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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

HUGO GIL CANDIDO-BOLANOS,	)	CIVIL ACTION NO.
	)	
Plaintiff,	)	
	)	PETITION FOR WRIT OF
v.	)	HABEAS CORPUS TO 28 U.S.C. §
	)	2241 AND COMPLAINT FOR
JOHN MATTOS, Warden of Nevada	)	DECLATORY AND INJUNCTIVE
Southern Detention Center, in his	)	RELIEF
official capacity as well as his	)	
successors and assigns,	)	
	)	IMMIGRATION HABEAS CASE
and	)	
	)	
TODD M. LYONS, Acting Director,	)	
U.S. Immigration and Customs	)	
Enforcement, in his official capacity as	)	
well as successors and assigns,	)	
	)	
and	)	
	)	
KRISTI NOEM, Secretary for the U.S.	)	
Department of Homeland, in her official	)	
capacity as well as her successors and	)	
assigns,	)	
	)	
Defendants.	)	

Defendants.

PETITION FOR WRIT OF HABEAS CORPUS TO 28 U.S.C. § 2241

The Plaintiff, Hugo Gil Candido-Bolanos (Mr. Candido Bolanos), by and through his undersigned counsel, respectfully petition this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality for his detention at the Nevada Southern Detention Center as well as the attempt of removal, by Defendants.

I. INTRODUCTION

1. Mr. Candido Bolanos, a native and citizen of El Salvador and a longtime resident of the United States. He was granted deferral of removal under the Convention Against Torture (“CAT”) by the Board of Immigration Appeals in 2007, which the Immigration Judge (“IJ”) upheld on February 04, 2008, and that protection remains legally binding and in full effect.

2. Despite the continued validity of this protection, on July 21, 2025, Immigration and Customs Enforcement (“ICE”)—without initiating any lawful proceeding to terminate CAT deferral—detained Mr. Candido Bolanos and has threatened his removal to El Salvador, in clear violation of domestic and international law. Removal under these circumstances is both unlawful and constitutionally impermissible.

3. Since being awarded CAT, Mr. Candido Bolanos has attended regular ICE check-in as part of his supervised release and his upcoming check-in was scheduled for July 30, 2025. Mr. Candido Bolanos remained in full compliance with all the terms of his Order of Supervision. He maintained lawful employment authorization and developed deep family and community ties.

4. Mr. Candido Bolanos now seeks immediate relief from this Court. His ongoing detention and threatened removal violate binding protections under the CAT, implementing federal regulations, and the Due Process Clause of the Fifth Amendment.

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5. Mr. Candido Bolanos respectfully asks this Court to issue a writ of habeas corpus ordering his release and directing Defendants to justify any continued detention and attempted removal under constitutional, statutory, and treaty-based protections.

II. JURISDICTION

A. Statutory Jurisdiction under 28 U.S.C. § 2241

6. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 2241, which provides that "[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions" to individuals "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The Supreme Court has long recognized that habeas corpus "is available to non-citizens challenging executive detention." *Heikkila v. Barber*, 345 U.S. 229, 234–35, 73 S.Ct. 603, 97 L.Ed. 972 (1953); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268, 74 S.Ct. 499, 98 L.Ed. 681 (1954). The Ninth Circuit has reaffirmed that district courts possess habeas jurisdiction to review the legality of detention and removal in violation of statutory or constitutional protections. *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 956 (9th Cir. 2012).

B. The CAT, the FARR Act, and the REAL ID Act

7. The CAT was adopted by the United Nations in 1984, and the United States became a party in 1988. *Auguste v. Ridge*, 395 F.3d 123, 130 (3d Cir. 2005). While the CAT itself is not self-executing—"does not in itself create judicially enforceable rights"—Congress implemented its obligations through the Foreign Affairs Reform and Restructuring Act of 1998 ("FARR Act"). *Hoxha v. Holder*, 465 F.3d 563, 564 n.15 (6th Cir. 2006). The FARR Act provides.

"It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for

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believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.” FARR Act § 2242(a), Pub.L. No. 105–277, Div. G, 112 Stat. 2681, 2681–822 (codified as note to 8 U.S.C. § 1231).

