

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

_____	)	
Pascual RUIZ-VELAZQUEZ	)	
	)	
Petitioner-Plaintiff,	)	
v.	)	Civ. No. <u>1:26-cv-286</u>
	)	
PAM BONDI,	)	
United States Attorney General;	)	
	)	DHS File Number: 
KRISTI LYNN NOEM,	)	
Secretary of the United States	)	
Department of Homeland Security;	)	COMPLAINT FOR DECLARATORY
	)	AND INJUNCTIVE RELIEF; PETITION
	)	FOR HABEAS CORPUS UNDER 28
TODD M. LYONS,	)	U.S.C. § 2241
Director of United States	)	
Immigration and Customs Enforcement;	)	
	)	
MIGUEL VERGARA	)	
Field Office Director	)	
for Detention and Removal, U.S.	)	
Immigration and Customs Enforcement,	)	
	)	
CHARLOTTE COLLINS, Warden,	)	
T. Don Hutto Detention Center;	)	
	)	
	)	
Respondents-Defendants.	)	
_____	)	

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PRELIMINARY STATEMENT

This petition challenges the unlawful detention of Petitioner Pascual RUIZ-VELAZQUEZ (“Mr. Ruiz-Velazquez”), a forty-five-year-old who has two United States Citizen children, and he has resided in the United States for more than 20 years. On or about October 09, 2025, Petitioner was arrested by immigration officials after his release from Williamson County Jail. He has since been held at the T. Don Hutto Detention Center in Taylor, Texas, without a bond hearing. *See* Exh. 1, ICE Locator Search Results. The Department of Homeland Security (“DHS”) asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), despite Congress’s separate detention framework in 8 U.S.C. § 1226(a), which governs interior arrests and provides discretionary bond and immigration-judge (“IJ”) review.

DHS’s novel position—recently endorsed in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 220 (B.I.A. 2025)—contradicts the Immigration and Nationality Act’s (INA) text, the canon against surplusage, longstanding administrative practice, and Due Process. It effectively erases section 236(a) of the INA, collapses Congress’s dual-track detention scheme, and imposes categorical detention on long-time residents like Mr. Ruiz-Velazquez who presents no danger and are not flight risks.

The human consequences are immediate and severe. Mr. Ruiz-Velazquez has two United States citizen children. Since Mr. Ruiz-Velazquez’s detention, his [REDACTED] daughter, [REDACTED] and [REDACTED] daughter, [REDACTED] have been receiving therapy. In addition, Karla has been diagnosed with [REDACTED]

[REDACTED] Mr. Ruiz-Velazquez’s daughter, [REDACTED] has been diagnosed with [REDACTED] Mellitus, and receives life-sustaining treatment for this condition at [REDACTED] Mr. Ruiz-Velazquez’s daughters have been experiencing [REDACTED] [REDACTED] Mr. Ruiz-Velazquez’s wife Mrs. Velazquez experiences anticipatory grief, persistent fear, and emotional dysregulation when contemplating life without her husband, and she is currently taking prescribed medication to manage her anxiety and depression. Mr. Ruiz Velazquez also has a pending I-914A Application for Family member of a T visa, the application was filed on November 30, 2024.

Since Mr. Ruiz-Velazquez’s detention, Mrs. Velazquez has had to use their savings in order to meet the family’s basic financial needs. Mrs. Velazquez has had to pick up additional work

shifts and works 12 plus hours to provide for herself and her daughters without her husband's support. The Constitution, the INA, and basic principles of fairness do not permit this outcome. Petitioners respectfully request immediate release or, at minimum, a prompt custody redetermination under § 236(a).

The Petitioner, Pascual RUIZ-VELAZQUEZ ("Mr. Ruiz-Velazquez"), respectfully petitions this Honorable Court for a Writ of Habeas Corpus to remedy Petitioner's unlawful detention and attempted removal from the United States by Respondents.

I. INTRODUCTION

1. This lawsuit seeks the immediate release of Plaintiff-Petitioner Pascual RUIZ-VELAZQUEZ ("Petitioner"), age 45, from unlawful detention in violation of his constitutional and statutory rights.
2. On or about October 09, 2025, Mr. Ruiz Velazquez was arrested by immigration officials after his release from Williamson County Jail. He was arrested for a warrant that was issued for his arrest for DWI in Williamson County. Once, he was taken into County Jail, the charge of DWI was Dismissed. Mr. Ruiz-Velazquez was then taken into immigration custody. He remains in civil detention in the custody of ICE at ICE at T. Don Hutto Detention Center at Taylor, Texas. Mr. Ruiz-Velazquez does not have any other criminal record or any issues that impact his good moral character.
3. Mr. Ruiz-Velazquez has lived in the United States for over 20 years. He is the father and sole provider to his two United States Citizen children. Mr. Ruiz-Velazquez and his family live in Round Rock, Texas. He supports his family through his construction business. **His detention is a substantial deprivation and burden that puts Petitioner and his family at risk of losing their housing, vehicles, and medical care without his parental, emotional, and financial support.**
4. **Petitioner has no previous record of criminal charges.** He was arrested on or about August 23, 2025, for DWI, in Williamson County. After, Petitioner was processed, records indicated that subject was illegally present in the United States, and an ICE Hold

was lodged with the Williamson County Jail. The DWI charge was then Dismissed on October 03, 2025. He was then detained by immigration after his case was dismissed and released from Williamson County on or about October 09, 2025.

5. Petitioner's detention became unlawful when Petitioner was not entitled to bond due to the Board of Immigration Appeals published opinion in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) on September 5, 2025 which rendered pursuing a bond futile for non-citizens that entered the United States without inspection. Mr. Ruiz-Velazquez entered without inspection in 2006.
6. Petitioner qualifies for Cancellation of removal for certain non-permanent residents pursuant to 8 U.S.C. § 1229b(b)(1) as he has been physically present in the United States for over 20 years and been a person of good moral character during that period. Moreover, he has two United States Citizen children upon whom his removal would cause exceptional and extremely unusual hardship.
7. Petitioner respectfully requests this Court grant the instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 and enjoin Respondent's continued detention of Petitioner to ensure his due process rights and his ability to provide care for his wife and children, who have needs that require Petitioner's presence and support. In the alternative, he respectfully requests the Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2243. His continued detention is an unlawful violation of due process, incorrect interpretation of immigration law, and is *ultra vires*.
8. Petitioner Pascual RUIZ-VELAZQUEZ brings this petition for a writ of habeas corpus to seek enforcement of his rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the T. DON HUTTO DETENTION CENTER. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the

declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
10. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.
11. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.
12. Petitioner Pascual RUIZ-VELAZQUEZ is a member of the Bond Eligible Class, as he:
 - does not have lawful status in the United States and is currently detained at the T. DON HUTTO DETENTION CENTER. He was apprehended by immigration authorities on October 09, 2025;
 - entered the United States without inspection over 20 years ago and was not apprehended upon arrival, *cf. id.*; and
 - is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

13. After apprehending Petitioner on October 09, 2025, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.
14. The Court should expeditiously grant this petition.
15. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.
16. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
17. On or about October 09, 2025, ICE officers arrested Mr. Ruiz-Velazquez, after he was released from Williamson County Jail. He remains in civil detention in custody of ICE at T. Don Hutto Detention Center at Taylor, Texas.

