IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ARMANDO BLANDON RAUDEZ, **Petitioner,**	§	
v.	§	**EP-25-CV-00493-DB**
PAM BONDI, *Attorney General of the United States, et al.,* **Respondents.**	§	

ORDER

On this day, the Court considered the above-captioned case. On October 15, 2025, Petitioner filed his "Petitioner for Writ of Habeas Corpus," ECF No. 1, in the Northern District of Illinois, asking the Court to "[d]eclare that the Petitioner's detention and scheduled deportation violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § §1231(b)(2), and "[i]ssue a Writ of Habeas Corpus ordering Respondents to pause the schedule[d] deportation of Mr. Blandon and release Petitioner immediately." ECF No. 1 at 7–8. The Northern District of Illinois determined it could not address the merits of the Petition because it was the improper judicial district. So, on October 24, 2025, at 12:30 p.m. MDT, the case was transferred to the Western District of Texas – El Paso Division and assigned to this Court given that Petitioner was being detained at the Camp Montana East Detention Facility in El Paso, Texas.

BACKGROUND

On October 28, 2025, at 2:22 p.m. MDT, this Court issued its order to show cause, ECF No. 9, wherein this Court expressly ordered that "Respondents **SHALL NOT** (1) remove or deport Armando Blandon Raudez from the United States, or (2) transfer Armando Blandon Raudez to any facility outside the boundaries of the El Paso Division of the Western District of Texas, until the

Court orders otherwise or this case is closed." ECF No. 9 at 2. This Court reasoned this order was necessary "in the interest of preserving the status quo and the Court's ability to fully assess this case on the merits." *Id.* The Court also proceeded to order a briefing schedule and set the matter for a hearing the following week. *Id.*

Yet, on October 29, 2025, Respondents filed an "Advisory to the Court," ECF No. 10, advising the Court that Petitioner had been removed from the United States earlier that day, in violation of this Court's order. ECF No. 10 at 1. Respondents advised that "[o]n October 29, 2025, at approximately 8 am MT, undersigned sent notice of the Court's order to ICE agency counsel and learned, in response, Petitioner was removed from the United States. ICE provided the following: on October 28, 2025, ICE transferred Petitioner from Camp East Montana to the Florence Staging Facility in Arizona at approximately 3 am MT. On October 29, 2025, he was booked out of the Florence Staging Facility at approximately 4 am MT and subsequently removed to Mexico." *Id.*

On October 30, 2025, this Court issued an order dismissing the case as moot because "Petitioner's challenge to the lawfulness of the length of time that he has been held in the physical custody of ICE, and his request to pause his deportation are moot. Since Petitioner has already been deported, it is impossible to grant his request for supervised release or release on bond until he can be deported, or to pause a deportation that has already been effectuated." ECF No. 11 at 2–3.

THE INSTANT MOTION

On November 7, 2025, Petitioner, through his attorney, filed "Petitioner's Motion to Reopen Case and For Relief from Judgment Under Federal Rule of Civil Procedure 60(b), and For an Order Compelling Return to the United States," ECF No. 12. Therein, Petitioner moves the Court to reopen his proceedings under Federal Rules 60(b)(3), (b)(6), and (d)(3) and the Court's inherent authority under 28 U.S.C. § 1651. *Id.* at 2. Petitioner argues Respondents' act of removing Petitioner from the United States in violation of a court order extinguished this Court's jurisdiction through their own misconduct. *Id.* Petitioner asks that the Court reopen his case, order Respondents to facilitate Petitioner's return to the United States and consider imposing sanctions. *Id.*

On December 1, 2025, Respondents filed an untimely response. *See* ECF No. 15. Therein, Respondents argue Petitioner's motion is an improper invocation of habeas jurisdiction because he is not challenging his custody or detention, and his original habeas claims are now moot. ECF No. 15 at 3. Respondents' argument misses a core habeas principle: jurisdiction is determined at the time the petition is filed and maintained even if the petitioner is transferred out of the Court's jurisdiction or removed from the United States. *Ex parte Endo*, 323 U.S. 283, 304, 306–307 (1944) ("The statute upon which the jurisdiction of the District Court in habeas corpus proceedings rests (Rev. Stat. § 752, 28 U.S.C. § 452, 28 U.S.C.A. § 452) gives it power 'to grant writs of habeas corpus for the purpose of an inquiry into the cause of restraint of liberty.' That objective may be in no way impaired or defeated by the removal of the prisoner from the territorial jurisdiction of the District Court.") (internal citation omitted). The Supreme Court has made it clear that the "in custody" determination is made at the time the habeas petition is filed. *Zalawadia v. Ashcroft*, 371