8. The FARR Act also required agency heads to “prescribe regulations to implement the obligations of the United States under Article 3 [of the CAT].” *Id.* at § 2242(b). Section 2242(d) of FARRA contains a jurisdiction-limiting provision:

“[N]othing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the [Torture] Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act....” FARR Act § 2242(d).

9. The REAL ID Act of 2005 further addressed judicial review of CAT claims, providing:

“Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision ... a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).” 8 U.S.C. § 1252(a)(4); see also REAL ID ACT of 2005, Pub. L. 109-13, Div. B, § 106(a)(4), 119 Stat. 310-11.

10. The Ninth Circuit has squarely held that neither the FARR Act nor the REAL ID Act repeals habeas corpus jurisdiction over constitutional and procedural challenges to detention and removal, particularly where the petitioner asserts violations of the Due Process Clause or claims custody in violation of the laws or treaties of the United States. “A statute must contain ‘a particularly clear statement’ before it can be construed as intended to repeal habeas jurisdiction.” *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 956 (9th Cir. 2012) (quoting *Demore v. Kim*, 538 U.S. 510, 517 (2003)). The FARR Act “lack[ed] sufficient clarity to survive the ‘particularly clear statement’ requirement” because it did not expressly repeal habeas jurisdiction. *Id.* As for the REAL ID Act, the Ninth Circuit determined that it could be “construed as being confined to addressing final orders of removal, without affecting habeas jurisdiction,” and thus should not be Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241

1 regarded as having clearly repealed habeas relief. *Id.* Moreover, “even if a sufficiently clear
 2 statement exists, courts must determine whether ‘an alternative interpretation of the statute is fairly
 3 possible’ before concluding that the law actually repealed habeas relief.” *Id.* (quoting *INS v. St.*
 4 *Cyr*, 533 U.S. 289, 299–300 (2001)). *Trinidad y Garcia* confirms that district courts retain
 5 jurisdiction under 28 U.S.C. § 2241 to review claims that removal or detention violates the
 6 Constitution, laws, or treaties of the United States, and that neither FARRA nor the REAL ID Act
 7 bars such review. See also *Saint Fort v. Ashcroft*, 329 F.3d 191, 200 (1st Cir. 2003) (recognizing
 8 that “there is no statement of congressional intent to preclude review of constitutional claims” and
 9 “[w]e would not imply an intent to repeal habeas jurisdiction from silence.”) (citing *Demore*, 538
 10 U.S. at 517).

11 11. As the First Circuit explained, “Once Congress created rights under CAT by enacting
 12 FARRA, § 2241 necessarily became a proper avenue of relief for individuals in custody in
 13 violation of FARRA and its implementing regulations.” *Saint Fort*, 329 F.3d at 200.

14 **C. Jurisdiction Preserved by the Constitution and the Suspension Clause**

15 12. Habeas jurisdiction is also preserved by the Constitution. Although the Constitution does
 16 not itself grant federal habeas jurisdiction, it expressly preserves the writ through the Suspension
 17 Clause. *Boumediene v. Bush*, 553 U.S. 723, 743–46, 128 S.Ct. 2229, 171 L.Ed.2d 41 (2008); *Ex*
 18 *Parte Bollman*, 4 *Cranch* 75, 94–95, 2 L.Ed. 554 (1807). As the Supreme Court has held:

19 “The Clause ‘ensures that, except during periods of formal suspension, the Judiciary will
 20 have a time-tested device, the writ, to maintain the “delicate balance of governance” that
 21 is itself the surest safeguard of liberty’ and ‘protects the rights of the detained by affirming
 22 the duty and authority of the Judiciary to call the jailer to account.’” *Boumediene*, 553 U.S.
 23 at 745.

24 13. Congress may not “eliminate the writ without running afoul of the Suspension Clause”
 unless it “provides ‘a collateral remedy which is neither inadequate nor ineffective to test the
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legality of a person's detention.” *Singh v. Mukasey*, 533 F.3d 1103, 1106 (9th Cir. 2008) (quoting *Swain v. Pressley*, 430 U.S. 372, 381, 97 S.Ct. 1224, 51 L.Ed.2d 411 (1977)); see also *Perez v. Barr*, 957 F.3d 958, 963 (9th Cir. 2020).

14. Plaintiff is in the custody of federal immigration authorities and challenges both the lawfulness of his detention and the threatened removal to El Salvador on the grounds that such actions violate the Constitution, federal statutes, treaties, and binding regulations. Plaintiff’s claims fall squarely within the scope of habeas corpus review under 28 U.S.C. § 2241, as recognized by controlling Ninth Circuit and Supreme Court authority. *Trinidad y Garcia*, 683 F.3d at 956; *Heikkila*, 345 U.S. at 234–35. Accordingly, this Court has jurisdiction over Plaintiff’s habeas petition pursuant to 28 U.S.C. § 2241, the Constitution, and the Suspension Clause.

III. VENUE

15. Venue is proper in this District pursuant to 28 U.S.C. §1391(e)(1), because Mr. Candido Bolanos is a resident of Nevada States who was detained by ICE, and then transferred to Nevada Southern Detention Center where he is currently being held.

IV. PARTIES

16. The Plaintiff, Mr. Candido Bolano, resides in Las Vegas, Nevada.

17. Defendant John Mattos is the Warden of the Nevada Southern Detention Center, a private immigration detention facility under contract with ICE, located in Pahrump, Nevada. As facility leader, he is responsible for the custody, control, and care of detainees held at the Nevada Southern Detention Center where Mr. Candido Bolanos is detained. He is sued in his official capacity.

18. Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, he is responsible for ICE’s policies and operations, including

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oversight of Mr. Candido Bolanos detention. He is sued in his official capacity.

19. Defendant Kristi Noem is the Secretary of the U.S. Department of Homeland Security. In this role, she is responsible for the enforcement and administration of the Immigration and Nationality Act (“INA”) and oversees ICE. She has legal custody over Mr. Candido Bolanos and is sued in her official capacity.

V. BACKGROUND

A. Deferral of Removal Under the Convention Against Torture (CAT)

20. The CAT is a multilateral human rights treaty ratified by the United States in 1994. Under Article 3 of CAT, signatory countries undertake an absolute obligation: they may not expel, return, or extradite any person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture. This principle, known as *non-refoulement*, is a cornerstone of international protection against torture.

21. Because the United States determined that CAT was not “self-executing,” Congress enacted domestic legislation to implement its obligations. Specifically, the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), Pub. L. No. 105–277, § 2242, directed federal agencies to prescribe regulations to enforce Article 3. As a result, the former Immigration and Naturalization Service (INS) promulgated implementing regulations codified at 8 C.F.R. §§ 208.16–208.18, which remain in force today and are binding on the Department of Homeland Security (DHS) and the immigration courts.

22. The regulations establish two distinct forms of protection under CAT: withholding of removal and deferral of removal. Withholding of removal is available under 8 C.F.R. § 208.16(c) to individuals who can show that it is *more likely than not* that they would be tortured in the country

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1 of removal, provided they are not barred by certain criminal grounds. However, for individuals
2 who are otherwise entitled to CAT protection but are subject to mandatory denial of withholding—
3 such as those with aggravated felony convictions—deferral of removal under § 208.17(a) serves
4 as a safeguard of last resort.

5 23. Deferral of removal is non-discretionary and mandatory: if an individual meets the CAT
6 standard—i.e., they establish a greater than 50% likelihood of torture if removed—then U.S. law
7 requires that removal to the designated country be prohibited. This is not a benefit that can be
8 denied based on discretion; it is an obligation imposed by both treaty and domestic regulation.

9 24. Although deferral of removal does not confer lawful immigration status or a pathway to
10 permanent residence, it creates a legally enforceable bar on removal to the specific country where
11 the risk of torture exists. See 8 C.F.R. § 208.17(a), (b)(1). The person may still be removed to a
12 third country, but only if such removal is legally and diplomatically feasible. See 8 C.F.R. §
13 208.17(b)(2).

14 25. Crucially, once deferral is granted, it cannot be unilaterally revoked by ICE or DHS. Under
15 8 C.F.R. § 208.17(d), any attempt to terminate a CAT deferral requires a formal motion to reopen
16 the proceedings, which must be filed with the immigration court. The respondent is entitled to full
17 due process protections, including notice, an opportunity to respond, and a hearing before an
18 Immigration Judge. No agency has unilateral authority to remove an individual with active CAT
19 deferral unless and until that protection is lawfully rescinded.

20 26. Because CAT relief is grounded in treaty obligations and domestic regulations with the
21 force of law, it also has constitutional implications. Detention of a noncitizen solely for the purpose
22 of effecting a removal that is legally barred—such as under CAT—raises serious due process

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1 concerns under the Fifth Amendment. The U.S. Supreme Court has held that continued detention
2 without a realistic prospect of removal is unconstitutional. See *Zadvydas v. Davis*, 533 U.S. 678,
3 699 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).

4 27. The Ninth Circuit has further clarified that judicial review is available to noncitizens
5 challenging the violation of CAT protections through habeas corpus. In *Trinidad y Garcia v.*
6 *Thomas*, 683 F.3d 952 (9th Cir. 2012), the court confirmed that neither the FARRA nor the REAL
7 ID Act stripped federal courts of habeas jurisdiction in cases raising CAT-based detention or
8 removal concerns. The court emphasized that only a “particularly clear statement” by Congress
9 can remove habeas jurisdiction and found no such statement in either statute.

10 28. In sum, deferral of removal under CAT is a binding, enforceable protection grounded in
11 both international treaty obligations and U.S. law. It prohibits removal to a designated country
12 absent formal revocation, restricts ICE's authority to detain where removal is not foreseeable, and
13 entitles the noncitizen to judicial protection against unlawful detention or deportation. Any
14 violation of these protections may be challenged in federal court under both statutory and
15 constitutional grounds.

16 **B. STATEMENT OF FACTS**

17 29. Mr. Candido Bolanos is a native and citizen of El Salvador who has lived in the United
18 States for the majority of his life. He first entered as a young teenager after fleeing El Salvador
19 with his mother and other family members, following the targeted killings of relatives in his
20 hometown. He is currently detained at Nevada Southern Detention Center by ICE and faces
21 imminent removal to El Salvador, where he has previously been imprisoned, tortured, and nearly
22 killed.

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30. After attending high school in the United States, Mr. Candido Bolanos was convicted as a minor of a robbery-related charge stemming from a schoolyard incident around 1993, which led to his deportation around age 18. Upon returning to El Salvador, he had no family or support. In 1996, he was arrested by Salvadoran police based solely on his tattoos and again in 2001—this time falsely accused of kidnapping. While in Salvadoran custody in 2001, Mr. Candido Bolanos was hung, beaten, and tortured by police. He was explicitly told he would be killed. He credits his escape to a sympathetic guard who recognized he was still a youth and in danger. He fled El Salvador immediately with his wife and children, reentering the United States around 2002.

31. Mr. Candido Bolanos was later detained by ICE and entered removal proceedings. In 2007, the Board of Immigration Appeals (“BIA”) granted him deferral of removal under the CAT, based on the clear likelihood of torture if returned to El Salvador. The IJ formalized this decision in an order dated February 4, 2008, which remains in full force and effect. The CAT protection was based in part on the existence of a Salvadoran arrest warrant, as well as verified accounts of past torture in Salvadoran detention.

32. After the CAT grant, Mr. Candido Bolanos remained in ICE custody for several months before being released in late 2008 or early 2009. In 2013/2014, he pled guilty to a federal RICO charge, which arose from a broader indictment dating back to events in 2004. Mr. Candido Bolanos maintains that his guilty plea was narrowly limited to the 2004 conduct, which was already known to the immigration court during his CAT proceedings. He was advised that entering the plea would not affect his deferral. He served approximately five years in federal custody and was released around 2015. He has had no further contact with the criminal justice system since that time.

33. Since release, Mr. Candido Bolanos has led a productive, law-abiding life. Mr. Candido

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1 Bolanos has also maintained lawful employment authorization under 8 C.F.R. § 274a.12(c)(18),
2 which applies to individuals with final orders of removal who remain under ICE supervision. He
3 has maintained steady employment, most recently as a tow truck driver, and consistently reported
4 to ICE as required. He was under an ICE Order of Supervision (I-220B) from 2017 to 2024,
5 attending annual check-ins without incident. His most recent in-person check-in was in 2024, and
6 his next check-in was scheduled for July 30, 2025, but ICE agents detained him one week early,
7 at his home, on July 22, 2025.

8 34. Mr. Candido Bolanos has taken concrete steps to transform his life. He has removed all of
9 his tattoos, regularly attends church, and is under treatment for depression and trauma-related
10 mental health issues. These reflect both his rehabilitation and the severity of the psychological
11 harm he endured while imprisoned and tortured in El Salvador.

12 35. Mr. Candido Bolanos has substantial ties to the United States. He is married to a U.S.
13 citizen, and his mother, siblings, and two adult children are all U.S. citizens. He has long-standing
14 community ties and no record of noncompliance with immigration supervision.

15 36. Deferral of removal under CAT is a form of protection granted under 8 C.F.R. § 1208.17,
16 available to individuals who are subject to removal but face a clear probability of torture in their
17 country of origin. Unlike withholding of removal, deferral is typically granted when a noncitizen
18 is barred from other relief due to a criminal conviction yet still merits protection under Article 3
19 of CAT. This protection remains in full force and effect unless revoked following a formal
20 proceeding and a specific finding of changed circumstances. No such process has occurred here.

21 37. The CAT deferral in this case has never been terminated or reopened by DHS, the
22 Immigration Court, or the BIA. There is no indication that ICE has initiated or pursued any lawful

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1 process under 8 C.F.R. § 1208.17(d) to revoke Mr. Candido Bolanos’s protection, and no finding
2 has been made of changed country conditions in El Salvador.

3 38. Neither Mr. Candido Bolanos nor his counsel has been notified of any change in status,
4 any reopening of proceedings, or any legal justification for removal.

5 39. Removal under these circumstances would directly violate the Convention Against Torture
6 (“CAT”), the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), and ICE’s own
7 regulatory framework. Under binding Ninth Circuit precedent, the government may not remove
8 an individual with valid CAT deferral unless and until it follows the process outlined in 8 C.F.R.
9 § 1208.17(d), including a motion to reopen and a finding of changed country conditions. See
10 *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 956 (9th Cir. 2012).

11 40. The conditions in El Salvador have not improved, and in fact, have worsened in recent
12 years due to escalating gang violence, widespread impunity, and government repression. Mr.
13 Candido Bolanos would face almost certain persecution, and likely death, if returned.

14 41. Mr. Candido Bolanos’s fear is not hypothetical— it is based on lived experience and an
15 active warrant in El Salvador. He has been clear and consistent: if he is returned to El Salvador,
16 he will be killed. The physical and emotional trauma of his prior torture remains with him, and the
17 threats against him persist. He is not asking to be returned to any particular country — only that
18 he not be forcibly sent to El Salvador.

19 42. Mr. Candido Bolanos’s continued presence in the United States is not only legally required
20 under federal and international law—it is essential to his survival. He has rebuilt his life under ICE
21 supervision, remained fully compliant for years, and developed deep family and community ties.
22 To forcibly remove him now—without notice, process, or lawful revocation of CAT deferral—

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would amount to a state-sanctioned return to torture and a fundamental violation of the rule of law.

43. Absent immediate intervention by this Court, Mr. Candido Bolanos will be removed to El Salvador, in violation of binding federal regulations, treaty obligations, and constitutional due process, and in disregard of the United States' long-standing commitment under CAT not to return individuals to countries where they are likely to be tortured.

VI. CLAIMS FOR RELIEF

Count I: Violation of the Due Process Clause of the Fifth Amendment and Unlawful Detention in Violation of 28 U.S.C. § 2241

44. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

45. Plaintiff is lawfully present in the United States pursuant to a grant of deferral of removal under the Convention Against Torture (“CAT”)—a protection which “allow[s] [the petitioner] to reside in the United States lawfully, within the meaning of the policy.” See ICE Policy Directive 11061.1 (Feb. 24, 2012), https://www.ice.gov/doclib/foia/dro_policy_memos/11061.1_current_policy_facilitating_return.pdf; *Del Cid Marroquin v. Lynch*, 823 F.3d 933, 938 (9th Cir. 2016). As the Ninth Circuit has expressly recognized, “an alien with a grant of CAT deferral protection is permitted to be present in the United States pursuant to the regulations implementing the CAT.” *Huang v. Ashcroft*, 390 F.3d 1118, 1121 (9th Cir. 2004); *Del Cid Marroquin*, 823 F.3d at 940.

46. Further, a non-detained alien granted CAT deferral protection “can seek employment authorization under 8 C.F.R. § 274a.12(c)(18). Such authorization obviously is not akin to legal status in the United States, but it does signal that the alien is authorized to be present in the country.” *Id.* Plaintiff has, at all relevant times, maintained such authorization and complied with

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1 all ICE requirements for supervised release.

2 47. Plaintiff's grant of CAT protection creates a constitutionally protected liberty interest under
3 the Due Process Clause of the Fifth Amendment. "The CAT and its implementing regulations are
4 binding domestic law... FARRA and its regulations generate interests cognizable as liberty
5 interests under the Due Process Clause, which guarantees that a person will not be deprived of life,
6 liberty, or property, without due process of law. *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 956–
7 57 (9th Cir. 2012) (internal citations omitted).

8 48. Regulations implementing CAT guarantee that deferral of removal "may be terminated
9 only through a formal process," which "includes filing a motion with the Immigration Court,
10 providing notice to the individual, and conducting a de novo hearing to determine whether the
11 individual is still more likely than not to face torture in the country of removal." 8 C.F.R. §
12 1208.17(d). The government must also provide the alien with notice of the motion, an opportunity
13 to present evidence, and a right to appeal any adverse decision to the Board of Immigration
14 Appeals. *Id.* §§ 1208.17(d)(2)-(4).

15 49. Termination of CAT protection may also occur if "diplomatic assurances" are provided by
16 the receiving country, but only "subject to review by the Attorney General" and in accordance with
17 strict procedural safeguards. 8 C.F.R. §§ 1208.17(f), 1208.18(c).

18 50. "In *Trinidad y Garcia v. Thomas*, the Ninth Circuit held that the Secretary of State must
19 strictly comply with statutory and regulatory obligations when considering CAT claims, and
20 failure to do so violates the individual's liberty interest." *Trinidad y Garcia*, 683 F.3d at 956.
21 Similarly, "CAT protections are enforceable regardless of the petitioner's immigration status and
22 ... the principle of non-return is a fundamental right protected by due process." *Khouzam v. Hogan*,

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1 497 F. Supp. 2d 615, 625 (M.D. Pa. 2007).

2 51. Here, Plaintiff never received any notice of government motion to terminate his CAT
3 deferral, was never served with evidence or given an opportunity for a hearing, and no finding has
4 ever been made by the Immigration Judge or Board of Immigration Appeals that country
5 conditions in El Salvador have changed so as to warrant termination of CAT protection. Nor has
6 the government produced any diplomatic assurance that satisfies the requirements of 8 C.F.R. §§
7 1208.17(f) and 1208.18(c).

8 52. The government's detention of Plaintiff and imminent threat of removal to El Salvador—
9 without observance of the procedural protections required by statute and regulation—constitutes
10 an ongoing violation of Plaintiff's constitutional due process rights. "Where these procedural
11 mechanisms are not adopted, any continued detention is unlawful." See 28 U.S.C. § 2241; see also
12 *Khouzam v. Hogan*, 497 F. Supp. 2d at 625.

13 53. Plaintiff respectfully requests that the Court declare his current detention and threatened
14 removal unlawful, order his immediate release, and enjoin the government from removing him to
15 El Salvador absent full compliance with the procedural requirements set forth in 8 C.F.R. §§
16 1208.17 and 1208.18.

17 **Count II: Declaratory Relief under 28 U.S.C. § 2201**

18 54. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

19 55. Actual Controversy and the Government's Noncompliance with CAT Procedures.

20 56. An actual controversy exists regarding the government's authority to remove Plaintiff to
21 El Salvador despite the extant grant of CAT deferral and the government's failure to follow the

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1 procedures required by federal law for termination of such protection. The Foreign Affairs Reform
 2 and Restructuring Act of 1998 (“FARRA”) establishes that.

3 “It shall be the policy of the United States not to expel, extradite, or otherwise effect the
 4 involuntary return of any person to a country in which there are substantial grounds for
 5 believing the person would be in danger of being subjected to torture, regardless of whether
 the person is physically present in the United States.” FARRA, Pub. L. 105–277, div. G, §
 2242, 112 Stat. 2681, 2681–822 (codified as note to 8 U.S.C. § 1231).