II. JURISDICTION AND VENUE

21. Petitioner is detained in civil immigration custody in Williamson County at the T. Don Hutto Detention Center, Taylor, Texas. He has been detained since or about, October 09, 2025. He has no criminal convictions.
22. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*

23. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and where applicable Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

24. Venue is proper in the Western District of Texas, Austin Division, under 28 U.S.C. § 1391, because Petitioner is detained in this District and a substantial part of the events giving rise to the claims in this action took place in this District. Venue is also proper under 28 U.S.C. § 2243 because the immediate custodians of Petitioner reside in this District.

III. REQUIREMENTS OF 28 U.S.C. § 2243, Writ of Habeas Corpus Issuance, Return, Hearing, and Decision

25. The Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response “within three days” unless this Court permits additional time for good cause, which is not to exceed twenty days. 28 U.S.C. § 2243.

26. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F. 2d 1282, 1283 (5th Cir. 1976); *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice.

27. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in Maldonado Bautista.

IV. PARTIES

28. Petitioner is Mr. Ruiz-Velazquez. He is 45 years old. He was born in Mexico in 1980 and came to the United States in 2006. Prior to his detention, he was living with and supporting his wife and daughters in Round Rock, Texas. Petitioner is the subject of a removal proceeding based upon the charges of being present in the U.S. without being “admitted or paroled, or [having] arrived in the [U.S.] at any time or place other than as designated by the Attorney General” under INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i).
29. He has been in civil immigration detention since October 09, 2025.
30. Respondent Pamela Bondi is named in their official capacity as the U.S. She is responsible for the administration and policy of the immigration courts, which resulted in the denying of this noncitizen’s attempt to seek a custody redetermination from the U.S. Department of Justice under 8 C.F.R. §1003.19.
31. Respondent Kristi Noem is named in their official capacity as the Secretary of U.S. Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with, among other things, administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for the actions of ICE; specifically, they are responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for the Office of the Principle Legal Advisor of ICE, and in any effort to detain and remove the Petitioner and as such is a legal custodian of Petitioner.
32. Respondent Todd M. Lyons is named in their official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States and as such Acting Director Lyons is a legal custodian of Petitioner.

33. Respondent Miguel Vergara is named in their official capacity as the Field Office Director for the San Antonio Field Office of ICE. Director Vergara is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. Director Vergara is a legal custodian of Petitioner.
34. Respondent Charlotte Collins is named in their official capacity as the warden of the T. Don Hutto Detention Center. They have immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens and is a legal custodian of Petitioner.

V. FACTUAL ALLEGATIONS

35. Mr. Ruiz-Velazquez was detained by Immigration Officials on October 09, 2025, near Austin, Texas. ICE has held him without bond. Section 236 of the INA is codified at 8 U.S.C. § 1226 and noncitizens held under its authority have a right to have their custody determination reviewed by an IJ. *See id.*
36. Mr. Ruiz-Velazquez entered without inspection in 2006. A request for immigration bond is futile under Board of Immigration Appeals published opinion in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Following the interpretation of the aforementioned BIA decision, Immigration Judges do not have jurisdiction to hear the bond request or grant a bond to Petitioner due to being present in the United States without admission.
37. It has been widely reported that ICE internally released "interim guidance" regarding a change in their longstanding interpretation of which noncitizens are eligible for release on bond; specifically, ICE is now arguing that only those already admitted to the U.S. (typically requiring lengthy legal efforts with representation of counsel, such as adjusting status to a legal permanent resident or refugee) are eligible to be released from custody during their removal proceedings, and that all others are subject to mandatory detention under 8 U.S.C. § 1225, instead of 8 U.S.C. § 1226, and will remain detained with only extremely limited

parole options at ICE's discretion. Ex. 1, Interim Guidance Regarding Detention Authority for Application for Admission (July 8, 2025). This is a reversal of ICE's established practice of releasing from custody the majority of noncitizens in removal proceedings, who are found not to pose a flight risk or a danger to the community, on bond.

38. This novel interpretation means that potentially millions noncitizens who entered the United States without inspection (who have not already been formally admitted or paroled) that are contacted by ICE in the interior of the U.S. will be treated as if they were an "arriving alien" at the border and subject to mandatory detention, regardless of how long they have been present in the United States or other equities (such as complete lack of criminal history or U.S. citizen family members including dependent children). ICE will now argue all of these noncitizens are not even entitled to a bond hearing by an IJ on the issue of release from custody during the pendency of removal proceedings.

39. Mr. Ruiz-Velazquez remains in detention and separated from his family and community.

Mr. Ruiz-Velazquez has two United States citizen children. Since Mr. Ruiz-Velazquez's detention, his [REDACTED] daughter, [REDACTED] and [REDACTED] daughter, [REDACTED] have been assisting counseling. In addition, Karla has been diagnosed with [REDACTED]

[REDACTED]
[REDACTED] Mr. Ruiz-Velazquez's daughter, [REDACTED] has been diagnosed with [REDACTED]
[REDACTED]

[REDACTED] Mr. Ruiz-Velazquez's daughters have been experiencing [REDACTED]
[REDACTED]

[REDACTED] Mr. Ruiz-Velazquez's wife Mrs. Velazquez experiences anticipatory grief, persistent fear, and emotional dysregulation when contemplating life without her husband, and she is currently taking prescribed medication to manage her anxiety and depression. Since Mr. Ruiz-Velazquez's detention, Mrs. Velazquez has had to use their savings to meet the family's basic financial needs. Mrs. Velazquez has had to pick up additional work shifts and works 12 plus hours to provide for herself and her daughters without her husband's support.

40. While in detention, Mr. Ruiz-Velazquez suffered from a heart attack and had to be treated while detained. His health has deteriorated significantly during his detention.

41. Mr. Ruiz-Velazquez's continued detention separates him from his family, prohibits his

removal defense in many ways, including by making it difficult to communicate with witnesses, gather evidence, and afford legal representation, among other related harms. He remains detained from his family, his counsel, and support system and continues to be subjected to the aforementioned harms.

