

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

[REDACTED]
Petitioner,

v.

RAFAEL VERGARA, Warden of Adams
County Correctional Center,

Respondent.

No.: [REDACTED]-DCB-BWR

**NOTICE OF INTENT TO RESPOND TO MOTION TO DISMISS AND NOTICE OF
PRESENTLY KNOWN FACTS WHICH CONFIRM THE EXISTENCE OF
IRREPARABLE HARM**

Petitioner [REDACTED] (hereinafter “Petitioner” or “Mr. [REDACTED]” through counsel, hereby submits notice of his intent to respond to Respondent’s June 12, 2026 Motion to Dismiss, Doc. 28, and of additional facts in support of his pending Motion to Amend the Petition, Doc. 23, and Motion for a Temporary Restraining Order (“TRO”), Docs. 24–25. To be clear, Petitioner intends to respond in full to Respondent’s Motion to Dismiss on the timeline provided by the local rules or as otherwise ordered by the Court; this Notice is filed in an abundance of caution in light of the unique and developing circumstances of this case.

After the close of business hours on Wednesday, June 10, 2026, Mr. [REDACTED] was forcibly removed from Adams County Correctional Center (“Adams”). All he was told was that he was being “transferred.” No notice was given to him about where he was being moved to or what would come next. No notice was given to undersigned counsel or this Court. He was able to have one last phone call from Adams, telling his wife that he was being moved that very evening and had to get all his items and pack his bag immediately. He had been detained at Adams for almost a year and

a half. His wife, his children, and his attorneys have not heard from him since.

ICE never told Mr. [REDACTED] about their plans to remove him to the Central African Republic (“CAR”). Mr. [REDACTED] only learned about the CAR as a possible third country following the May 20, 2026 status conference, where Respondent’s counsel informed the parties and the court about the cancelled May 26 flight to CAR. *See* Doc. 22 at 2 & n.2 As Mr. [REDACTED] informed the Court in his last declaration, he had not spoken with an ICE official in months. Doc. 22-2 at ¶ 10. ICE Acting Unit Chief Emmanuel Espinal’s declaration provided no further information regarding future removal flights to CAR or any other country. *See* Doc. No. 21-1.

Upon learning of Mr. [REDACTED] possible transfer from Adams, undersigned counsel filed emergency motions the evening of Wednesday, June 10 indicating there was reason to believe Mr. [REDACTED] was scheduled for deportation before he could have his repeatedly-articulated claims of fear of persecution and torture in CAR heard by a neutral adjudicator. He moved to amend his petition to add statutory and constitutional claims regarding the process to which he is entitled before removal to a third country where he fears for his life and freedom. Doc. 23. He also filed a motion for a TRO and memorandum in support seeking emergency interim relief with respect to those claims. Docs. 24-25. On June 11, Mr. [REDACTED] filed a Notice of Supplemental Evidence of Irreparable Harm in support of his TRO motion. Doc. 26. Two declarations were attached to that Notice, presenting expert testimony on country conditions in the CAR and the substantial risk of harm, injury, and death that third-country nationals, particularly Muslims, like Mr. [REDACTED] face if deported there. Docs. 26-1 and 26-2. Each of those motions remains pending.

On June 11, counsel for Mr. [REDACTED] emailed and left messages for Respondent’s counsel, asking for updates about Mr. [REDACTED] case and his whereabouts. *See* Ex. 1 (June 12 Email from Korbin Felder to Gregg Mayer and Keesha Middleton). Respondent’s counsel’s only response

came via a phone call relaying to Mr. [REDACTED] counsel to check ICE's Online Detainee Locator System ("ODLS").¹ The ODLS reflected that Mr. [REDACTED] was still at Adams over 12 hours after the GlobalTelLink messaging system (the third-party vendor that Adams uses for detainee communications) reflected that Mr. [REDACTED] was no longer at Adams. When the ODLS was finally updated, it listed Mr. [REDACTED] "Current Detention Facility" as "Call ICE for Details." When Mr. [REDACTED] counsel tried multiple times to call the ICE-Oakdale ERO phone number provided on the ICE website, no one answered. Counsel had to rely on public reporting² and information from multiple trusted sources that indicated that individuals who were being staged for deportation to CAR were transferred to Alexandria, Louisiana.³ Throughout this entire process, neither ICE nor Respondent's counsel provided any information whatsoever to Mr. [REDACTED] counsel or his loved ones regarding his whereabouts or destination. Mr. [REDACTED] wife and two young sons are distraught and in shock from this ordeal. Until Respondent filed his motion to dismiss with an exhibit referencing the flight Mr. [REDACTED] is on, Doc. 28-1, they had zero confirmation as to where in the world their beloved husband and father is.

Separately, on June 11, Mr. [REDACTED] immigration attorneys prepared and filed in immigration court a motion to reopen his removal proceedings, asserting his fear of persecution and torture in CAR and arguing that he was wrongly denied the opportunity to apply for asylum pursuant to an

¹ *Online Detainee Locator System*, U.S. Immigration and Customs Enforcement, <https://locator.ice.gov/odls/#/search> (last visited June 12, 2026).

² E.g., Megha Rajagopalan & Hamed Aleaziz, *Women Who Fled Iran Are to Be Deported to Central African Republic, Lawyers Say*, N.Y. Times (June 11, 2026), https://www.nytimes.com/2026/06/11/world/africa/deportations-central-african-republic-migrants-iran-women.html?unlocked_article_code=1.pVA.hjve.oHz-Jsg1gZBy&smid=url-shar; Poppy Wood, *Trump to Deport Iranian Women to African Country Deemed Too Dangerous for Travel*, The Telegraph (June 11, 2026), <https://www.telegraph.co.uk/us/news/2026/06/11/trump-administration-to-deport-iranian-women>.

