

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUAN ELIEZER MARTINEZ-ANDINO

Plaintiff,

v.

MARKWAYNE MULLIN,
Secretary of the Department of Homeland
Security, et al.,

Defendants.

Civil Action No. 26-1208 (BAH)

ANSWER

By and through undersigned counsel, Defendants respectfully respond as follows to the separately numbered paragraphs and prayer for relief in Plaintiff's Amended Complaint (ECF No. 19).

To the extent that the Amended Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their complete and accurate contents, but such references are not intended to be, and should not be construed as, an admission that the cited materials are (1) correctly cited or quoted by Plaintiff, (2) relevant to this, or any other, action, or (3) admissible in this, or any other, action. Defendants expressly deny all allegations in the Complaint, including the relief sought, that are not specifically admitted to or otherwise qualified in this Answer.

1. This paragraph consists of Plaintiff's characterization of this action to which no response is required. To the extent a response is deemed required, Defendants admit that Plaintiff has filed an amended complaint that purports to seek relief.

2. Defendants admit the allegations in the first sentence of this paragraph. Defendants

admit that Plaintiff is not subject to a final administrative order of removal. Defendants admit that Plaintiff signed a voluntary departure document, and deny the remainder of the allegations in this paragraph.

3. Defendants admit that counsel for Plaintiff and Defendants participated in a hearing on April 10, 2026. Defendants further admit that Plaintiff arrived in Honduras on April 10, 2026. Defendants deny the remainder of the allegations in this paragraph.

4. The allegations of this paragraph consist of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny they violated any laws.

5. The allegations of this paragraph consist of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the court has subject-matter jurisdiction over this action.

6. The allegations of this paragraph consist of Plaintiff's legal conclusions and requests for relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to relief.

JURISDICTION AND VENUE¹

7. The allegations of this paragraph consist of Plaintiff's legal conclusions about subject-matter jurisdiction, to which no response is required. To the extent a response is deemed required, Defendants deny that the court has subject-matter jurisdiction over this action.

8. The allegations of this paragraph consist of Plaintiff's legal conclusions, to which

¹ For ease of reference, Defendants replicate the headings contained in the Amended Complaint. Although Defendants believe that responses to the headings in the Complaint are not required, to the extent a response is deemed required and to the extent those headings or subheadings contained in the Complaint or this Answer could be construed to contain factual allegations, any such allegations are denied.

no response is required. To the extent a response is deemed required, Defendants deny that the court has subject-matter jurisdiction over this action or that Plaintiff is entitled to relief.

9. The allegations of this paragraph consist of Plaintiff's legal conclusions about subject-matter jurisdiction, to which no response is required. To the extent a response is deemed required, Defendants admit that venue in this Court would be proper if this Court has subject-matter jurisdiction.

PARTIES

10. Defendants admit the allegations in this paragraph.

11. Defendants admit the allegations in this paragraph.

12. Defendants deny the fragmentary allegations in this paragraph.

13. Defendants deny the fragmentary allegations in this paragraph.

14. Defendants admit the allegations in this paragraph.

15. Defendants admit the allegations in this paragraph.

16. Defendants admit the allegations in this paragraph.

17. Defendants deny the allegations in this paragraph.

18. The allegations of this paragraph consist of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants admit that Plaintiff purports to sue the Defendants in their official capacities.

FACTUAL ALLEGATIONS

A. BACKGROUND

19. Defendants admit the allegations in the first sentence of the paragraph. Defendants lack knowledge or information sufficient to form a belief about the truth of the second sentence in

this paragraph. Defendants aver that Plaintiff entered through the U.S./Mexico border on September 9, 2020, and admit that he was determined to be an unaccompanied minor child.

20. The allegations in the first sentence of this paragraph consist of Plaintiff's characterization of Exhibit C to the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that exhibit for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

21. The allegations in the first and second sentences of this paragraph consist of Plaintiff's characterization of Exhibit D to the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that exhibit for a complete and accurate statement of its contents and denies any allegations inconsistent therewith. With respect to the third sentence, Defendants admit that Plaintiff is not subject to a final administrative order of removal, but can neither admit nor deny whether Plaintiff will be eligible to seek adjustment of status in the future. With respect to the allegations in the fourth sentence, Defendants admit the allegations. Defendants lack knowledge or information with respect to the allegations in the last sentence in this paragraph.

22. The allegations in the first sentence of this paragraph consist of Plaintiff's characterization of Exhibit C to the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that exhibit for a complete and accurate statement of its contents and denies any allegations inconsistent therewith. The allegations in the second sentence of this paragraph consist of Plaintiff's conclusion of law, to which no response is required. To the extent a response is deemed required, Defendant admits that Plaintiff could seek a visa if one becomes available.

23. Defendants lack knowledge or information sufficient to form a belief about the truth

of the first and second sentences of this paragraph.

B. EVENTS LEADING UP TO APRIL 10, 2026

24. Defendants admit that Plaintiff was arrested on March 18, 2026. Defendants aver that Plaintiff was in Customs and Border Protection custody and held at Custer County Jail beginning on March 19, 2026, and later held in Cascade County Jail beginning on March 26, 2026. Defendants deny the remaining allegations in this paragraph.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

28. Defendants admit that counsel filed a notice of entry of appearance as attorney with ICE, dated March 31, 2026.

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

32. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

33. Defendants lack knowledge or information sufficient to form a belief about the truth

of the allegations in this paragraph.

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

35. The allegations in this paragraph consist of Plaintiff's characterization of Exhibit F to the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that exhibit for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the first sentence in this paragraph. Defendants deny the allegations in the second sentence of this paragraph

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the first sentence in this paragraph.

38. Defendants deny the allegations in this paragraph.

C. EVENTS SURROUNDING THE APRIL 10, 2026, HEARING

39. Defendants admit that Defendants' counsel emailed Plaintiff's counsel on April 10, 2026. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of that email, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

40. The allegations in this paragraph consist of Plaintiff's characterization of an email from Defendants' counsel, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

41. Defendants admit that a hearing was scheduled for April 10, 2026, at 4:00pm. The remainder of the allegations in this paragraph consists of Plaintiffs' characterization of the transcript of the hearing, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that transcript for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

42. Defendants admit that their counsel emailed Plaintiff's counsel after the hearing. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of that email, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

D. FACTS LEARNED AFTER THE HEARING ON APRIL 10, 2026 ABOUT EVENTS LEADING UP TO AND DURING THAT HEARING

43. Defendants lack knowledge or information sufficient to form a belief about the truth of the first sentence in this paragraph. Defendants deny that Plaintiff filed a sworn declaration. The remainder of the allegations in the paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

44. The allegations in the paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

45. The allegations in the paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to that declaration for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

46. Defendants lack knowledge or information sufficient to form a belief about the truth of the first clause in this paragraph. Defendants admit that they filed a Declaration on April 13, 2026. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

47. Defendants deny that Plaintiff filed an affidavit.

48. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

49. Defendants deny that voluntary departure paperwork has not been produced. Defendants lack knowledge or information sufficient to form a belief about the truth of the remainder of the allegations in this paragraph.

E. SUMMARY OF KEY CONFLICTING FACTS RELEVANT TO CAUSES OF ACTION

50. Defendants admit that Plaintiff's counsel signed a sworn declaration. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of his counsel's declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

51. Defendants admit that Plaintiff filed a complaint and an emergency motion for a temporary restraining order on April 10, 2026.

52. Defendants admit that the Court scheduled a teleconference on Plaintiff's motion.

53. The allegations in this paragraph consist of Plaintiff's characterization of Defendants' counsel's statements at the teleconference, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the transcript of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

54. The allegations in this paragraph consist of Plaintiff's characterization of Defendants' counsel's statements at the teleconference, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the transcript of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

55. The allegations in this paragraph consist of Plaintiff's characterization of a declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

56. The allegations in this paragraph consist of Plaintiff's characterization of a declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

57. The allegations in this paragraph consist of Plaintiff's characterization of a declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