VI. LEGAL FRAMEWORK: Due Process Clause

42. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
43. Due Process requires that there be “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 U.S. at 690.
44. “The fundamental requirement of due process is the opportunity be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is due, this Court should consider (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of that private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government’s interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would

entail. *Id.* at 335.

A. Immigration and Nationality Act

45. Title 8 of the United States Code, Section 1221 *et seq.*, controls the United States Government's authority to detain noncitizens during their removal proceedings.
46. The INA authorizes detention for noncitizens under four distinct provisions:
- a. **Discretionary Detention.** 8 U.S.C. § 1226(a) generally allows for the detention of noncitizens who are in regular, non-expedited removal proceedings; however, permits those noncitizens who are not subject to mandatory detention to be released on bond or on their own recognizance.
 - b. **Mandatory Detention of "Criminal" Noncitizens.** 8 U.S.C. § 1226(c) generally requires the mandatory detention of noncitizens who are removable because of certain criminal or terrorist-related activity after they have been released from criminal incarceration.
 - c. **Mandatory Detention of "Applicants for Admission."** 8 U.S.C. § 1225(b) generally requires detention for certain noncitizen applicants for admission, such as those noncitizens arriving in the U.S. at a port of entry or other noncitizens who have not been admitted or paroled into the U.S. and are apprehended soon after crossing the border.
 - d. **Detention Following Completion of Removal Proceedings.** 8 U.S.C. § 1231(a) generally requires the detention of certain noncitizens who are subject to a final removal order during the 90-day period after the completion of removal proceedings and permits the detention of certain noncitizens beyond that period. *Id.* at § 1231(a)(2), (6).
47. The instant case concerns the detention provisions at §§ 1226(a) and 1225(b). Both detention provisions, §§ 1226(a) and 1225(b), were enacted as part of the Illegal

Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009– 546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

48. Following enactment of the IIRIRA, the Executive Office for Immigration Review drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225(b) and that they were instead detained under § 1226(a) after an arrest warrant was issued by the Attorney General. See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”) (emphasis added).
49. For nearly thirty years, the practice of the government, specifically ICE and Executive Office for Immigration Review, which operate under DHS, was that most individual noncitizens that were apprehended in the interior of the United States after they had been living in the U.S. for more than two years (as opposed to “arriving” at a point of entry, border crossing, or being apprehended near the border and soon after entering without inspection) received a bond hearing. If determined to not be a danger to the community or a flight risk and, as a result, granted a change in custody status, the individuals were released from detention either on their own recognizance or after paying the bond amount set by the IJ in full. 8 U.S.C. § 1226(a)(2)(A).
50. Recently, ICE has—without warning and without any publicly stated rationale—reversed course and adopted a policy of attempting to treat all individual noncitizens that were not previously admitted to the U.S. that are contacted in the interior of the U.S. at any time after their entry as “arriving” and ineligible for bond regardless of the particularities of their case. As a result, ICE is now ignoring particularities that have historically been highly relevant to determinations whether a noncitizen such remain or

custody or be released—such as: when, why, or how they entered the U.S.; whether they have criminal convictions; whether they present a danger to the community or flight risk; whether they have serious medical conditions requiring ongoing care; whether U.S. citizen family members dependent upon them to provide necessary care; or, whether the noncitizen’s detention is in the community’s best interest. ICE now reasons that the mandatory detention provision of § 1225(b)(2)(A) applies to all people who enter without inspection who are alleged to be subject to grounds of inadmissibility at § 1182.

51. As a result of ICE’s interpretation and practice change, individual noncitizens, including long-time U.S. community members and even those who have had their particular circumstances reviewed and were ordered to be released upon posting bond by an IJ, continue to be detained by ICE. Here, Petitioner’s circumstances were not reviewed because of ICE’s and the BIA’s erroneous interpretation of the statutory scheme.
52. The government’s erroneous interpretation of the INA as it relates to noncitizens subject to mandatory detention defies the plain text of 8 U.S.C. § 1226. The government’s assertion is laid out in *Matter of Yajure Hurtado*. The government assertion that Petitioner is detained under § 1225—even though he was arrested and detained under § 1226—is meritless. Petitioner came to be in immigration proceedings based on a DHS filing that clearly identified him as subject to detention “pursuant to the authority contained in section 236”; (section 236 of the INA is codified at 8 U.S.C. § 1226.). For decades, § 1225 has applied only to noncitizens “seeking admission into the country”—i.e., new arrivals. *Jennings*, 583 U.S. at 289. This contrasts with § 1226, which applies to noncitizens “already in the country.” *Id.* at 289. Petitioner has been in the United States for over 10 years.
53. This new interpretation is now advanced by the government after decades of consistent use to the contrary. The government’s position contravenes the plain language of the INA and its regulations and has been consistently rejected by courts. *See, e.g., Gonzalez Guerrero v. Noem*, No. 1:25-CV-01334-RP (W.D. Tex. Oct. 27, 2025) (granting preliminary injunction and vacating the BIA decision for bond denial under *Matter of Yajure Hurtado*) (citing *Buenrostro-Mendez*, 2025 WL 2886346, at *3 (“As almost every district court to consider this issue has concluded, ‘the statutory text, the statute’s history, Congressional intent, and § 1226(a)’s application for the past three decades’

support finding that § 1226 applies to these circumstances.”) (citing *Pizarro Reyes*, 2025 WL 2609425, at *4); see also *Lopez-Arevelo*, 2025 WL 2691828, at *7 (“In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect.”); *Rodriguez*, 2025 WL 2782499, at *1 & n.3 (W.D. Wash. Sep. 30, 2025) (collecting cases and noting that “[e]very district court to address” the statutory question “has concluded that the government’s position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice”); *Belsai D.S. v. Bondi*, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025) (joining the “chorus” of courts concluding that § 1226 applies); *Hernandez Ramiro v. Bondi*, No. 5:25-CV-01207-XR (W.D. Tex. Sept. 30, 2025) (granting temporary restraining order and stating “ Respondents pointed to the Board’s determination regarding the applicability of § 1225 for support. But ‘the Court does not find that the [Board]’s alleged change in the interpretation of the subject statutes controls the Court’s authority here.’” *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136, at *2 (W.D. La. Aug. 27, 2025) (citing *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 395 (2024)). Besides, the Board’s interpretation has been subject to criticism upon judicial review. See *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025) (“In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect.”); *Martinez*, 2025 WL 2084238; *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025). See also “More than 100 Judges have ruled against Trump’s admin’s mandatory detention policy” by Kyle Cheney, POLITICO, published October 21, 2025, <https://www.politico.com/news/2025/10/31/trump-administration-mandatory-detention-deportation-00632086>. (“More than 100 federal judges have now ruled at least 200 times that the Trump administration’s effort to systematically detain immigrants facing possible deportation appeared to violate their rights or was just flatly illegal...’The overwhelming majority of district courts across the country, including this Court, that have considered [the Trump administration’s] new statutory interpretation have found it incorrect and unlawful,” ruled U.S. District Judge Richard Boulware, an

appointee of Barack Obama.”). See also Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (explaining that “[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

54. This new interpretation is inconsistent with the plain language of the INA. First, the government disregards a key phrase in § 1225. “[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a[.]” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). In other words, mandatory detention applies when “the individual is: (1) an ‘applicant for admission’; (2) ‘seeking admission’; and (3) ‘not clearly and beyond a doubt entitled to be admitted.’” *Martinez*, 2025 WL 2084238, at *2.

