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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

M.T.R.,

Petitioner,

v.

**LAURA HERMOSILLO; TODD
LYONS; KRISTI NOEM; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; U.S.
DEPARTMENT OF HOMELAND
SECURITY,**

Respondents.

Case No. 3:25-cv-01977-MTK

**STIPULATION TO STAY CASE
IN ANTICIPATION OF DISMISSAL**

Petitioner filed a petition for a writ of habeas corpus after Immigration and Customs Enforcement arrested him. The parties are briefing the petition, and the Court has set an evidentiary hearing for December 2, 2025. The parties have negotiated an agreement that they anticipate will resolve this matter without further intervention from the Court. Thus, the parties ask the Court to adopt the following stipulated terms:

1. Within fourteen days of the Court's adoption of this stipulation, ICE will file in the Board of Immigration Appeals a motion to re-calendar Petitioner's appeal and a motion to dismiss the removal proceedings without prejudice. ICE will request that the BIA expedite its action on the motions, although ICE cannot guarantee expedited action.

2. This Court will stay this action pending the BIA's action on the motions. Respondents' agreement to this stipulation is contingent on the Court's staying the entire action, including the evidentiary hearing. While habeas proceedings before this Court are stayed, the October 24, 2025 order of the Court remains in full effect, as does the parties' October 27, 2025 stipulation that Respondents shall not re-detain petitioner while the habeas petition remains pending and that Petitioner shall not engage in criminal activity and shall abide by current release conditions.

3. Once the BIA dismisses the removal proceedings without prejudice, Petitioner's order of release on recognizance will be cancelled, and Petitioner will not be subject to further conditions to report to ICE.

4. Within fourteen days of the BIA's granting ICE's motion to re-calendar Petitioner's appeal and motion to dismiss the removal proceedings without prejudice, Petitioner will dismiss this action without prejudice.

5. DHS acknowledges that Petitioner is a class member of *J.O.P. v. Department of Homeland Security*. Petitioner may continue to pursue his I-589 application with USCIS as a class member of *J.O.P. v. Department of Homeland Security*.

6. DHS will not rearrest petitioner, unless he engages in criminal activity, before USCIS adjudicates his I-589 application for asylum. If USCIS does not approve Petitioner's I-589 application for asylum and refers the I-589 application to the immigration court, Petitioner's custody status will be subject to review by DHS at that time.

Dated this 11th day of November, 2025.

/s/ Philip James Smith
PHILIP JAMES SMITH
Attorney for Petitioner

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/s/ Benjamin T. Hickman
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