UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Raynier O. Martinez Rodriguez,
Petitioner,

v.

Immigration Custom and Enforcement,
Respondent.

No. 3:26-CV-2005-KC

RESPONSE TO PETITION

Federal[1] Respondents provide this response to Petitioner's habeas petition. Petitioner was ordered removed from the United States by an immigration judge on October 19, 2002. Petitioner's removal order became final on October 19, 2010. Ex. A. Dec. On June 22, 2026, ERO Miami attempted to remove MARTINEZ to Mexico under the Cuba, Venezuela, Nicaragua, Haiti (CVNH) agreement with Mexico, which he refused and failed to comply with the removal to Mexico. *Id.* On July 2, 2026, ERO Miami transferred MARTINEZ for decompression to ERO El Paso. *Id.* On August 4, 2026, ERO El Paso was advised that MARTINEZ was denied by the Government of Cuba for repatriation. *Id.* On that same date, ERO El Paso nominated MARTINEZ to Mexico under the Cuba, Venezuela, Nicaragua, Haiti (CVNH) agreement with Mexico. *Id.* On August 4, 2026, the government of Cuba denied MARTINEZ repatriation to Cuba. *Id.* In response to Petitioner's lack of cooperation, ERO has reviewed the possibility of removal to a third country; however, no viable third country option has been identified or accepted for the Petitioner. *Id.* ERO El Paso will be requesting assistance from HQ-RIO for a third country removal other than to Mexico. *Id.* ERO El Paso has scheduled

[1] The Department of Justice represents only federal employees in this action.

MARTINEZ for removal to Mexico on August 5, 2026.

Respectfully submitted,

JUSTIN R. SIMMONS
UNITED STATES ATTORNEY

By: /s/ Adrian Acosta
ADRIAN ACOSTA
Assistant United States Attorney
Texas Bar No. 24097275
700 E. San Antonio, Ste. 200
El Paso, Texas 79901
Office: (915) 534-6884
Facsimile: (915) 534-3490
Email: Adrian.Acosta@usdoj.gov
Attorneys for Federal Respondents

CERTIFICATE OF SERVICE

On or about August 5, 2026, I directed a copy of this filing to be mailed via US Certified Mail to the *Pro Se* Petitioner at the below address:

Raynier O. Martinez Rodriguez
A#[redacted]
CEM El Paso
6920 Digital Road
El Paso, TX 79936

/s/ Adrian Acosta
ADRIAN ACOSTA
Assistant United States Attorney