UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

LUIS MANUEL RODRIGUEZ-RODRIGUEZ, Petitioner, v. KEVIN RAYCRAFT, et al., Respondents.	Case No. 3:26-CV-667 JUDGE BENITA Y. PEARSON

PETITIONER'S REPLY TO RESPONDENT'S NOTICE OF SIGNIFICANT DEVELOPMENETS

I. INTRODUCTION.

Petitioner filed this Habeas action to challenge the lawfulness of his detention by Respondents. Respondents filed their Motion to Dismiss on April 7, 2026, to which Petitioner opposed and filed his response on April 14, 2026. *(See Reply.* Dkt # 5). Respondents then filed their Notice of Significant Developments in Petitioner's Administrative Proceedings. (*See Dkt # 5*).

As explained below, Respondents' argument is misplaced and should fail. The recent development in Petitioner's case does not render this Claim moot, and Respondents' arguments are misplaced.

II. VOLUNTARY DEPARTURE UNDER SAFEGUARDS DOES NOT MOOT CLAIMS.

Respondents argue that an IJ's grant of Voluntary Departure under Safeguards under § 8 U.S.C. 1229(c) and § 8 C.F.R. 1240.26(c)(3) is to be understood that the IJ imposed continued detention. (*See Notice*, Dkt # 7, Page ID # 1, 2.). Respondents' arguments are simply misplaced.

Respondents cite to and rely on *Matter of M-A-S*, 24 I&N Dec. 762, 769 (BIA 2009); however, the facts are materially distinguishable. *In Matter of M-A-S*, the JI's order expressly noted "Respondent is not to be released pending departure." *Id.* at 765. Whereas here, the IJ's order simply notes "under safeguards." And nowhere in the issued Order is there a condition set by the IJ for continued detention. (*See IJ Order*, Dkt # 7-1, Page ID # 4, 5).

Further, the IJ's Order goes to great length on the procedure and the failure to comply with the Order, and it makes no mention as to detention, nor continued detention of Petitioner. If the IJ's intent was for Petitioner to remain in detention, the Order would have clearly reflected such. Hence, the term "under safeguards" could not and should not be construed to mean continued detention, and Petitioner is entitled to immediate release.

III. RESPONDENTS' RELIANCE ON § 8 C.F.R. 1240.26(c)(3) IS MISPLACED.

In their Notice, Respondents rely on § 8 C.F.R. 1240.26(c)(3), and it is not the controlling authority here. Indeed, 1240.26(c)(3) refers to "…[C}onclusion of the removal proceedings." *Id.* And the Order issued by the IJ is "pre-conclusion voluntary

departure." Hence, the controlling Regulation is § 8 C.F.R. 1240.26(b)(3), as it refers to "Prior to the completion of removal proceedings." *Id.*

§ 8 C.F.R. 1240.26(b)(3) as it reads, makes no mention neither refers to "continued detention." While it is understood that the IJ "may impose such conditions as he or she deems necessary to ensure the alien's timely departure," the Regulation is silent on the issue of the extent of the conditions. Similarly, the IJ's lengthy Order made no findings for Petitioner's continued detention and can reasonably be understood that the Order did not intend for Petitioner to remain in detention until compliance.

Unlike in *Al-Siddiqui v Achim*, where the vehicle used for Voluntary Departure was § 8 C.F.R. 1240.26(c)(3), Petitioner's Order here was issued under § 8 C.F.R. 1240.26(b)(3). And in *Al-Siddiqui*, the IJ's order specifically mentions the stated conditions to remain in custody, while as here, again, no mentions of such exists.

IV. CONCULSION

For the forgoing reasons, this Court should reject Respondents' arguments, grant the Petitioner for Write of Habeas Corpus, and order Petitioner's immediate release from Respondent's custody.

Dated: May 1, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Joseph Mamari
Attorney for Petitioner