³ ICE Flight Monitor (@ICEFlightM), X (June 11, 2026, at 15:55 ET), <https://x.com/ICEFlightM/status/2065100536567722105>.

ICE policy that has now been vacated by a federal court. *E. Bay Sanctuary Covenant v. Trump*, No. 18-CV-06810-JST, 2026 WL 1256873 (N.D. Cal. May 7, 2026). That motion is currently pending.

Mr. [REDACTED] counsel also called the Court to indicate that his pending motions were an urgent and necessitous matter. Less than an hour after the Court issued an “expedited” briefing schedule on the motion for a TRO that permitted Respondents to file a response on June 15—days after the irreparable harm that formed the basis of the motion would have already occurred—Mr. [REDACTED] filed a Motion for Clarification, or in the alternative, a Motion for Reconsideration and Motion for a Temporary Stay. Doc. 27. This motion emphasized the urgency of the situation and explained that the Court may not otherwise have the opportunity to rule on the TRO motion prior to Mr. [REDACTED] deportation. This, seemingly, is what has indeed come to pass.

Today, Friday, June 12, more reporting has come out that an ICE Air flight did in fact depart Alexandria, Louisiana last night with a planned stop in Ghana, and then continuing on to CAR.⁴ Respondent’s most recent filing confirms Mr. [REDACTED] was on this flight. *See* Doc. 28-1 at 2 (referencing flight number OY2272). Past deportation flights operated by ICE Air—a “network of charter carriers and military planes that transport shackled migrants to detention facilities and out of the country”—have been characterized by “poor planning, cruel treatment, and serious safety lapses.”⁵ Passengers on the flights are often “shackled with handcuffs and leg irons attached to a chain around their waists—regardless of gender, age, disability, criminal background, or lack

⁴ Celine Clery, et.al., *US Deportation Flight Carrying Iranians En Route to C.African Republic*, Yahoo! News (June 12, 2026, at 10:01 ET), <https://www.yahoo.com/news/politics/articles/us-deportation-flight-carrying-iranians-140109324.html>.

⁵ Gillian Brockell, *ICE Air’s Sloppy, Dangerous Deportation Flights*, The American Prospect (Nov. 17, 2025), <https://prospect.org/2025/11/17/ice-air-sloppy-dangerous-deportation-flights>.

thereof.”⁶

Also, on Friday, June 12, Respondent moved to dismiss the habeas petition because Mr. [REDACTED] had been deported. Counsel for Respondent did not communicate anything about Mr. [REDACTED] removal or their intent to move to dismiss the petition to Mr. [REDACTED] counsel prior to this filing. Neither Respondent’s Motion to Dismiss, nor the supporting exhibits, even mentions where Mr. [REDACTED] was removed to. *See* Doc. No. 28. At the time the motion to dismiss was filed, Mr. [REDACTED] deportation was not, in fact, complete, as he had not yet landed in the CAR. *See* Ex. 2 (Flight Track Log for flight OY2272, referenced in Doc. 28-1).

What has occurred these past 48 hours confirms Mr. [REDACTED] claim that he will suffer irreparable harm if he is not granted the temporary relief sought in his TRO motion. *See* Doc. 25 at 14–15. He has been denied notice of the government’s intent to deport him to CAR and an opportunity to raise a fear-based claim and seek protection from deportation to CAR. Meanwhile, this Court has effectively been stripped of its opportunity to rule on the merits of Mr. [REDACTED] TRO before irreparable harm could occur.

Mr. [REDACTED] respectfully provides notice of (1) his intent to respond to Respondent’s motion to dismiss on the ordinary briefing schedule or as otherwise directed by the Court, and (2) his intent to complete the briefing ordered by the Court on his pending motions. He also reserves the right to seek additional action and relief from this Court within the scope of its habeas jurisdiction. ***Respondent cannot moot this case by disappearing Mr. [REDACTED]*** *See, e.g., Noem v. Abrego Garcia*, 145 S. Ct. 1017 (2025) (affirming lower court order requiring government to “facilitate” Mr. Abrego Garcia’s return to the United States); *Melgar-Salmeron v. Bondi*, No. 23-7792 (2d Cir. June 24, 2025), ECF No. 49 (ordering the Government “to facilitate the return of Petitioner to the

⁶ *Id.*

United States as soon as possible”); *Dcosta v. Warden of Immigr. Det. Facility*, 820 F. Supp. 3d 535, 542 (S.D. Tex. 2026) (same); *D.V.D. v. U.S. Dep't of Homeland Sec.*, 784 F. Supp. 3d 401, 412 (D. Mass. 2025); *L. v. U.S. Immigr. & Customs Enf't*, 403 F. Supp. 3d 853, 860–61, 863–68 (S.D. Cal. 2019) (ordering government to allow return of parents wrongfully prevented from petitioning for asylum); *Grace v. Whitaker*, 344 F. Supp. 3d 96, 144–45 (D.D.C. 2018) (ordering return of non-citizen plaintiffs entitled to further process prior to removal), *aff'd in relevant part, rev'd in part and remanded sub nom. Grace v. Barr*, 965 F.3d 883 (D.C. Cir. 2020).

Based on the foregoing, Mr. [REDACTED] respectfully requests that this Court refrain from ruling on Respondent’s motion to dismiss or Mr. [REDACTED] pending motions for leave to file an amended petition and for a TRO until briefing is completed on those pending motions.

Dated: June 12, 2026

Respectfully submitted,

s/ D. Korbin Felder

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[REDACTED]

**Admitted pro hac vice*

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I filed a copy of the foregoing document along with any attachments using the court's CM/ECF system, which will cause notice to be served electronically to all parties.

Dated: June 12, 2026

s/ D. Korbin Felder

Counsel for Petitioner