55. The “seeking admission” language, “necessarily implies some sort of present tense action.” *Martinez*, 2025 WL 2084238, at *6; see also *Matter of MD-C-V-*, 28 I. & N. Dec. 18, 23 (B.I.A. 2020) (“The use of the present progressive tense ‘arriving,’ rather than the past tense ‘arrived,’ implies some temporal or geographic limit ”); *U.S. v. Wilson*, 503 U.S. 329, 333 (1992) (“Congress’ use of verb tense is significant in construing statutes.”).

56. In other words, the plain language of § 1225 applies to immigrants currently seeking admission into the United States at the nation’s border or another point of entry. It does not apply to noncitizens “already present in the United States”—only § 1226 applies in those cases. See *Jennings*, 583 U.S. at 303.

57. When interpreting a statute, “every clause and word . . . should have meaning.” *United States ex rel. Polansky, M.D. v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023) (internal quotation marks and citation omitted). And “the words of the statute must be read in their context and with a view to their place in the overall statutory scheme.” *Gundy v. United States*, 588 U.S. 128, 141 (2019) (quotation omitted). The

government's position requires the Court to ignore critical provisions of the INA.

58. Second, the government's interpretation would render newly enacted portions of the INA superfluous. "When Congress amends legislation, courts must presume it intends its amendment to have real and substantial effect." *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress passed the Laken Riley Act (the "Act") in January 2025. The Act amended several provisions of the INA, including §§ 1225 and 1226. Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). Relevant here, the Act added a new category of noncitizens subject to mandatory detention under § 1226(c)—those already present in the United States who have also been arrested, charged with, or convicted of certain crimes. 8 U.S.C. § 1226(c)(1)(E); 8 U.S.C. § 1182(a)(6)(A). Of course, under the government's position, these individuals are already subject to mandatory detention under § 1225—rendering the amendment redundant. Likewise, mandatory-detention exceptions under § 1226(c) are meaningful only if there is a default of discretionary detention—and there is, under § 1226(a). *See Rodriguez*, 2025 WL 1193850, at *12.
59. Additionally, "[w]hen Congress adopts a new law against the backdrop of a longstanding administrative construction, the court generally presumes that the new provision works in harmony with what came before." *Monsalvo v. Bondi*, 604 U.S. ___, 145 S. Ct. 1232, 1242 (2025). Congress adopted the Act against the backdrop of decades of agency practice applying § 1226(a) to immigrants like Petitioner, who are present in the United States but have not been admitted or paroled. *Rodriguez*, 2025 WL 1193850, at *15; *Martinez*, 2025 WL 2084238, at *4; 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled . . . will be eligible for bond and bond redetermination.").
60. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." Removal hearings for noncitizens under 1226(a) are held under § 1229a, which "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

61. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States.

62. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner. Petitioner's continued detention is unlawful.

B. Board of Immigration Appeals

63. It is not necessary for Petitioner to first seek a bond hearing before the immigration judge given that his bond eligibility is foreclosed by *Matter of Yajure Hurtado*. Appealing the immigration judge's decision that he lacks jurisdiction to consider bond is an act in futility. The appeal would go to the same body that issued the erroneous *Matter of Yajure Hurtado* decision.

VII. CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

64. Petitioner repeats and incorporates by reference all allegations above as though set forth fully herein.

65. The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty.
66. Mr. Ruiz-Velazquez's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.
67. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall... be deprived of life, liberty, or property without due process of law." As a noncitizen who shows well over "two years" physical presence in the United States (he has 10 years), Petitioner is entitled to Due Process Clause protections against deprivation of liberty and property. *See Zadvydas*, 533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a "sufficiently strong special justification" to outweigh the significant deprivation of liberty. *Id.* at 690.
68. Respondents have deprived Mr. Ruiz-Velazquez of his liberty interest protected by the Fifth Amendment by detaining him since October 09, 2025.
69. Mr. Ruiz-Velazquez's detention is improper because he has been deprived of a bond hearing. A hearing is if anything a right to be heard, and here the immigration judge considered it a foregone conclusion that he was ineligible for bond, without considering the law or entertaining his counsel's arguments. Like the accused in criminal cases, habeas is proper. *See Moore v. Dempsey*, 261 U.S. 86 (1923); *Johnson v. Zerbst*, 304, U.S. 458 (1938); *Burns v. Wilson*, 346 U.S. 137, 154 (1953).
70. Respondents' actions in detaining Mr. Ruiz-Velazquez without any legal justification violate the Fifth Amendment.

71. The government's detention of Mr. Ruiz-Velazquez is unjustified. Respondents have not demonstrated that Petitioner needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Petitioner cannot be safely released back to his community and family.

72. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

SECOND CAUSE OF ACTION
Violation of Immigration and Nationality Act

73. Petitioner repeats and incorporates by reference all allegations above as though set forth fully herein.

74. Mr. Ruiz-Velazquez was detained pursuant to authority contained in section 236 of the INA; section 236 is codified at 8 U.S.C. § 1226. Despite this, the government asserts that he is detained subject to 8 U.S.C. § 1225(b)(2).

75. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. Mandatory detention does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

76. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner, are subject to mandatory detention under § 1225(b)(2).

77. The unlawful application of § 1225(b)(2) to Petitioner violates the INA.

THIRD CAUSE OF ACTION

Fifth Amendment – Due Process

**Denial of Opportunity to Contest Mis-Inclusion in Mandatory Category of
Detention**

78. Petitioner re-alleges and incorporates by reference the paragraphs above.

79. Mr. Ruiz-Velazquez has a vested liberty interest in preventing his removal because he is eligible for Cancellation of Removal for Certain Non-Legal Permanent Residents and is entitled to pursue that relief outside of detention by showing he is neither a danger to the community nor a flight risk. He is separated now from his wife and two U.S. citizen children, notwithstanding the dictates of 8 U.S.C. §1226(a) that he may seek redetermination of his custody status with an IJ and prove he is not a flight risk or danger.