58. The allegations in this paragraph consist of Plaintiff's characterization of an email

from Defendants' counsel, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that email for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

59. Defendants admit that they filed a Declaration at ECF No. 12. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of a declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

60. Defendants admit that Plaintiff filed a declaration at ECF No. 13. The remainder of the allegations in this paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

61. The allegations in this paragraph consist of Plaintiff's characterization of his declaration, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to that declaration of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

62. Defendants deny that they "committed multiple concerning acts." The allegations in the second sentence consist of Plaintiff's characterizations of the April 10, 2026 hearing and the Declaration of Christopher George, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the transcript of the hearing and the declaration of that hearing for a complete and accurate statement of their contents and denies any allegations inconsistent therewith. Defendants deny the allegations in the third sentence in the

paragraph.

63. Defendants admit that Plaintiff took Voluntary Departure. Defendants deny the allegations in the second sentence of this paragraph. The remaining allegations consist of Plaintiff's characterization of this action, to which no response is required. To the extent a response is required, Defendants admit that Plaintiff has alleged that his voluntary departure is contrary to law.

CAUSES OF ACTION

COUNT I - MANDAMUS (28 U.S.C. § 1361)

64. Defendants incorporate by reference to their responses to all preceding paragraphs as if set forth fully herein.

65. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited cases for a complete and accurate statement of their contents and denies any allegations inconsistent therewith.

66. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny they have violated the law.

67. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny they have violated the law.

68. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny they have violated the law.

69. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

COUNT II - APA (5 U.S.C. § 706(1))

70–72. The allegations in these paragraphs relate solely to Count II, which was dismissed in the Court's June 23, 2026, Order.

COUNT III - FIFTH AMENDMENT

73. Defendants incorporate by reference to their responses to all preceding paragraphs as if set forth fully herein.

74. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited case for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

75. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited case for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

76. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

COUNT IV -THE ACCARDI DOCTRINE (Failure to Follow Agency Regulations and Standards)

77. Defendants incorporate by reference to their responses to all preceding paragraphs as if set forth fully herein.

78. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited case and article for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

79. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, ICE avers that, under certain circumstances, detention facilities utilized by ICE are bound by PBNDS, and Defendants deny that they are otherwise bound by the Performance-Based National Detention Standards. Consistent with pages 24 and 25 of the Court's June 23, 2026, Memorandum Opinion, Defendants deny that 8 C.F.R. § 292.5(b) has any application in this case.

80. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited case for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

81. Defendants deny the allegations in this paragraph.

COUNT V -THE ALL WRITS ACT (28 U.S.C. § 1651) (In Aid of the Court's Jurisdiction)

82. Defendants incorporate by reference to their responses to all preceding paragraphs as if set forth fully herein.

83. The allegations in this paragraph consist of Plaintiff's conclusions of law to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

84. Defendants admit that the Court held an emergency hearing on April 10, 2026, and Plaintiff was removed from Defendants' custody on April 10, 2026. Defendants deny the

remainder of the allegations in this paragraph.

85. The allegations in this paragraph consist of Plaintiff's characterization of the hearing, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the transcript of that hearing for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

86. The allegations in this paragraph consist of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

87. The allegations in this paragraph consist of Plaintiff's legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants deny that this Court has subject-matter jurisdiction over this action.

PRAYER FOR RELIEF

The remainder of the complaint consists of Plaintiff's prayer for relief to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested.

DEFENSES

In further response to the Complaint, Defendants raise the following defenses. Defendants respectfully request and reserves the right to amend, alter, and supplement the defenses in this answer as the facts and circumstances giving rise to the Complaint become known to Defendants throughout the course of this litigation.

1. The Court lacks subject-matter jurisdiction over this action.
2. The Complaint fails to state a claim upon which relief can be granted.

3. All actions taken by Defendants with respect to Plaintiffs were rendered in good faith and supported by substantial evidence.
4. Defendants' policies are not arbitrary or capricious or otherwise unlawful.
5. Plaintiffs are not entitled to attorney's fees or costs.

Dated: July 23, 2026
Washington, DC

Respectfully submitted,

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