IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RONNY SAMUEL VELASQUEZ LOPEZ,
Petitioner,

v.

DAVID VENTURELLA, et al.,
Respondents.

No. 526-cv-04303-XR

Emergency Motion for Relief and to Reinstate Habeas Petition

Petitioner, by and through counsel, respectfully moves for emergency relief from the dismissal order entered on July 17, 2026, and for reinstatement of his petition for writ of habeas corpus. This motion is necessary because the dismissal as moot rested on the Government's representation that Petitioner had been "released" or "removed," but Petitioner remains detained in ICE post-order custody.

Background and Custody Status

On July 17, 2026, the Court entered an omnibus dismissal order in *In the Matter of Certain Immigration Habeas Cases Assigned to U.S. District Judge Xavier Rodriguez.* The order states that the Court relied on the Government's advisory indicating that each petitioner in the listed cases had either been released from federal custody or removed from the country, and it dismissed those listed cases as moot on that basis. Appendix A to the dismissal order lists Civil Action No. 5:26-cv-04303-XR, *Velasquez Lopez v. Venturella et al.*, among the cases dismissed as moot.

Petitioner's custody representation is incorrect. He has not been released from federal custody and has not been removed from the United States. Petitioner remains detained in ICE post-order custody in Pearsall, Texas at the South Texas Detention. *See* Exh. A Visitation Confirmation. Because Petitioner remains in custody, the factual premise for the Court's mootness ruling does not exist.

Grounds for Relief

Relief is appropriate under Federal Rule of Civil Procedure 60(b) because the judgment rests on a material mistake of fact and on a misrepresentation regarding Petitioner's custody status. Where a mootness dismissal is based on inaccurate custody information, vacatur is warranted so that the Court may decide the habeas petition on a correct record.

The error here is significant. The omnibus order expressly dismissed the listed cases because Respondents were purportedly "no longer detaining" the petitioners, but Respondents are still detaining Mr. Velasquez Lopez. *See* Exh. A.

Requested Relief

Petitioner respectfully requests that the Court:

1. Grant this Emergency Motion for Relief from Judgment
2. Vacate the July 17, 2026 dismissal order and any final judgment as to Civil Action No. 5:26-cv-04303-XR.
3. Reinstate Petitioner's habeas petition to the active docket.
4. Order Respondents to file a corrected advisory and status report accurately describing Petitioner's present custody.
5. Grant any additional relief the Court deems just and proper.

Respectfully submitted,

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