JS 44 (Rev. 04/21)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

MARTIN LOPEZ CRUZ

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Jeffrey A. Peek. 1406 Waller St. Austin, TX 78702.
512- 474-4445

DEFENDANTS

KRISTI NOEM, Secretary, U.S. Department of Homeland Security; et al

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

Attorneys *(If Known)*
U.S. Attorney's Office of the Western District of Texas

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

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

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

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

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 USC 2241

Brief description of cause:
Suit to seek relief from unlawful immigration detention

VII. REQUESTED IN COMPLAINT:

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

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*: JUDGE ____ DOCKET NUMBER ____

DATE: 2/6/2026

SIGNATURE OF ATTORNEY OF RECORD: J. Peek

FOR OFFICE USE ONLY

RECEIPT # ____ AMOUNT ____ APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARRIN LOPEZ CRUZ
Petitioner

v.

CHARLOTTE COLLINS, Warden at T. Don Hutto Detention Center;
MIGUEL VERGARA, San Antonio Field Office Director, ICE Enforcement and Removal Operations;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
PAMELA JO BONDI, Attorney General, U.S. Department of Justice.

Respondents

Case No. **26-cv-299**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FOR AN ORDER TO SHOW CAUSE

COMES NOW, Petitioner, Martin Lopez Cruz, through undersigned counsel, and brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1651, and Article I, Section 9, of the Constitution of the United States. Petitioner has been illegally detained in Immigrations and Customs Enforcement ("ICE") custody since January 27, 2026, in violation of the Constitution. This Court should order his immediate release.

I. INTRODUCTION

1. The Petitioner Mr. Lopez Cruz is a 38-year-old native and citizen Mexico who entered the United States in 2000. He has resided in Texas for more than twenty-five (25) years with his partner and their four U.S. citizen children, [redacted] See Exhibit 1 Petitioner's Identification Documents and Exhibit 2 Relative's Identification Documents.

2. On January 27, 2026, Mr. Lopez Cruz was taken into custody of Immigration and Customs Enforcement (ICE) following a transfer from Lampasas County.

3. On September 5, 2025, the BIA issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), adopting DHS's position that noncitizens "present in the United States without admission" are subject to mandatory detention under INA § 235(b)(2)(A) and that immigration judges lack bond jurisdiction even when ICE has placed the case in § 240 proceedings. This new precedent is unlawful and cannot justify Petitioner's ongoing confinement: it misreads the statute, conflicts with binding regulations that limit expedited-removal custody to classes designated by Federal Register notice, and raises grave constitutional concerns the avoidance canon requires courts to steer away from. *See* INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A); 8 C.F.R. § 235.3(b)(1)-(2); 62 Fed. Reg. 10,312, 10,314, 10,318 (Mar. 6, 1997); 69 Fed. Reg. 48,877, 48,880-81 (Aug. 11, 2004); 84 Fed. Reg. 35,409, 35,412 (July 23, 2019); *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark v. Martinez*, 543 U.S. 371 (2005).

4. Despite detaining Petitioner Mr. Lopez Cruz, ICE has not demonstrated any significant likelihood that Petitioner will be removed in the reasonably foreseeable future. Petitioner's ongoing detention violates the pre-removal-period detention statute, 8 U.S.C. § 1226, the post-removal-period detention statute, 8 U.S.C. § 1231(a)(6), and the Due Process clause of the Fifth Amendment to the U.S. Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (finding that prolonged detention of someone who could not be removed would violate due process).

5. Petitioner therefore seeks a writ of habeas corpus directing his immediate release.

II. JURISDICTION

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

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

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the Administrative Procedure Act, 5 U.S.C. § 701, et. seq., and the All Writs Act, 28 § U.S.C. § 1651.

9. This district court has subject-matter jurisdiction under 28 U.S.C. § 2241 because none of the INA's jurisdiction-stripping provisions bar review of a habeas petition that challenges the legality of civil immigration detention. Section 1252(b)(9) applies only when a noncitizen

seeks judicial review of an order of removal, the government's decision to initiate removal proceedings, or the process by which removability will be determined.

