

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

DAWIT ABRAHAM MEKONNEN,

Petitioner,

V.

GARY STOLZER, Warden of Ste. Genevieve County Detention Center,

Respondent.

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Case No. 1:26-CV-00122-AGF

GOVERNMENT'S NOTICE OF SUPPLEMENTAL AUTHORITY

COMES NOW Respondent Gary Stolzer, Warden of Stc. Genevieve County Detention Center, in his official capacity, by and through his attorneys, Thomas C. Albus, United States Attorney for the Eastern District of Missouri, and Shane K. Blank, Assistant United States Attorney for said district, and for his Notice of Supplemental Authority, states as follows:

This Court recently ordered “a status report updating [the] Court on Petitioner’s immigration hearing scheduled for Wednesday, July 8, 2026.” ECF 15. It also encouraged the parties to brief “the Fifth Circuit’s case [in] *Rodriguez v. Ortega*, No. 26-50183, 2026 WL 1906557 (5th Cir. Jul. 2, 2026)” if desired. *Id.* The parties submitted separate status reports on July 9, 2026, each addressing *Rodriguez*. See ECF 16, 17. The following day, however, the Fifth Circuit vacated its decision in *Rodriguez* and is now determining a date for *en banc* rehearing. See Order of July 10, 2026, Regarding Petition for Hearing en Banc on Case Nos. 26-50183, 26-50219, and 26-50221, attached as ECF 18-1. This Notice is filed solely to inform the Court of the vacatur order, which—at present—does not appear as a red flag on Westlaw when viewing *Rodriguez*.

WHEREFORE, the Government asks this Court to *deny* the Petition for *habeas* relief.

Respectfully Submitted,

THOMAS C. ALBUS
United States Attorney

/s/ Shane K. Blank

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CERTIFICATE OF SERVICE

A copy of the foregoing was served on Monday, July 13, 2026, on all counsel of record via this Court's electronic case filing system.

/s/ Shane K. Blank

SHANE K. BLANK, #65787MO
Assistant United States Attorney

United States Court of Appeals
for the Fifth Circuit

No. 26-50183

United States Court of Appeals
Fifth Circuit

FILED

July 10, 2026

Lyle W. Cayce
Clerk

IGNACIO SOSNAVA RODRIGUEZ,

Petitioner—Appellee,

versus

SYLVESTER M. ORTEGA, *in his official capacity as Director of the San Antonio Field Office of ICEs Enforcement and Removal Operations;*
MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security;* TODD WALLACE BLANCHE, *Acting U.S. Attorney General;*
DEPARTMENT OF HOMELAND SECURITY; DOJ EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW,

Respondents—Appellants,

CONSOLIDATED WITH

26-50219

ALEJANDRO VILLEGAS ANGEL

Petitioner—Appellee,

versus

MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security;* TODD WALLACE BLANCHE, *Acting U.S. Attorney General;*
MIGUEL VERGARA, *San Antonio Field Office Director for Enforcement and*

No. 26-50183
c/w Nos. 26-50219, 26-50221

*Removal; UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT; EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW, Office of the General Counsel,*

Respondents—Appellants,

CONSOLIDATED WITH

26-50221

MIGUEL ANGEL GOMEZ ALVARADO,

Petitioner—Appellee,

versus

MIGUEL VERGARA, *in his official capacity as the Acting Director of San
Antonio Field Office for U.S. Immigration and Customs Enforcement; TODD
LYONS, in his capacity as the Acting Director for the U.S. Immigration and
Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security,*

Respondents—Appellants.

Appeals from the United States District Court
for the Western District of Texas
USDC Nos. 1:26-CV-273, 1:26-CV-384,
1:26-CV-309

No. 26-50183

c/w Nos. 26-50219, 26-50221

ON PETITION FOR REHEARING EN BANC

(Opinion July 02, 2026, 5 Cir., 2026 WL 1906557)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

A majority of the circuit judges in regular active service and not disqualified having voted in favor, on the Court's own motion, to rehear this case en banc,

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated July 02, 2026, is VACATED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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July 10, 2026

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Consolidated Nos. 26-50183, 26-50219, & 26-50221
Sosnava Rodriguez v. Ortega
USDC Nos. 1:26-CV-273
1:26-CV-384
1:26-CV-309

Dear Counsel,

Enclosed is the court's order filed this date directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

The date and time of oral argument will be announced at a later date. Counsel for the parties will receive adequate notice as to the exact date and time for the presentation of the oral argument.

Appellants will have until August 10, 2026, to file an en banc brief and the Appellees' en banc brief is due on September 9, 2026. You will be requested to furnish 22 paper copies of your en banc brief after the electronic filing is reviewed and processed. The color of the cover on your en banc brief will be the same as the color of the cover on your merits brief (blue for the appellant and red for the appellee).

Unless directed otherwise, principal brief rules apply to en banc grants and supplemental briefs requested by the court. Additionally, reply briefs are not allowed when cases are granted en banc unless you have leave of court.

We request that the parties forward 22 copies of their previously filed merits briefs, reply briefs, and record excerpts, for the use of the en banc court. As you did previously, we request that all copies be spirally bound. These additional copies are due in the Clerk's Office by July 24, 2026. Copies of Amicus briefs are not required.

Please contact me if you have any questions.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Peter A. Conners, Deputy Clerk
504-310-7685

cc:

Ms. Denise L. Gilman
Ms. Brianne Jenna Gorod
Ms. Fatma Essam Marouf