F.3d 292, 297 (5th Cir. 2004). Furthermore, the Fifth Circuit has held that deportation after a habeas petition is filed does not deprive the courts of jurisdiction when a live case or controversy remains. *Id.* (citing cases). Respondents' bare assertion that habeas jurisdiction dies upon release from detention does not necessarily apply here.

Assuming without deciding there are no jurisdictional bars to ordering Petitioner's return and reopening his case, the practical effect of return would be futile. For the sake of argument, were the Court to wind back the clock by ordering the Petitioner's return to the United States he would remain in ICE custody subject to his final order of removal, and the TRO would be in effect for at most 14 days. A preliminary injunction hearing would take place for the Court to decide whether a stay of removal should remain in place through the resolution of this case. "To obtain a preliminary injunction, the plaintiff must show 1) that there is a substantial likelihood that [he] will succeed on the merits, 2) that there is a substantial threat that [he] will suffer irreparable injury if the district court does not grant the injunction, 3) that the threatened injury to the plaintiff outweighs the threatened injury to the defendant, and 4) that granting the preliminary injunction will not disserve the public interest*." Sierra Club, Lone Star Chapter v. F.D.I.C.*, 992 F.2d 545, 551 (5th Cir. 1993) (citation omitted).

At this point, it is unlikely Petitioner could satisfy the first factor. Petitioner's habeas petition brought claims under the Fifth Amendment alleging violations of his due process rights. ECF No. 1 at 7. First, Petitioner challenged his prolonged and indefinite detention where he had been in ICE custody for about 170 days awaiting removal, just 10 days short of the 180-day period that would trigger judicial review. ECF No. 1 at 2. But ordering his return to address this claim

would be futile given the remedy for a successful prolonged detention claim would have been released until he could be removed. He has now been actually removed – albeit against this Court's order. Second, Petitioner also sought a pause[1] in his scheduled deportation because he was told on September 19, 2025, he would be deported to Mexico that same day or the next, but he had not been given time to object. *Id.* at 6–7. By the time this Court issued its order not to remove him from the United States to even begin considering Petitioner's habeas claims, it was already October 28, 2025. ECF No. 10. Further, in his Motion to reconsider, Petitioner did not raise any argument as to why this claim remains a live controversy or how this Court would have jurisdiction to review a challenge to the adequacy of the removal proceedings themselves. Accordingly, ordering Petitioner's return would be futile based on his underlying claims.

Lastly, this Court unequivocally finds Respondents violated its order not to remove Petitioner from the United States. Respondents assert their conduct in violating this Court's order not to deport Petitioner was not willful or knowing. ECF No. 15 at 3. And, Petitioner has failed to assert any evidence to the contrary. *See generally* ECF No. 12. Without any evidence or allegations to the contrary, the Court denies Petitioner's request to find Respondents in contempt.

[1] It is unclear when Petitioner knew Mexico would be removal destination. Petitioner alleges that "[i]n July of 2025 Mr. Blandon filed a I-246 stay of removal to pause any deportation efforts. Denial was never given to either him or his counsel. [A]pproximately 10 days before the completion of his 180-day custody period which would trigger another custody review. ICE claimed that they will remove him to Mexico, the decision was made by ICE on 09/19/2025 and told Mr. Blandon and his counsel that he will either be deported the same day or the next day of 09/20/2025." ECF No. 1 at 6. It appears that the September 19, 2025, decision to remove to Mexico is the one Petitioner is challenging in his Petition. However, clarity on this point would not alter this Court's analysis in finding he likely can not success on the merits.

Accordingly, **IT IS HEREBY ORDERED** "Petitioner's Motion to Reopen Case and For Relief from Judgment Under Federal Rule of Civil Procedure 60(b), and For an Order Compelling Return to the United States," ECF No. 12, is **DENIED**.

SIGNED this **12th** day of **December 2025**.

THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE