

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE No. 25-CV-24650-BLOOM

CESAR R. MORA-VELAZQUEZ,

Petitioner,

v.

DIRECTOR, U.S. DHS ICE ERO
Miami Field Office, *et al.*,

Respondents.

PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO PETITION

COMES NOW the Petitioner, Cesar R. Mora-Velazquez, by and through undersigned counsel, and hereby files the instant Reply to the Respondents' Response (ECF. No. [13]) to Mr. Mora-Velazquez's Verified Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241 and Complaint for Declaratory and Injunctive Relief (ECF No. [1]) and respectfully states as follows:

I. BACKGROUND

Mr. Mora-Velazquez, in addition to seeking habeas relief, has sought an Order from this Court requiring the Respondents to reinstate his student status, which he had maintained at all times prior to detention, because his unlawful detention rendered him unable to maintain his student status and made the termination of his status unlawful and arbitrary or capricious. *See* Motion for PI/TRO, ECF No. [6], at *7, ¶24; *see also Dep't of Homeland Sec. v. Regents of Univ. of Cal.*, 591 U.S. 1, 16 (2020) (noting that the Administrative Procedure Act ("APA") "directs that

agency actions be set aside if they are arbitrary or capricious”). When Respondents detained Mr. Mora-Velazquez on May 28, 2025, he had an active Form I-20 with lawful SEVIS student status and was enrolled in his program of study; he maintained lawful SEVIS student status until July 16, 2025, when Respondents terminated it due to his inability to attend classes as a result of his detention. *See* ECF No. [1], at **6-12 (Petition statement of facts), ECF No. [1-5] (Bond Motion).

In their response dated January 21, 2026, Respondents provided a factual background that speculated about Mr. Mora-Velazquez’s course of study and the Redfin and Zillow estimated values of the addresses where he has resided. Notably, although the relevance of the Redfin and Zillow estimated values to Mr. Mora-Velazquez’s Petition and Complaint is not clear, courts have nonetheless found Zillow estimates to be unreliable and not admissible as a compilation under Fed. R. Evid. 803(17). *See In re Phillips*, 491 B.R. 255, 260 n. 7 (Bankr. D. Nev. 2013); *see also In re Darosa*, 442 B.R. 173, 177 (Bankr. D. Mass. 2010) (holding that Zillow “zestimates” are “inherently unreliable.”); *In re Wilson*, 2022 WL 423401, at *3 (Bankr. C.D. Cal., Sept. 13, 2022) (“a Redfin estimate of value is not competent evidence of value since the identity and qualifications of the Redfin appraiser are unknown, and a valuation opinion of a competent real property professional or appraiser is preferred.”).

Respondents ultimately argued that this Court should dismiss the Petition for lack of jurisdiction because the habeas statute permits courts only to rule on claims related to an “applicant’s commitment or detention.” ECF No. [13], at **6-8. In support of this position, Respondents cited to *Alawieh v. Tweedie*, --- F. Supp. 3d ----, Case No. 25-10614-LTS, 2025 WL 3131170 (D. Mass. Oct. 31, 2025), *appeal docketed*, No. 25-2238 (1st Cir. Dec. 31, 2025). ECF No. [13], at **7-8. Additionally, and alternatively, Respondents argued that this Court should deny Mr. Mora-Velazquez’s claim on the merits that Respondents unlawfully terminated his SEVIS

status because of unlawful detention. Respondents based this argument on a lack of a constitutional right for someone who studied law to also study culinary arts or live in allegedly expensive residences following the prudential revocation of his student visa. *See id.*; *see also* Department of State, Foreign Affairs Manual (“FAM”), at 9 FAM 403.11-5(B) (describing prudential revocation occurs when “the Department may revoke a visa if ineligibility or lack of entitlement is suspected, when an individual would not meet requirements for admission, or in other situations where warranted.”). Each argument is unavailing and the Court should enter an Order reinstating Mr. Mora-Velazquez’s student status. *See infra*.

II. ARGUMENT

“The text of the APA allows challenges to agency action to be brought in habeas petitions.” *Thieme v. Warden Fort Dix FCI*, 154 F.4th 115, 123 (3d Cir. 2025) (citing 5 U.S.C. § 703). The APA provides that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus.” 5 U.S.C. § 703. “But the writ of habeas corpus is a means of challenging ‘unlawful executive detention’ for which the ‘typical remedy ... is ... release.’” *Thieme*, 154 F.4th at 123 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). “Thus, for an APA claim to be brought in habeas, it must have some relationship to the prisoner’s release.” *Thieme*, 154 F.4th at 123.

Mr. Mora-Velazquez has satisfied this nexus in the instant matter because he claims Respondents violated the APA by detaining him after violating procedural regulations and policies. *See, e.g.*, Petition, ECF No. [1] at ¶¶ 146-49 (claiming violations on 8 C.F.R. §§ 103.6(e) and 212.5(e)(2)(i)). Moreover, he has explained that Respondents have attempted to create a process by which Respondents could prevent nonimmigrant students from being able to continue their

course of study and maintain status by detaining students despite any risk to the community or flight risk; this policy would provide Respondents with a roadmap to rendering nonimmigrant students deportable after many courts have prevented Respondents from achieving the same goal by unlawfully terminating SEVIS records. *See* ECF No. [6] at *7, ¶ 24; *see also Shaik v. Noem*, 25-1584 (JRT/DJF), 2025 WL 2307619, at *2 (D. Minn. Aug. 11, 2025) (describing “district courts around the country issu[ing] a cascade of [Temporary Restraining Orders] blocking DHS from arbitrarily terminating student statuses”); *Ajugwe v. Noem*, 8:25-cv-982-MSS-AEP, 2025 WL 1370212, at *7 (M.D. Fla. May 12, 2025) (explaining that the DHS “attempt[ed] to render noncitizens with nonimmigrant status deportable by causing them to fail to maintain status”).

Respondents cited to *Alawieh* to argue that Mr. Mora-Velazquez’s release from custody strips the Court of jurisdiction to consider his claims regarding his student status revocation. *See* ECF No. [13], at *7. (“The facts in *Alawieh* are identical to this case” as “the petitioner was in custody when she filed her habeas petition, but she was subsequently released.”). In *Alawieh*, the Court found that it could not grant a writ of habeas corpus to the petitioner because she was no longer in custody after deportation. *Alawieh*, 2025 WL 3131170, at *3. The Court further found that the Immigration and Nationality Act (“INA”)’s jurisdiction-stripping provisions barred review of the petitioner’s expedited removal order that she had requested that the Court vacate. *Id.* at *4 (citing to 8 U.S.C. §§ 1252(a)(2), (a)(5), (b)(9), and (e)(1)). The facts in the instant matter are quite different to those that the petitioner presented in *Alawieh*. *See* ECF No. [1], at **6-12 (Petition statement of facts).

In the instant matter, Mr. Mora-Velazquez no longer seeks a grant of a writ of habeas corpus, and this Court maintains subject-matter jurisdiction to review his civil, non-habeas claim that termination of his SEVIS student record violated the APA. *See Öztürk v. Trump*, Case No. 25-

cv-12334-DJC, 2025 WL 3514320, at **5-10 (D. Mass. Dec. 8, 2025). In *Öztürk*, the Court found that the INA did not deprive the Court of jurisdiction, noting that the petitioner, like Mr. Mora-Velazquez, would not be able to “obtain the relief she seeks through the administrative process” because there is no mechanism for review of unlawful student termination. *Id.*, at **5-6; *see also Doe 4 v. Lyons*, 783 F. Supp. 3d 1281, 1291 (W.D. Wash. 2025) (citations omitted) (“since neither immigration judges nor the [Board of Immigration Appeals] have the authority to review SEVIS termination or a [U.S. Citizenship and Immigration Services] denial of reinstatement, there is no proceedings in which a student can contest the agency action at issue here”). Moreover, the Court found termination of the SEVIS record was a final agency action reviewable under the APA. *Öztürk*, 2025 WL 3514320 at *6. Moreover, the Privacy Act did not bar judicial review. *Id.* at *7. Thus, like the petitioner in *Öztürk*, Mr. Mora-Velazquez has established that this Court maintains subject-matter jurisdiction over his unlawful termination claim despite no longer requiring a grant of a writ of habeas corpus.

The recent decision in *Öztürk* also supports Mr. Mora-Velazquez’s claim that Respondents acted arbitrarily and capriciously in terminating his student status based on unlawful detention. Beyond finding it maintained jurisdiction, the Court in *Öztürk* also granted injunctive relief requiring reinstatement of her student record. *Id.* at **7-10. The Court found that the petitioner’s wrongful termination claim would likely succeed because the termination was not in accordance with law and was arbitrary and capricious. *Id.* at **7-9 (citing *Kumar v. Noem*, No. 25-cv-00042-RGE-WPK, 2025 WL 2887272, at *10 (S.D. Iowa May 15, 2025) (“Imposing immediate negative consequences on persons while disregarding governing law and regulations is arbitrary and capricious”). The Court further found that she has faced and would continue to face irreparable hardship due to the SEVIS termination, and that the government had no “interest in enforcing

immigration policy through unlawful means.” *Id.* at **9-10. Thus, the Court’s decision and issues in *Öztürk* align more closely with the facts and issues in the instant matter, and this Court should grant Mr. Mora-Velazquez relief for the same reasons the Court outlined in *Öztürk*.

III. CONCLUSION

Mr. Mora-Velazquez respectfully requests that this Honorable Court enter an order requiring Respondents to reinstate his student status.

Respectfully submitted this 28th day of January, 2025,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Court Clerk and to the best of my knowledge a true and correct copy of the foregoing, along with a Notice of Electronic Filing, will be served through the Court’s ECF system to all counsel of record this 28th day of January, 2026.

Respectfully submitted,

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