10. The Supreme Court has made clear that § 1252(b)(9) does not bar federal jurisdiction where, as here, the petitioner is not asking for review of a removal order or any step in the removal-adjudication process. See Nielsen v. Preap, 586 U.S. 392, 402 (2019); Dep't of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 19 (2020). For the same reason, § 1252(b)(4) is irrelevant because it governs only the standards and limits for reviewing a final order of removal, which the petitioner does not challenge. Section 1252(g) likewise offers no jurisdictional bar because it applies only to three discrete actions by the Executive: commencing proceedings, adjudicating cases, or executing removal orders. See Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999). A challenge to the legality of ongoing detention is not one of those three actions and therefore remains subject to habeas review.

11. Section 1252(e)(3) also does not bar jurisdiction because it governs only systemic challenges to the validity of expedited-removal regulations or written policies. Courts consistently hold that § 1252(e)(3) is limited to such system-wide claims and does not apply to individualized or as-applied detention challenges. See Shunaula v. Holder, 732 F.3d 143, 147 (2d Cir. 2013); Rodrigues v. McAleenan, 435 F. Supp. 3d 731, 737 (N.D. Tex. 2020); Mata Velasquez v. Kurzdorfer, 2025 WL 1953796, at *6 (W.D.N.Y. July 16, 2025). A habeas petition challenging whether the government has lawful statutory authority to detain a long-term resident under § 1225 rather than § 1226 is an as-applied challenge to individual custody, not a challenge to the "validity of the system." Because the petition contests only the statutory basis for detention and seeks no review of removal proceedings, the district court retains full subject-matter jurisdiction to decide the claim.

III. VENUE

12. Venue is proper because Petitioner Mr. Lopez Cruz is detained at the T Don Hutto Detention Center, which is within the jurisdiction of this District.

13. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States reside and a substantial part of the events or omissions giving rise to his claims occurred in this District. No real property is involved in this action. 28 U.S.C. § 1391(e).

IV. REQUIREMENTS OF 28 U.S.C. § 2243 AND APPLICATION FOR AN ORDER TO SHOW CAUSE

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within ***three days*** unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

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

16. Pursuant to 28 U.S.C. § 2243, Petitioner Mr. Lopez Cruz respectfully requests that the Court issue an order to all Respondents requiring them to show cause why the Petitioner's Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why Respondents should not be ordered to release Petitioner from detention.

17. Pending adjudication of these claims, Petitioner Mr. Lopez Cruz asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of the San Antonio Field Office of the Immigration & Customs Enforcement ("ICE") Office of Enforcement and Removal Operations ("ERO") and this District.

V. PARTIES

18. Petitioner is currently detained at the T. Don Hutto Detention Center in Taylor, Texas. He was arrested and detained on November 11,2025, by ICE ERO at Williamson County, Texas. His application for cancellation of removal for Non-Legal Permanent Residents under INA § 240A(b) remains pending with the court since June 8, 2023.

19. Respondent Charlotte Collins is the warden of T. Don Hutto Detention Center. He has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Collins is the legal custodian of Petitioner. Respondent Collin's office is located at 1001 Welch Street, Taylor, TX 76574 in Williamson County, Texas.

20. Respondent Miguel Guevara is the Field Office Director of the San Antonio Field Office, Immigration and Custom's Enforcement, which has jurisdiction over San Antonio and surrounding areas ICE Enforcement and Removal Operations (ERO). Respondent Guevara is a legal custodian of Petitioner and has authority to release him. Respondent Guevara's office is located at 1777 NE Loop 410 Floor 15 San Antonio, TX 78217 United States.

21. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him. Respondent Lyons' office is located at 500 12th St. SW, Washington, DC 20536.

22. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA") pursuant to 8 U.S.C. § 1103(a); oversees U.S. Immigration and Customs Enforcement ("ICE"), the component agency responsible for Petitioner's arrest and detention; supervises other Respondents; and she is legally responsible for the pursuit of Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Petitioner. Respondent Noem's office is located in the United States Department of Homeland Security, Washington, District of Columbia, 20528.

23. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States Department of Justice. In this capacity, Respondent Bondi is responsible for representing the United States in legal matters, supervise and direct the administration and operation of the Department of Justice's many agencies, which include the Executive Office of Immigration Appeals ("EOIR") and the Office of Immigration Litigation ("OIL"). Respondent Bondi's office is located in the United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, District of Columbia, 20530.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

24. Exhaustion is not required of this claim. Petitioner Mr. Lopez Cruz respectfully submits that the exhaustion of administrative remedies requirement should be waived in this case under well-established Fifth Circuit precedent recognizing exceptions to the exhaustion doctrine. While exhaustion is generally required before seeking habeas relief, the Fifth Circuit has consistently recognized exceptions where administrative remedies are unavailable, inappropriate, or futile.

25. The Fifth Circuit has established that "a federal prisoner filing a § 2241 petition must first pursue all available administrative remedies." Gallegos-Hernandez v. United States, 688 F.3d 190. However, the court has consistently recognized that "[e]xceptions to the exhaustion requirement are appropriate where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought, or where the attempt to exhaust such remedies would itself be a patently futile course of action." Gallegos-Hernandez v. United States, 688 F.3d 190, Hinojosa v. Horn, 896 F.3d 305. These exceptions apply in "extraordinary circumstances," and the petitioner bears the burden of demonstrating the futility of administrative review. Fuller v. Rich, 11 F.3d 61 (5th Cir. 1994)

26. The administrative remedies theoretically available to Petitioner Mr. Lopez Cruz are inadequate and effectively unavailable under Fifth Circuit standards. The Immigration Court Practice Manual and Matter of K-, 20 I&N Dec. 418 (BIA 1991), explicitly limit interlocutory appeals to rare circumstances involving either "important jurisdictional questions regarding the administration of the immigration laws or recurring questions in the handling of cases by

Immigration Judges." This limitation is further confirmed by the EOIR Practice Manual Section 4.14.

27. This case falls squarely within the Fifth Circuit's recognition that exceptions to exhaustion are appropriate "where the available administrative remedies either are unavailable or wholly inappropriate to the relief sought." Hinojosa v. Horn, 896 F.3d 305. The severe restrictions on interlocutory appeals render this administrative remedy effectively "unavailable" within the meaning established by Fifth Circuit precedent. Fuller v. Rich, 11 F.3d 61 (5th Cir. 1994).

28. Even if interlocutory appeals were theoretically available, attempting to exhaust this remedy would be "a patently futile course of action" under Fifth Circuit standards. Gallegos-Hernandez v. United States, 688 F.3d 190. Currently, appeals with the Board of Immigration Appeals take approximately six months to be adjudicated, while Petitioner's Mr. Lopez Cruz Master Hearing is set for February 12, 2026. This timeline renders any administrative appeal process meaningless for addressing Petitioner's Mr. Lopez Cruz detention concerns.

29. The Fifth Circuit has explicitly recognized that exceptions to exhaustion apply where "the attempt to exhaust such remedies would itself be a patently futile course of action." Gallegos-Hernandez v. United States, 688 F.3d 190. The extraordinary delay between the current BIA processing time and Petitioner's Mr. Lopez Cruz scheduled Master hearing creates precisely the type of futility that the Fifth Circuit has recognized as justifying an exception to the exhaustion requirement. Fuller v. Rich, 11 F.3d 61 (5th Cir. 1994).

30. No State Remedies Are Available. Additionally, there is no state relief available to Petitioner Mr. Lopez Cruz because Immigration Court is not subject to state law as it falls under Federal Law Regulations. This further demonstrates that there is no viable state or administrative remedy that Petitioner Mr. Lopez Cruz can pursue before filing with the Federal Court. The Fifth

Circuit has recognized that exhaustion is not required where administrative remedies are "unavailable." Hinojosa v. Horn, 896 F.3d 305. The absence of any state remedy due to federal preemption of immigration matters renders alternative remedies "unavailable" within the meaning of Fifth Circuit precedent. Gallegos-Hernandez v. United States, 688 F.3d 190.

