's purpose because removal is not reasonably foreseeable. 533 U.S. 678, 699 (2001). Respondents argue that they can re-detain individuals for up to six months while attempting to

locate third countries that will accept people for removal, without implicating due process protections from *Zadvydas*. *See* ECF 22 at 6 ("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*[.]") While it is true that DHS can detain someone when removal is "reasonably foreseeable" or during the initial removal period, *see* 8 C.F.R. §§ 241.4 and 241.13, it may not "avoid the holding of *Zadvydas* and re-start the six month presumptively constitutional detention clock by simply releasing and then re-detaining a noncitizen . . . ." *Villanueva v. Tate*, 801 F. Supp. 3d, 689, 702 (S.D. Tex. 2025).

When Respondents released Mr. Rondon Reyes from detention on an OSUP in 2023, he gained a protected liberty interest in his freedom. Respondents misconstrue Mr. Rondon Reyes' arguments as a pre-mature *Zadvydas* challenge. ECF 22. Mr. Rondon Reyes did not bring a prolonged detention challenge, but rather challenged whether ICE acted lawfully when it revoked his OSUP and returned him to custody without any indication that his removal was reasonably foreseeable. *Vo v. Lyons*, 1:25-cv-533, 2026 WL 323133, at *3 (D.N.H., Jan. 27, 2026); *see also Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (explaining that re-detention requires an individualized determination, based on changed circumstances, that removal is reasonably foreseeable); *Rodriguez Romero v. Ladwig*, 25-1106, 2026 WL 321437, at *11 (M.D. La. Feb. 6, 2026) ("[N]on-citizens have an overwhelming liberty interest in their continued release under [an] Order of Supervision . . . that may not be removed without due process.").

Following re-detention after release on an OSUP, the government bears the burden to show a significant likelihood that the noncitizen may be removed. *Hall v. Nessinger*, 2026 WL 18583, at *7 (D.R.I. Jan.2, 2026); *see also Hernandez Escalante v. Noem*, No. 9:25-cv-00182, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025). The email from Mr. Rondon Reyes' deportation officer,

ECF 16-2, dated April 15, 2026, more than a month after Mr. Rondon Reyes' initial detention, shows that at the time Respondents detained Mr. Rondon Reyes, they did not have a plan to execute his removal to a third country and therefore did not meet its burden. *See id.* ("I do not have a travel document to any third country at this time"). When DHS releases an individual on an OUSP, as they did with Mr. Rondon Reyes in 2023, that indicates that DHS is "unlikely to find a third country to accept him in the reasonably foreseeable future." *Tadros v. Noem*, 25-cv-4108, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025). Allowing a person to remain on an OSUP without re-detention for several years likewise demonstrates that DHS has not identified another country for removal. *Id.* Now, Mr. Rondon Reyes has been detained for almost three months, and new evidence reveals that there was no change in circumstances in February 2026 that justified Mr. Rondon Reyes' re-detention. ICE did not have the ability to remove him in the reasonably foreseeable future when it re-detained him, nor had they established a likelihood of removal more than a month later. Accordingly, reconsideration is warranted because the new evidence confirms that ICE violated Mr. Rondon Reyes' due process claims when it re-detained him when removal was not reasonably foreseeable. *See* ECF 1, Petition (Claim II).

II. Additional New Evidence from the District Attorney's Office and Medical Records from Mr. Rondon Reyes' Detention Establishes that Mr. Rondon Reyes Did Not Violate His OSUP and Further Supports Mr. Rondon Reyes' Due Process Claims.

The other new evidence, the letter from the Philadelphia District Attorney's Office and accompanying medical records from Mr. Rondon Reyes' detention, is new. This evidence informs this Court's previous due process analysis by explaining why Mr. Rondon Reyes detention has no basis and is solely punitive. As Mr. Rondon Reyes explained in his Memorandum of Law in Support of Reconsideration, ECF 17, the letter from the Philadelphia District Attorney's Office is new evidence and provides an explanation as to why his criminal charges were withdrawn, which shows that he did not violate the OSUP. This letter and the accompanying medical records from

the Philadelphia Federal Detention Center should change this Court's previous due process analysis as they confirm that Mr. Rondon Reyes' current detention is punitive and unrelated to the likelihood of removal.

