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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

SANCHEZ TORRES, Uriel Hugo,

Petitioner,

v.

LAURA HERMOSILLA, Seattle Field Office
Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"), TODD LYONS, Acting
Director of Immigration and Customs
Enforcement ("ICE"), U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT, KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"), U.S.
DEPARTMENT OF HOMELAND
SECURITY, and PAMELA BONDI, Attorney
General of the United States.

Respondents.

Case No.

Agency No.



**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. Petitioner Uriel Hugo Sanchez Torres (“Mr. Sanchez Torres” or “Petitioner”) seeks a writ of habeas corpus and injunctive relief to prevent his imminent and unlawful detention by U.S. Immigration and Customs Enforcement (ICE), despite his valid and ongoing grant of deferred action by U.S. Citizenship and Immigration Services (USCIS).

2. Mr. Sanchez Torres is a long-time Oregon resident and a victim of a qualifying crime who cooperated with law enforcement. Based on his assistance, he filed a U visa petition on June 23, 2020. On February 2, 2021, USCIS found him eligible for U visa classification but was unable to grant status due to the annual statutory cap. Pursuant to 8 C.F.R. § 214.14(d)(2), USCIS placed him on the U visa waiting list and granted him deferred action.

3. At that time, Mr. Sanchez Torres was in ICE custody under a final order of removal. The day after the grant of deferred action, on February 3, 2021, ICE released him under an Order of Supervision pursuant to 8 C.F.R. § 241.5 and 8 U.S.C. § 1231.

4. Since then, he has complied fully with all terms of supervision. He has no new criminal arrests or convictions, and his deferred action has never been revoked.

5. On December 15, 2025, ICE contacted Mr. Sanchez Torres through its ISAP contractor and ordered him to report to the Portland Field Office on December 17, 2025, under the pretext of “updating fingerprints and signing documents.” Based on recent enforcement patterns, including the detention of similarly situated individuals granted U visa deferred action, Petitioner fears he will be arrested and deported in violation of law and due process.

6. Petitioner brings this action pursuant to 28 U.S.C. § 2241, the Administrative Procedure Act (APA), and the Fifth Amendment to the U.S. Constitution to enjoin Respondents from detaining him in contravention of USCIS’ grant of deferred action.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

8. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper because Petitioner resides within this judicial district, where he is subject to Respondents' post-removal order reporting requirements and therefore is in their constructive custody. Venue is further proper because a substantial part of the events or omissions giving rise to his claims occurred in this District, where Petitioner reports to Defendant U.S. Immigration and Customs Enforcement in order to comply with his Order of Supervision: 28 U.S.C. § 1391(e).

11. For these same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return

“within three days unless for good cause additional time, not exceeding twenty days, is allowed.”

Id. (emphasis added).

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

14. Petitioner is “in custody” for the purpose of § 2241 because he is subject to Respondents’ post-removal order reporting requirements. “[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] is met where the Government restricts a petitioner’s freedom of action or movement,” including through an immigration order of supervision. *See Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), *citing Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see also, e.g., Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same). Moreover, the Ninth Circuit has held that a person subject to a final removal order, as Petitioner is here, is “in custody” for the purposes of the habeas statute. *See Veltmann-Barragan v. Holder*, 717 F.3d 1086, 1088 (9th Cir. 2013) (quoting *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th Cir. 1995)); *see also, e.g., Rosales v. Bureau of Immigr. And Customs Enf’t*, 426 F.3d 733, 735 (5th Cir. 2005).

PARTIES

15. Petitioner is the recipient of U nonimmigrant deferred action. He is a resident of Gervais, Oregon, and is present within the state of Oregon as of the time of the filing of this petition. He is subject to an Order of Supervision and thus he is in the constructive custody, and

under the direct control, of Respondents and their agents. He is currently under the threat of deportation based on a final removal order.

16. Respondent Laura Hermosilla is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Hermosilla is a legal custodian of Petitioner.

17. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner.

19. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice, which includes the Executive Office for Immigration Review (“EOIR”). EOIR includes, among other components, the immigration courts located in various offices throughout the United States.

20. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

21. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

22. This action is commenced against all Respondents in their official capacities.

23. The validity of Petitioner's prior removal order is not currently the subject of any judicial proceeding.

LEGAL FRAMEWORK

24. The U visa program provides immigration relief for victims of certain crimes who cooperate with law enforcement. *See* 8 U.S.C. § 1101(a)(15)(U), § 1184(p).

25. U visa applicants who are found eligible but cannot be granted status due to the statutory cap must be placed on a waiting list under 8 C.F.R. § 214.14(d)(2). These petitioners "must" be granted deferred action or parole.