6 57. The Department of Justice accordingly promulgated regulations stating that an alien

7 “shall be granted withholding of removal ... if the alien's life or freedom would be
 8 threatened” and further, “[t]he burden of proof is on the applicant for withholding of
 removal ... to establish that it is more likely than not that he or she would be tortured if
 removed to the proposed country of removal.” 8 C.F.R. § 1208.16(c)(2)-(3).

9 58. Deferral of removal under CAT may only be revoked after strict compliance with
 10 procedures set forth in 8 C.F.R. § 1208.17(d), including notice, a hearing, and opportunity to
 11 present evidence. Diplomatic assurances may only be considered pursuant to 8 C.F.R. §
 12 1208.18(c), which provides:

13 “The Secretary of State may forward to the Attorney General assurances that the Secretary
 14 has obtained from the government of a specific country that an alien would not be tortured
 there if the alien were removed to that country. ... The Attorney General shall determine,
 15 in consultation with the Secretary of State, whether the assurances are sufficiently reliable
 to allow the alien's removal to that country consistent with Article 3 of the Convention
 16 Against Torture.” 8 C.F.R. § 1208.18(c)(1)-(2).

17 59. Plaintiff is entitled to a declaration that he cannot lawfully be removed from the United
 18 States unless and until the government strictly complies with the regulations governing termination
 19 of CAT deferral—including the requirements for notice, an individualized hearing, and, if
 20 applicable, reliable diplomatic assurances. The government’s failure to follow these procedures
 21 renders any attempt at removal or continued detention unlawful.

22 60. Plaintiff respectfully requests that the Court issue a declaration that:

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(1) Plaintiff's grant of CAT deferral remains in full force and effect;

(2) The government cannot lawfully remove Plaintiff to El Salvador unless and until all regulatory prerequisites for terminating CAT protection—specifically those in 8 C.F.R. §§ 1208.17 and 1208.18—are satisfied; and

(3) Any removal or continued detention of Plaintiff in the absence of such compliance violates the Due Process Clause and federal law.

Count III. Injunctive Relief

61. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein

62. Absent immediate intervention by this Court, Plaintiff faces imminent and irreparable harm in the form of unlawful removal to El Salvador, where he faces a clear probability of torture in violation of the United States' obligations under the Convention Against Torture and the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), as well as binding federal regulations. The harm Plaintiff faces is not speculative; it is concrete and irreparable, as courts have repeatedly recognized that the threat of removal to torture constitutes the quintessential form of irreparable injury. See *Nken v. Holder*, 556 U.S. 418, 435 (2009) ("Removal is a serious burden for many aliens, and the hardship of being removed may be especially severe for applicants who are likely to be tortured if removed."); *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011) (en banc).

63. There is no adequate remedy at law. Once Plaintiff is removed, the injury cannot be undone, and no subsequent judicial order could offer meaningful relief. See *Khouzam v. Attorney General of the United States*, 529 F.3d 235, 255 (3d Cir. 2008) ("The risk of torture is the type of irreparable harm that cannot be remedied after the fact.")

Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241

VII. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully request that this Court enter judgment in his favor and grant the following relief:

1. HABEAS CORPUS. Issue a writ of habeas corpus under 28 U.S.C. § 2241 directing Defendants immediately to release Plaintiff from ICE custody and return him to the conditions that prevailed under the most recent Order of Supervision, including the right to apply for and renew employment authorization pursuant to 8 C.F.R. § 274a.12(c)(18) Order Respondents to immediately release Mr. Candido Bolanos from ICE custody, subject to appropriate conditions of supervision if necessary;

2. DECLARATORY JUDGMENT. Pursuant to 28 U.S.C. § 2201, declare that:

a. Plaintiff's February 4, 2008 deferral of removal under 8 C.F.R. § 1208.17 remains in full force and effect;

b. Defendants have not lawfully terminated that deferral because they have failed to invoke—and to complete—the procedures mandated by 8 C.F.R. §§ 1208.17(d) or 1208.17(f) together with 1208.18(c)

c. Any attempt to remove Plaintiff to El Salvador absent such termination would violate the Convention Against Torture, the Foreign Affairs Reform and Restructuring Act of 1998, 8 C.F.R. §§ 1208.17–.18, and the Fifth Amendment's Due-Process Clause; and

d. Plaintiff's continued detention for the purpose of effectuating an unlawful removal is ultra vires and unconstitutional.