First, this letter is newly available. Respondents assert that "the letter was at the very least available to Petitioner at the time of his initial habeas filing" ECF 22 at 7. However, at the time of the initial filing, Petitioner's criminal charges were pending, *see* ECF 1. As District Attorney Stephanie Costa explains in her letter, "when federal immigration officials arrest and detain a Defendant with pending criminal matters(s) . . . we [the DAO] undertake a complete review of the case to assess the Defendant's history and the likelihood of a successful prosecution, including evidence against the Defendant, before filing the writ." ECF 16-3, Ex. B, Letter from the Philadelphia District Attorney's Office. Mr. Rondon Reyes' criminal charges were not withdrawn until March 5, 2026, days after his initial habeas petition was filed. *See* ECF 6, Notice of Factual Update. Accordingly, this evidence is newly available.[2]

Second, the letter from the District Attorney's Office explaining that the charges were withdrawn due to Mr. Rondon Reyes' medical conditions provides the necessary context to the purported violation of the OSUP, and the extent to which Respondents are using detention to punish him, without justification, rather than to ensure his detention is reasonably related to "assuring the [noncitizen's] presence at the moment of removal." *Zadvydas*, 533 U.S. at 680. This evidence, coupled with his medical records,[3] provide the backdrop for his OSUP revocation, which

[2] Moreover, typically there is no need for further evidence beyond the disposition of a criminal charge. However, because this Court found that it was not within the Court's purview to determine whether Mr. Rondon Reyes violated his OSUP, ECF 14 at 8, Petitioner reached out to the District Attorney's Office for additional information as this relates to whether or not his current detention is punitive, rather than reasonably related to the execution of his removal order.

[3] Respondents assert that "evidence related to Petitioner's underlying medical conditions is not newly available." ECF 22 at 8. But, Petitioner is not asserting that the underlying medical

warrants reconsideration. As explained in his Memorandum of Law in Support of Reconsideration, ECF 17, these documents provide necessary context for why the revocation of Mr. Rondon Reyes' OSUP violates his due process rights and warrants reconsideration.

Third, Mr. Rondon Reyes submitted medical records documenting his conditions and treatment from his time at FDC, including treatment received right before the date of this Court's decision (April 10, 2026) and prescriptions for after the date of this Court's decision. *See* ECF 20, Medical Records. Moreover, on May 11, 2026, Mr. Rondon Reyes was transferred from the Federal Detention Center to the Moshannon Valley Processing Center. Medical records from the Moshannon Valley Processing Center, from after the Motion for Reconsideration, show that Mr. Rondon Reyes' health conditions continue to worsen in custody. *See* Ex. A, Medical Records from Moshannon Valley Processing Center. On May 12, 2026, Mr. Rondon Reyes was transported from the Moshannon Valley Processing Center to the Emergency Room due to chest pains. *Id.* at 30. Notably, Mr. Rondon Reyes "has not had two days of blood thinner." *Id.* The medical records confirm that Mr. Rondon Reyes was "new to facility, has not had any meds for two days." *Id.* at 46. On May 13, 2026, Mr. Rondon Reyes "was seen in the middle of the night for chest pains due to not having atentolol." *Id.* at 14. These records from just the last few weeks confirm that Mr. Rondon Reyes' detention continues to exacerbate his pre-existing medical conditions.

While DHS does have the authority to remove Mr. Rondon Reyes to a third country, it does not have the authority to do so in a manner that violates due process. Unless and until DHS obtains travel documents or confirmation that his removal to a third country is actually reasonably

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conditions themselves is newly available evidence. ECF 17. Rather, he asserts that the medical records from the Federal Detention Center, where he was detained from February 27, 2026 – May 11, 2026 provide context for why his re-detention violates his due process rights. *See* ECF 17 at 17 ("This detention serves no legitimate purpose, and harms Mr. Rondon Reyes in light of his severe and life-threatening medical conditions, which are exacerbated in a carceral setting.").

foreseeable, Mr. Rondon Reyes' detention is nothing more than punitive. This Court should reconsider its prior decision in light of this new evidence, which informs its previous due process analysis.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Honorable Court grant his petition for a writ of habeas corpus and order his immediate release.

Respectfully submitted,

DATED: May 28, 2026

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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed REPLY IN SUPPORT OF Reconsideration of His Petition for Habeas Corpus, and all attachments using the CM/ECF system. All parties are participating in the CM/ECF system.

DATED: May 28, 2026

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