26. Deferred action is a formal exercise of prosecutorial discretion by DHS that protects individuals from deportation and entitles them to seek work authorization under 8 C.F.R. § 274a.12(c)(14). It may only be terminated by USCIS if warranted under its discretion. *See* 8 C.F.R. § 214.14(d)(2)(iii).

27. While ICE may enforce removal orders, it cannot arbitrarily disregard grants of deferred action made by USCIS, particularly where no adverse change in circumstances has occurred. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

28. The release of a noncitizen under supervision is governed by 8 C.F.R. § 241.5 and 8 U.S.C. § 1231(a)(3). Continued detention requires specific findings that the individual poses a danger or flight risk, which are absent here.

29. Federal District Courts across the country, including this Court, have recognized that ICE cannot lawfully detain deferred action recipients without notice or an individualized finding. *See, e.g., FRP v. Wamsley*, Case No. 3:25-cv-1917-AN (D. Or. Oct. 30, 2025); *Primero v. Mattivelo*, No. 1:25-CV-11442-IT, 2025 WL 1899115, at *5 (D. Mass. July 9, 2025);

Sepulveda v. Bondi, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2084400, at *1 (W.D. Wash. July 24, 2025) (“established precedent defines deferred action as the Government’s decision *not* to proceed with removal”); *Maldonado v. Noem*, No. 4:25-CV-2541, 2025 WL 1593133, at *1 (S.D. Tex. June 5, 2025); *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Gamez Lira v. Noem*, No. 1:25-CV-00855-WJ-KK, 2025 WL 2581710 (D.N.M. Sept. 5, 2025).

FACTUAL BACKGROUND

30. Petitioner is a native and citizen of Mexico. He last entered the United States in approximately April 2001.

31. Mr. Sanchez Torres was a victim of [REDACTED]
[REDACTED] He suffered substantial physical and mental abuse as a result of being a victim of this crime. He was helpful to the Gervais Police Department in the investigation and the Marion County District Attorney in the prosecution of the crime. A waiver of inadmissibility is in the public interest.

32. The Gervais Police Department signed the U visa certification, and Mr. Sanchez Torres filed his application for U nonimmigrant status on June 23, 2020.

33. If ultimately approved, the validity period in U visa status is four years. After an individual has held U visa status for three years, the individual may apply for adjustment of status to that of a U.S. lawful permanent resident.

34. On February 2, 2021, USCIS issued a notice stating that he had established eligibility for U nonimmigrant status, but because the annual statutory cap had been reached, he was being placed on the U visa waiting list. USCIS granted him deferred action as permitted by

regulation and advised that he was eligible to apply for work authorization under 8 C.F.R. § 274a.12(c)(14).

35. At the time, Petitioner had a final order of removal issued in 2020 after exhaustion of EOIR and BIA appeals. Nonetheless, following the deferred action grant, ICE released him under an Order of Supervision on February 3, 2021.

36. Petitioner has since complied fully with all conditions. He has remained arrest-free and has filed a Form I-246 (stay of removal), which remains pending.

37. On December 15, 2025, ICE's ISAP contractor again directed Petitioner to appear at ICE Portland on December 17, 2025. No written notice, subpoena, or explanation has been provided. Based on the timing and recent ICE arrests of similarly situated individuals, Petitioner believes ICE intends to detain and remove him, despite the ongoing deferred action.

38. His deferred action has never been revoked. He remains fully eligible for U visa status and is entitled to remain free from detention under the law and longstanding DHS practice.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706

39. Petitioner restates and realleges all paragraphs as if fully set forth here.

40. Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

41. An action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551

U.S. 644, 658 (2007) (*quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

42. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

43. ICE’s attempt to detain Petitioner without revocation of deferred action or a change in circumstances is arbitrary, capricious, and contrary to law.

COUNT TWO
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

44. The allegations in the above paragraphs are realleged and incorporated herein.

45. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Flores*, 507 U.S. at 306.

46. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

47. Here, Petitioner reasonably believes Respondents will detain and deport him in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. USCIS has placed Mr. Sanchez Torres in deferred action and stated that he should be considered a low priority for removal. Detaining and

removing Petitioner when no circumstances have changed to make him a flight risk or a danger to the community would violate due process.

COUNT THREE
Violation of the Accardi Doctrine

48. The allegations in the above paragraphs are realleged and incorporated herein.

49. ICE is bound by DHS regulations and USCIS procedures that govern deferred action. Its disregard for those rules – by detaining Mr. Sanchez Torres despite his ongoing deferred action—violates *Accardi*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to:
 - a. Release Petitioner from custody;
 - b. Not transfer Petitioner from the district without the court's approval;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: December 16, 2025.

/s/ Caroline K. Medeiros

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