80. For all of the above reasons, Respondents' attempts to detain Petitioner without a meaningful opportunity to be heard violate his Procedural Due Process rights under the Fifth Amendment.

**FOURTH CAUSE OF ACTION:
ADMINISTRATIVE PROCEDURE ACT**

81. Petitioner re-alleges and incorporates by reference the paragraphs above.

82. Respondents' continued efforts to deny his bond violate the INA, Administrative Procedures Act (APA), and the U.S. Constitution.

83. As set forth in Count Two and Three, federal regulations and case law provide the procedure for a respondent in removal proceedings like him to seek a bond determination by an IJ.
84. In being denied the opportunity to return to his family and pursue Cancellation of Removal in a non-detained court setting where he is free to gather the necessary hardship and good moral character evidence, Mr. Ruiz-Velazquez would be deprived of the right to freedom to lawfully pursue his rights in this civil matter. The Government's "no-review" provisions are a violation of his procedural and substantive due process and without any statutory authority. There is no time-frame or procedure for requesting DHS to itself review its custody decision, and removal proceedings in this case will proceed during that time while Plaintiff remains in custody.
85. The actions by Respondents would improperly alter the substantive rules concerning mandatory custody status without the required notice-and-comment period and would be in violation of the INA and its regulations. These actions by Respondents violate the APA. Under the APA, this Court may hold unlawful and set aside an agency action which is "contrary to constitutional right, power, privilege or immunity." 5 U.S.C. § 706(2)(B). The regulations at 8 C.F.R. §§ 1003.19(h)(1)(B) and 1003.19(h)(2)(B) providing no review of DHS custody decision for arriving aliens in removal proceedings are in violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United States Constitution. It is ultra vires because it exceeds the authority granted ICE by Congress at 8 U.S.C. § 1226(a). For these reasons, this Honorable Court should order the immigration judge to conduct a Matter of Joseph hearing to determine whether or not Plaintiff is properly designated an arriving alien subject to mandatory detention during the pendency of his removal proceedings.

**FIFTH CAUSE OF ACTION:
STAY OF REMOVAL CLAIM**

86. Petitioner re-alleges and incorporates by reference the paragraphs above.

87. The denial of a bond hearing, followed by removal of Mr. Ruiz-Velazquez from the United States would cause him irreversible harm and injury because he is mis-classified by the Government as subject to mandatory detention.

88. The Court should grant the stay of Petitioner's removal to protect his statutory rights under the INA and the APA. In attempting to assert his rights, the Government has railroaded him and deprived him of freedom and liberty to contest his removal while free on bond, or at the very least, of his ability to prove he is not subject to mandatory detention and that he merits release on bond.

SIXTH CAUSE OF ACTION SUSPENSION CLAUSE CLAIM

89. Petitioner re-alleges and incorporates by reference the paragraphs above.

90. If 8 U.S.C. § 1252 stripped the Court jurisdiction from this matter, it would be unconstitutional as applied because it would deny Mr. Ruiz-Velazquez the opportunity for meaningful review of the unlawfulness of his detention and removal.

91. To invoke the Suspension Clause, a petitioner must satisfy a three-factor test: "(1) the citizenship and status of the detainee and the adequacy of the process through which that status determination was made; (2) the nature of the sites where apprehension and then detention took place; and (3) the practical obstacles inherent in resolving the prisoner's entitlement to the writ." *Boumediene v. Bush*, 553 U.S. 723, 766 (2008). Mr. Ruiz-Velazquez satisfies these three requirements and may invoke the Suspension Clause.

92. First, although Mr. Ruiz-Velazquez is not a U.S. citizen or resident, **he has lived here for over 20 years**, and he qualifies under the INA to seek Cancellation of Removal, because he has lived here for twenty continuous years,

because he can show twenty years' good moral character, and because he can show his wife and children will suffer exceptional and extremely unusual hardship if he were removed to Mexico. Mr. Ruiz-Velazquez has significant family connections in the United States, wife and U.S. citizen daughters. The immigration judge ON December 05, 2025 denied his application for Cancellation of removal and granted a Voluntary Departure. Mr. Ruiz Velazquez timely filed an appeal with the Board of Immigration of Appeals on December 18, 2025 that is currently pending. He also has a pending I-914A Application for Family member of a T visa, the application was filed on November 30, 2024. All of which establishes that he has immigration relief in the United States that he has an interest to pursue.

93. Mr. Ruiz-Velazquez satisfies the second factor because he was apprehended by DHS and remains detained in the United States.

94. Finally, there are no serious, practical obstacles to resolving this present matter. This Court is equipped to deciding whether Mr. Ruiz-Velazquez is entitled to the writ.

95. There is no adequate alternative to a habeas petition. The refusal of the immigration court to grant Mr. Ruiz-Velazquez the right to show he is mis-classified and that he is not subject to mandatory detention, such that he may return to his family and pursue cancellation, without proper notice or due process, deprives his of his constitutional rights. The BIA cannot adequately and expeditiously review these issues.

**SEVENTH CAUSE OF ACTION:
INJUNCTIVE RELIEF**

96. Petitioner re-alleges and incorporates herein by reference each and every allegation contained in the above paragraphs of this Petition.

This Court has the discretion to enter a temporary restraining order and a preliminary injunction. *See Haitian Refugee Center v. Nelson*, 872 F.2d 1555, 1561-1562 (11th Cir. 1989). "To be entitled to a preliminary injunction, the applicants must show (1) a substantial likelihood that they will prevail on the merits, (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted, (3) their substantial injury

outweighs the threatened harm to the party whom they seek to enjoin, and (4) granting the preliminary injunction will not disserve the public interest.” *Tex. Med.Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012). All four elements must be demonstrated to obtain injunctive relief. *Id.*

97. Respondents’ actions have caused Petitioner harm that warrants immediate relief. There is substantial likelihood that Mr. Ruiz-Velazquez will prevail on the merits of his habeas claim as more than 100 federal judges have found the BIA decision in *Matter of Yajure Hurtado* to be an incorrect interpretation of the law. There is substantial threat of irreparable injury if the injunction is not granted. Since Mr. Ruiz-Velazquez’s detention, his [REDACTED] daughter, [REDACTED] and [REDACTED] daughter, [REDACTED] have been assisting counseling. In addition, Karla has been diagnosed with [REDACTED] [REDACTED] Mr. Ruiz-Velazquez’s daughter [REDACTED] has been diagnosed with [REDACTED] [REDACTED] Mr. Ruiz-Velazquez’s daughters have been experiencing [REDACTED] [REDACTED] Mr. Ruiz-Velazquez’s wife Mrs. Velazquez experiences anticipatory grief, persistent fear, and emotional dysregulation when contemplating life without her husband, and she is currently taking prescribed medication to manage her anxiety and depression. Since Mr. Ruiz-Velazquez’s detention, Mrs. Velazquez has had to use their savings to meet the family’s basic financial needs. Mrs. Velazquez has had to pick up additional work shifts and works 12 plus hours to provide for herself and her daughters without her husband’s support. Mr. Ruiz-Velazquez detention further exacerbates their depression. The substantial and irreparable injury that Mr. Ruiz-Velazquez’s wife and daughters face substantially outweighs any potential threat to the government. Mr. Ruiz-Velazquez has no pending criminal history and is established community member. It will not disserve the public interest in granting the preliminary injunction as it is in the public interest to keep families united and supporting each other. Granting a preliminary injunction is proper in this case. *See, e.g., Gonzalez Guerrero v. Noem*, No. 1:25-CV-01334-RP (W.D. Tex. Oct. 27, 2025) (granting preliminary injunction and vacating the BIA denial of bond jurisdiction under *Matter of Yajure Hurtado*).

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
3. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
4. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
5. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
6. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

VIII. RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Declare that ICE’s October 09, 2025, apprehension and detention of Mr. Ruiz-Velazquez was an unlawful exercise of authority because the ICE officer provided no reason that he presents a danger to the community or is flight risk;

- (3) Issue an order directing Respondents to show cause why the writ should not be granted;
- (4) Order Respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;
- (5) Enjoin ICE from transferring Mr. Ruiz-Velazquez outside of the Western District of Texas while this matter is pending;
- (6) Grant the writ of habeas corpus ordering Respondents to release Mr. Ruiz-Velazquez on his own recognizance, parole, or reasonable conditions of supervision, or order the Respondents to conduct a bond hearing under which it correctly applies the statutes and no longer mis-classifies him as subject to mandatory detention, in the alternative order a hearing under *Matter of Josep*;
- (7) Grant any other relief that this Court deems just and proper.

PRAYER FOR EXPEDITED CONSIDERATION

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his wife and United States citizen children, depriving them of their husband and father's care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.



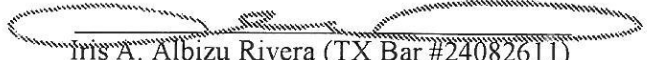
Iris A. Albizu Rivera (TX Bar #24082611)
P.O. Box 202943
Austin TX 78720
Telephone: (512) 861-5638
Facsimile: (866) 584-6996
Email: iris@albizulaw.com
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Pascual RUIZ-VELAZQUEZ, and submit this verification on his behalf.

I hereby verify that the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 5th day of Febraury 2026.



Iris A. Albizu Rivera (TX Bar #24082611)

P.O. Box 202943

Austin TX 78720

Telephone: (512) 861-5638

Facsimile: (866) 584-6996

Email: iris@albizulaw.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

U.S. Attorney's Office for the Western District of Texas
Attn: Stephanie Rico | Civil Process Clerk
601 N.W. Loop 410, Suite 600 San Antonio, TX 78216

Warden, T. Don Hutto Detention Center
Charlotte Thompson
1001 Welch
Taylor, TX 76574

Service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the Warden as Petitioner's immediate custodian.

Dated this 5th day of February, 2026.



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Email: iris@albizulaw.com

Attorney for Petitioner

CAUSE NO. 23-05336-5

THE STATE OF TEXAS

VS.

PASCUAL VELAZQUEZ RUIZ

§
§
§
§
§

County Court at Law #5

OF

WILLIAMSON COUNTY, TEXAS

STATE'S MOTION TO DISMISS

Now comes the State of Texas by and through County Attorney Dee Hobbs, and, although there being probable cause to arrest Defendant in the above-styled cause, moves the Court to dismiss this case for the following reason(s):

- ☐ Probable cause to arrest, but insufficient evidence to sustain a conviction.
- ☐ At the request of the complaining witness.
- ☐ Failure of complaining witness to appear.
- ☐ Defendant paid restitution.
- ☐ Co-Defendant pleaded "guilty/no contest" in companion case
- ☐ Defendant pleaded "guilty/no contest" in companion case
- ☒ Defendant successfully completed the following course(s): Cog Ed, Dealing with Depression
- ☐ Defendant successfully completed the Williamson County Pre-Trial Intervention Program.
- ☐ Impractical to prosecute due to time elapsed since the case was filed.
- ☐ Defendant filed forgery affidavit.
- ☐ As part of a plea bargain.
- ☒ In the interest of justice. D in custody 40 real days
- ☐ Other:

Wherefore the State respectfully requests the above-styled cause be dismissed.

FILED
at 5:03 o'clock P.M.
OCT 03 2025

Nancy E. Roster

County Clerk, Williamson Co., TX

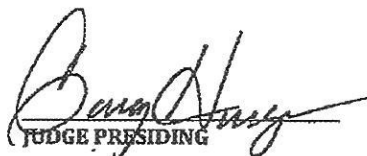
On this date the Court considered the State's Motion to Dismiss and finds that said motion should be granted. It is hereby ORDERED that the above-styled cause be dismissed.

SIGNED this the 3rd day of October, 2025

Respectfully submitted,


ASSISTANT COUNTY ATTORNEY
Williamson County, Texas

ORDER OF DISMISSAL


JUDGE PRESIDING

EOIR - 97 OF 307

Exh. 3 - ID Only

80⁹⁰

23-05336-5

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number [REDACTED]		Case Type IS14A - APPLICATION FOR FAMILY MEMBER OF I-1 RECIPIENT
Received Date 11/29/2024	Priority Date [REDACTED]	Applicant VELAZQUEZ PINA, BEATRIZ
Notice Date 11/30/2024	Page 1 of 2	Beneficiary RUIZ VELAZQUEZ, FASCUAL
THE LISINSKI LAW FIRM LLC c/o ANGELYNE E LISINSKI 3982 POWELL ROAD STE 330 POWELL OH 43065		Notice Type: Receipt Notice Fee Waived

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency

If your safe mailing address changes and you do not have an attorney of record or representative on your case you must submit your address change in writing, with your signature, to the center with jurisdiction over your filing. Otherwise, you might not receive notice of your action on this case. If any other changes need to be made you also must contact the center with jurisdiction over your filing in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Nebraska Service Center
U.S. Citizenship & Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.
- If you do not receive an initial decision or update from us within our current processing time, visit our website at www.uscis.gov for options for submitting an inquiry.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification.

Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

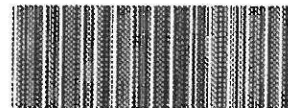
Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: if you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter



If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for Customers with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number [REDACTED]		Case Type I914A - APPLICATION FOR FAMILY MEMBER OF T-1 RECIPIENT
Received Date 11/29/2024	Priority Date	Applicant VELAZQUEZ PINA, BEATRIZ
Notice Date 11/29/2024	Page 2 of 2	Beneficiary RUHIZ VELAZQUEZ, PASCUAL

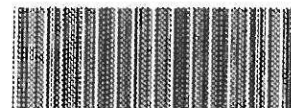
NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address this information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter



If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for Customers with Disabilities

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- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Payment Receipt

A payment has been processed for the following case before the Executive Office for Immigration Review.

For cases before the Immigration Court, please contact the Court that is currently hearing your case for questions regarding payment. For cases before the Board of Immigration Appeals (BIA), please contact the BIA Clerk's Office for questions regarding payment at (703) 605-1007.

A copy of this receipt must be included with the application, motion, or appeal that is filed with the Immigration Court or the BIA Clerk's Office. Failure to include a receipt showing proof of payment will result in rejection of the filing.

A-Number:



Payment Tracking ID:



Payment Processed On: 12/18/2025 12:38:48 PM EST

Filing Type: BIA - Appeal (new filing of a Form EOIR-26)

Payment Type: PLASTIC_CARD

Payment Amount: \$1,010.00

Save or print this receipt immediately. A copy will not be sent via email. The tracking ID is required to retrieve a duplicate receipt.

*Please note there is an **annual fee** for all asylum applications, which is due on the anniversary of each calendar year that an alien's asylum application remains pending; no fee-waiver or reduction in fee is permitted. **This fee must be paid timely**; failure to pay within 30 days of the anniversary due date will likely result in pretermission of the asylum application and an order of removal. This will be the only notice that the alien will receive regarding this annual payment requirement. Payment of this fee can be made at <https://epay.eoir.justice.gov/index>.

Current annual fee amounts can be found at www.justice.gov/eoir/types-appeals-motions-and-required-fees.

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB#1125-0005
Notice of Entry of Appearance as Attorney or
Representative Before the Board of Immigration Appeals

(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY			A-NUMBER (Provide Alien ("A") number of the party represented) 	
PASCUAL RUIZ VELASQUEZ (First) (Middle Initial) (Last) (Number and Street) (Apt. No.)			USCIS Visa Appeal (Provide beneficiary name and A number) Fine (Provide fine number) Disciplinary case (Provide docket number) 	
Taylor TX (City) (State) (Zip Code)				

Attorney or Representative (please check one of the following):
☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary), and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).
 Full Name of Court Texas Bar Number (if applicable) 24103946
☐ I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

☐ I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).
☐ I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3) and I have included a statement demonstrating that I meet the required criteria.
☐ I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).
☐ I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):
☒ I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.
☐ EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.
 I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Board of Immigration Appeals. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 et seq. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE
EOIR ID NUMBER
DATE

X

11323723

12/18/2025

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS
 Name: Esmeralda Sosa Serratos

(First)
(Middle Initial)
(Last)

 Address: 2406 W. Waco Dr.

(Number and Street)
(Suite)

 Law Firm: Abogado Vasquez Law Firm

Waco
TX
76701

(City)
(State)
(Zip Code)

 Telephone: 254-900-7947 Facsimile: _____ Email: luis@thevasqueslaw.com

☒ Check here if new address

Indicate Type of Appearance:

☒ Primary Attorney/Representative ☐ Non-Primary Attorney/Representative

I am providing pro bono representation. Check one: ☐ yes ☒ no

Proof of Service

I (Name) Esmeralda Sosa Serratos provided a copy of this Form EOIR-27 on (Date) 12/18/2025 to the

☐ DHS (U.S. Immigration and Customs Enforcement – ICE) at _____
☐ DHS (U.S. Citizenship and Immigration Services – USCIS) at _____
☐ EOIR Disciplinary Counsel at _____

☒ No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

X

Signature of Person Serving

APPEARANCES - A practitioner of record is authorized and required to appear on behalf of a respondent, to file all documents on behalf of a respondent, and to accept service of process of all documents filed in the proceedings before the Board of Immigration Appeals (BIA). See 8 C.F.R. §§ 1003.38(g)(1)(ii), 1292.5(a). To perform the functions of and become the practitioner of record, the practitioner must file a separate Form EOIR-27 for each represented party in each appeal or motion before the BIA (8 C.F.R. § 1003.2(g)(1), 1003.3(a)(3), 1003.38(g)(1)), even though the practitioner may have appeared in the case before the Immigration Judge or U.S. Citizenship and Immigration Services. For information on how to file a Form EOIR-27 with the BIA, see the BIA Practice Manual at www.justice.gov/eoir. If information is omitted from the Form EOIR-27 or is not properly completed, the appearance may not be recognized, and the accompanying filing may be rejected. When an appearance as a practitioner of record is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon approval by the BIA of a request of the practitioner of record in accordance with *Matter of Rosales*, 19 I&N Dec. 655 (1988). Appearances for limited purposes other than for document assistance to an unrepresented or pro se respondent are not permitted. 8 C.F.R. § 1003.2(g)(1), 1003.38(g)(2); *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A Form EOIR-60, not a Form EOIR-27, is required for the entry of a limited appearance for document assistance on an appeal, brief, motion, or other document. Note: Attorneys and Accredited Representatives (with full accreditation) must register with the EOIR eRegistry to practice before the BIA. 8 C.F.R. § 1292.1(f). Registration must be completed online at www.justice.gov/eoir. Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-27 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act (FOIA) or the Privacy Act. See 28 C.F.R. § 16.1-16.11 and appendices. For information about FOIA requests, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, at <https://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. § 1362 and 8 C.F.R. § 1003.3 in order to enter an appearance to represent a party before the BIA. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notices of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999), or their successors. Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. § 1003.101 et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (304) 625-2050 or by checking online at <https://acis.eoir.justice.gov>.

ADDITIONAL INFORMATION:

PAPERWORK REDUCTION ACT NOTICE - A person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose minimal burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Form EOIR-27
 Rev. Oct. 2023
 Exp. 06/30/2027

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB# 1125-0002

**Notice of Appeal from a Decision of an
Immigration Judge**

Sample Check or Money Order Here. Include Name(s) and
"A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):
Pascual Ruiz Velasquez A# 

For Official Use Only

! WARNING: Names and "A" Numbers of **everyone** appealing the
Immigration Judge's decision must be written in item #1. The names and
"A" numbers listed will be the only ones considered to be the subjects of
the appeal.

2. I am ☒ the Respondent/Applicant ☐ DHS-ICE (Mark only one box.)
3. I am ☒ DETAINED ☐ NOT DETAINED (Mark only one box.)
4. My last hearing was at San Antonio, TX, but the court jurisdiction is Pearsall, Texas (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of
Appeal (Form EOIR-26).

☒ I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal,
deportation, exclusion, asylum, etc.) dated 12/05/2025.

☐ I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated
_____. (For DHS use only: Did DHS invoke the automatic stay
provision before the Immigration Court? ☐ Yes. ☐ No.)

☐ I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion
to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

Form EOIR-26
Revised Sept 2019

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.
- The Immigration Judge erred in denying Respondent's Form EOIR-42B, Application for Cancellation of Removal. The Immigration Judge incorrectly concluded that Respondent's qualifying relatives would not suffer exceptional and extremely unusual hardship. In reaching this determination, the Immigration Judge failed to properly weigh the evidence and did not consider the totality of the relevant hardship factors affecting Respondent's minor children and the health issues that their mother is facing as part of the hardship.
- The Immigration Judge further erred by failing to exercise discretion in Respondent's favor and by concluding that Respondent did not meet the statutory standard for exceptional and extremely unusual hardship.
- A more detailed statement of the grounds for appeal will be submitted upon receipt of the record of proceedings.

(Attach additional sheets if necessary)

! **WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? ☐ Yes ☒ No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☒ Yes ☐ No

! **WARNING:** If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

9.

Sign
Here →

X

Signature of Person Appealing
(or attorney or representative)

Date

12/18/23

Form EOIR-26
Revised Sept. 2019

10.

Mailing Address of Respondent(s)/Applicant(s)	
Pascual Ruiz Velasquez	
(Name)	
	
(Street Address)	
(Apartment or Room Number)	
Taylor, Texas, 	
(City, State, Zip Code)	
(Telephone Number)	

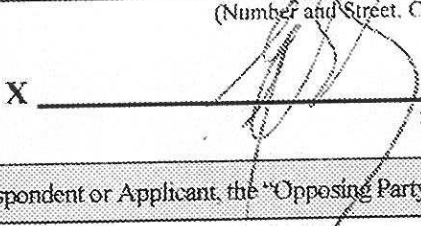
11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)	
Esmeralda Sosa Serratos	
(Name)	
2406 W. Waco Dr,	
(Street Address)	
(Suite or Room Number)	
Waco, TX 76701	
(City, State, Zip Code)	
254-900-7947	
(Telephone Number)	

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12.

PROOF OF SERVICE (You Must Complete This)	
I <u>Esmeralda Sosa Serratos</u> mailed or delivered a copy of this Notice of Appeal	
(Name)	
on <u>12/18/2025</u>	to <u>DHS - OPLA</u>
(Date)	(Opposing Party)
at <u>https://eservice.ice.gov/ - also appeal was electronically filed; opposing party participates in ECAS</u>	
(Number and Street, City, State, Zip Code)	
	X 
Signature	
NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.	
WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.	
WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.	

HAVE YOU?

- ☒ Read all of the General Instructions
- ☒ Provided all of the requested information
- ☒ Completed this form in English
- ☒ Provided a certified English translation for all non-English attachments
- ☒ Signed the form

- ☐ Served a copy of this form and all attachments on the opposing party
- ☐ Completed and signed the Proof of Service
- ☐ Attached the required fee or Fee Waiver Request
- ☐ If represented by attorney or representative, attach a completed and signed EOIR-27



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

RUIZ-VELASQUEZ, PASQUAL

To:

Sosa Serratos, Esmeralda
P.O. Box 140028
Austin, TX 78714

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/05/2025

☐ Unable to forward - no address provided.

☒ Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.

☐ Other:

Date:



Immigration Judge: Tijerina, Eric 12/05/2025

Certificate of Service

This document was served:

Via: ☐ M] Mail | ☐ P] Personal Service | ☐ E] Electronic Service | ☐ U] Address Unavailable

To: ☐] Alien | ☐] Alien c/o custodial officer | ☐ E] Alien atty/rep. | ☐ E] DHS

Respondent Name : RUIZ-VELASQUEZ, PASQUAL | A-Number 

Riders:

Date: 12/08/2025 By: R. J. REID, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

RUIZ-VELASQUEZ, PASQUAL

To:

Sosa Serratos, Esmeralda
P.O. Box 140028
Austin, TX 78714

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/05/2025

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 12/05/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i).

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☐ Asylum was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Withholding of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☒ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☒ post-conclusion voluntary departure under INA § 240B(b) was ☒ granted, and Respondent is ordered to depart by 01/05/2026. The respondent must post a \$ 500.00 bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to Mexico taking effect immediately.
- ☒ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- The voluntary departure order must be administered under safeguards.
- ☐ Further information regarding voluntary departure has been added to the record.
- ☒ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- ☐ the presumptive civil monetary penalty amount of \$3,000.00 USD
- ☒ \$5,000.00 USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of

removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

- ☐ Respondent was ordered removed to
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
☐ Respondent's status was rescinded under INA § 246.
☐ Other:



Immigration Judge: Tijerina, Eric 12/05/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved
Appeal Due: 01/05/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : RUIZ-VELASQUEZ, PASQUAL | A-Number : 

Riders:

Date: 12/08/2025 By: R. J. REID, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:

RUIZ-VELASQUEZ, PASQUAL

To:

Sosa Serratos, Esmeralda
P.O. Box 140028
Austin, TX 78714

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/05/2025

☐ Unable to forward - no address provided.

☐ Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.

☒ Other:

Motion to Accept Late Filed Documents

Date:



Immigration Judge: Tijerina, Eric 12/05/2025

Certificate of Service

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Via: ☐ M] Mail | ☐ P] Personal Service | ☐ E] Electronic Service | ☐ U] Address Unavailable

To: ☐] Alien | ☐] Alien c/o custodial officer | ☐ E] Alien atty/rep. | ☐ E] DHS

Respondent Name : RUIZ-VELASQUEZ, PASQUAL | A-Number : 

Riders:

Date: 12/08/2025 By: R. J. REID, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
• PEARSALL IMMIGRATION COURT •

Respondent Name:

RUIZ-VELASQUEZ, PASQUAL

To:

Sosa Serratos, Esmeralda
P.O. Box 140028
Austin, TX 78714

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/05/2025

ORDER OF THE IMMIGRATION JUDGE

☒ Respondent ☐ The Department of Homeland Security has filed the following motion in these proceedings:
Motion to Accept Late Filed Documents (Respondent's legal brief filed on December 1, 2025).

After considering the facts and circumstances, the motion is ☒ granted ☐ denied for the following reason(s):

The motion was unopposed by the Department of Homeland Security at the commencement of the Respondent's December 5, 2025, merits hearing.



Immigration Judge: Tijerina, Eric 12/05/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved

Respondent: ☒ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : RUIZ-VELASQUEZ, PASQUAL | A-Number : 

Riders:

Date: 12/08/2025 By: R. J. REID, Court Staff