3. INJUNCTIVE RELIEF. Pursuant to the Court's equitable powers, Fed. R. Civ. P. 65, and

Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241

1 the All Writs Act, 28 U.S.C. § 1651, enter:

- 2 a. Preliminary injunction immediately prohibiting Defendants, their agents,
3 employees, and all persons acting in concert with them from removing Plaintiff
4 from the United States pending final resolution of this action;
- 5 b. A permanent injunction barring Defendants from removing Plaintiff to El Salvador
6 unless and until they have lawfully terminated his CAT deferral in strict conformity
7 with 8 C.F.R. §§ 1208.17(d) or 1208.17(f)/1208.18(c) and have afforded him all
8 attendant procedural safeguards, including notice, a de novo hearing before an
9 Immigration Judge, and appeal to the BIA
- 10 c. A mandatory injunction directing Defendants forthwith to release Plaintiff from
11 custody and to re-issue an Order of Supervision on the same or substantially similar
12 terms that governed him through July 2025; and,
- 13 d. An order retaining jurisdiction to monitor and enforce compliance with the
14 foregoing injunctions.

15 4. FEES AND COSTS. Award Plaintiff his reasonable attorneys' fees and litigation expenses
16 under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority.

17 5. SUCH OTHER RELIEF. Grant such further legal or equitable relief as the Court deems
18 just and proper.

19
20 Respectfully submitted on this 25th day of July 2025.

21 By: s/Maria E. Quiroga
22 Nevada State Attorney ID #13939
23 7935 W Sahara Ave
Suite #103

24 Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241

Las Vegas, NV 89117
Tel: (702) 972-8348
Maria@QuirogaLawOffice.com

Attorney for Plaintiff

Petition for Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HUGO GIL CANDIDO-BOLANOS

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Maria E. Quiroga, Quiroga Law Office, 7935 W Sahara
Ave Suite #103, Las Vegas, NV 89117 (702) 927-8348

DEFENDANTS

John Mattos; Todd M. Lyons; and Kristi Noem

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney for the District of Nevada

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability		PROPERTY RIGHTS	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability		☐ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine		☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability		☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	PERSONAL PROPERTY	LABOR	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle	☐ 710 Fair Labor Standards Act	SOCIAL SECURITY	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 355 Motor Vehicle Product Liability	☐ 720 Labor/Management Relations	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 360 Other Personal Injury	☐ 740 Railway Labor Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise	☐ 362 Personal Injury - Medical Malpractice	☐ 751 Family and Medical Leave Act	☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/Exchange
REAL PROPERTY	CIVIL RIGHTS	☐ 385 Property Damage Product Liability	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	PRISONER PETITIONS	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 220 Foreclosure	☐ 441 Voting	Habeas Corpus:	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☒ 463 Alien Detainee	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 240 Torts to Land	☐ 443 Housing/Accommodations	☐ 510 Motions to Vacate Sentence	☐ 871 IRS—Third Party 26 USC 7609	☐ 896 Arbitration
☐ 245 Tort Product Liability	☐ 444 Amer. w/Disabilities - Employment	☐ 530 General		☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities - Other	☐ 535 Death Penalty	IMMIGRATION	☐ 950 Constitutionality of State Statutes
	☐ 446 Amer. w/Disabilities - Other	Other:	☐ 462 Naturalization Application	
	☐ 448 Education	☐ 540 Mandamus & Other	☒ 465 Other Immigration Actions	
		☐ 550 Civil Rights		
		☐ 555 Prison Condition		
		☐ 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
8 C.F.R. § 1208.17; Article 3 CAT; FARRA; U.S. Const. Amend. V (Due Process Clause)

Brief description of cause:

Habeas and injunctive relief challenging ICE detention and removal in violation of CAT, FARRA, and due process.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/25/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Maria E. Quiroga

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE