UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Alfredo Barajas Zaragoza Petitioner, v. Markwayne Mullin, et al, Respondents.	Civil Action No. 3:26-cv-02192-DB

RESPONSE TO MOTION

Federal Respondents timely submit this response to the Petitioner's motion. Respondents respectfully submit this response as directed by the Court. Respondents note, however, that Petitioner's counsel expressly admits that he did not confer with Respondents before filing his motion, notwithstanding Local Rule 7(g)'s requirement that counsel confer before filing a motion. Rather than striking or otherwise disposing of the motion for its failure to comply with the Local Rules, the Court has directed Respondents to respond on the merits. Respondents therefore do so, while noting the threshold procedural defect.

The motion should also be denied because the relief requested is unnecessary and substantially duplicative of the Court's existing orders. Respondents have already represented to the Court that they will work with the appropriate immigration authorities to facilitate Petitioner's return and will continue taking appropriate steps to effectuate it. ECF No. 4 at 2. The Court has likewise already required Respondents to provide status reports concerning those efforts, including reporting on a 72-hour basis. Petitioner nevertheless asks the Court to impose an additional set of detailed requirements governing the precise manner in which Respondents must accomplish that return.

Had Petitioner's counsel made the good-faith effort to confer required by Local Rule 7(g), rather than filing an unnecessary motion, counsel would have learned that Respondents do not oppose the principal relief he now asks the Court to order. Specifically, Respondents agree to arrange and pay for Petitioner's transportation from his present location to the appropriate port of entry. However, Respondents will only pay for transportation if it is rearranged through the government and it will not reimburse Petitioner for travel expenses that he incurred on his own. A simple conference between counsel would have resolved it without judicial intervention and without consuming the Court's time and resources.

The remainder of Petitioner's requested relief is even less warranted. The Court has already ordered Respondents to provide status reports regarding their efforts to facilitate Petitioner's return, including reporting on a 72-hour basis. Petitioner nevertheless asks the Court to impose yet another set of reporting requirements requiring Respondents to identify, among other things, every specific action taken, the identity of the officials involved, responses received, obstacles encountered, and a date certain for return. See Mot. ¶ 20(e). This is not a meaningful request for relief; it is a duplicative reporting regime layered on top of one the Court has already imposed.

Respondents therefore respectfully request that the Court deny the remaining requested relief and permit the existing orders and reporting requirements to govern Respondents' ongoing efforts.

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Respectfully submitted,

JUSTIN R. SIMMONS
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