31. State remedies cannot provide any avenue of relief for a detained noncitizen challenging an Immigration Court's refusal to exercise jurisdiction because immigration adjudication is an exclusively federal executive function, not a state judicial matter. Under the Immigration and Nationality Act, Congress vested all authority over removal proceedings and detention determinations in the Attorney General, who conducts these proceedings through the Executive Office for Immigration Review (EOIR). See 8 U.S.C. § 1103(g). Immigration Judges are "attorneys appointed by the Attorney General," 8 U.S.C. § 1101(b)(4), and function as administrative adjudicators under federal personnel statutes, not Article III judges or state judicial officers. Because EOIR is part of the Department of Justice, every decision made by an Immigration Judge is an act of the Executive Branch, not of any judicial tribunal subject to state supervision.

32. Because immigration courts are administrative bodies, state courts have no jurisdiction to review or disturb their decisions. Congress made this explicit through 8 U.S.C. § 1252(a)(5), which provides that review of removal-related decisions lies solely and exclusively in the federal courts of appeals. That provision not only preempts state jurisdiction but also makes clear that state habeas, state mandamus, or any other state-court mechanism cannot reach or correct an EOIR determination. State courts lack authority to review federal executive custody, cannot compel EOIR to act, and cannot order the release of a detainee held under federal immigration authority. Because the petitioner's challenge concerns the statutory basis for federal detention and

the Immigration Court's refusal to exercise jurisdiction, no state remedy can offer relief, render a decision, or even assert lawful authority over the underlying agency action.

33. In this context, exhaustion of state remedies is impossible as a matter of law. The petitioner Mr. Lopez Cruz is held solely under federal authority, detained in a federal immigration facility, and subjected to custody decisions that arise exclusively under federal statutes—specifically 8 U.S.C. §§ 1225 and 1226. A state court cannot review those determinations and cannot order the federal government to release a detainee. The Fifth Circuit recognizes that exhaustion may be excused where administrative or other remedies are unavailable, inadequate, or futile. Here, state remedies are categorically unavailable because no state court possesses jurisdiction to adjudicate or intervene in an EOIR custody decision. As a result, federal habeas corpus is the only meaningful mechanism for addressing the legality of the detention and the Immigration Court's refusal to act. Accordingly, the Court should find that state remedies are neither adequate nor available and proceed to review the merits of the petitioner's habeas claim.

34. The combination of severely limited interlocutory appeal rights, the six-month BIA processing time versus a February 2026 master hearing, and the absence of any state remedy creates the "extraordinary circumstances" that the Fifth Circuit has recognized as justifying an exception to the exhaustion requirement. Fuller v. Rich, 11 F.3d 61 (5th Cir. 1994). Petitioner Mr. Lopez Cruz has met the burden of demonstrating that administrative remedies are unavailable, wholly inappropriate to the relief sought, and that attempting to exhaust such remedies would be patently futile. Gallegos-Hernandez v. United States, 688 F.3d 190.

35. Exhaustion would be futile because the Board of Immigration Appeals has already issued binding precedent that categorically forecloses any possibility of administrative relief for noncitizens who entered without inspection. Through Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025)

and Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), the BIA has adopted a uniform and authoritative interpretation holding that Immigration Judges lack jurisdiction to conduct custody redetermination hearings for individuals classified as "present in the United States without admission." In Yajure Hurtado, the BIA declared that the "plain language" of INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), requires mandatory, unreviewable detention for virtually all applicants for admission not placed in expedited removal. Id. at 219–220. By construing § 235(b)(2)(A) as a sweeping detention mandate, the BIA effectively displaces § 1226 and eliminates discretionary custody review for nearly all long-term residents who entered without inspection.

36. Because these published decisions articulate the BIA's definitive construction of the statute, further administrative review would be incapable of providing relief. The BIA has conclusively determined that detention under § 235(b)(2)(A) must continue "until removal proceedings have concluded," based on its reading of Jennings v. Rodriguez, 583 U.S. 281, 299 (2018). Yajure Hurtado, 29 I&N Dec. at 225. This binding interpretation is the precise reason the Immigration Judge declined to exercise jurisdiction over Petitioner's bond request. In light of these precedential determinations, the administrative process offers no mechanism by which Petitioner Mr. Lopez Cruz could obtain a contrary ruling or secure release. Requiring exhaustion under these circumstances would impose unnecessary delay, prolong unlawful detention, and yield no meaningful opportunity for relief. Accordingly, exhaustion should be excused because the BIA's entrenched and controlling precedent renders any further administrative remedy futile.

37. In *Maldonado Bautista v. Santacruz*, the U.S. District Court for the Central District of California certified a nationwide class of individuals who entered without inspection and were being unlawfully subjected to mandatory, no-bond detention under the government's 2025 policy shift. The court held that these individuals are detained under 8 U.S.C. § 1226(a)—not § 1225(b)—

and therefore entitled to individualized bond hearings. The court expressly extended this declaratory relief to the entire Bond Eligible Class, including those who were not apprehended upon arrival and were later arrested in the interior. *Maldonado Bautista*, 2025 WL 3288403, at *9*

38. Despite this binding ruling, the AILA practice advisory documents widespread noncompliance by Department of Justice and the Executive Office for Immigration Review: immigration judges have been instructed not to honor the court's order, continue to deny jurisdiction to hold bond hearings, and persist in applying *Matter of Yajure Hurtado* in direct disregard of the declaratory judgment.

39. This systemic refusal to follow federal law forms the essential backdrop demonstrating the futility of administrative exhaustion for detained class members seeking enforcement of their statutory right to a bond hearing.

40. Exhaustion of administrative remedies is futile because the agencies responsible for implementing *Maldonado Bautista* have categorically refused to provide the relief that the District Court has declared binding on the entire class. The AILA advisory confirms that DOJ "has instructed Immigration Judges to ignore the Court's order," resulting in across-the-board denials of bond hearings and repeated assertions that Immigration Judges lack jurisdiction under *Matter of Yajure Hurtado*. See Exhibit 3 AILA Practice Advisory

41. A remedy is not "available" when the adjudicator refuses to apply the controlling legal standard. The administrative system is therefore structurally incapable of protecting petitioner's rights: Immigration Judges are rejecting class wide declaratory relief, insisting—incorrectly—that the judgment is not binding or final, and continuing to treat class members as mandatorily detained under § 1225(b)(2). Because the agency has taken the position that it will

not follow the federal court's ruling, exhaustion would be a meaningless formality that prolongs unconstitutional detention—an outcome the habeas writ exists to prevent.

42. Even if the petitioner Mr. Lopez Cruz attempted to exhaust administrative remedies, the immigration courts cannot grant the relief sought because they are operating under directives that contradict binding federal law. The AILA advisory explains that Immigration Judges are grounding their refusals in legally erroneous rationale, including the claims that *Maldonado Bautista* did not provide class wide relief or that the declaratory judgment is not final positions flatly contradicted by the court's own language.

43. Federal habeas law excuses exhaustion where state or administrative remedies are "unavailable" or "ineffective to protect the rights of the applicant." 28 U.S.C. § 2254(b)(1)(B). Here, the administrative body has disclaimed both jurisdiction and authority to apply the very relief the District Court ordered. Because the government refuses to comply with the declaratory judgment and continues to detain class members under an unlawful mandatory-detention framework, any attempt to exhaust administrative remedies would leave the petitioner Mr. Lopez Cruz without a functioning avenue for relief. In this posture, exhaustion is not only futile—it is impossible, and federal habeas review is both proper and necessary to enforce the petitioner's statutory and constitutional rights.

44. Because the Petitioner, Mr. Lopez Cruz has exhausted his administrative remedies to the extent required by law, his only remedy is by way of this judicial action.

45. Accordingly, the Petitioner Mr. Lopez Cruz has no further recourse within the immigration court system or the BIA. The exhaustion requirement is therefore satisfied. In light of the BIA's denial of Immigration Judges jurisdiction to hear custody redetermination requests,

habeas corpus is the only mechanism available to challenge Petitioner's Mr. Lopez Cruz ongoing detention and to vindicate constitutional rights at stake.

VII. STATEMENT OF FACTS

46. The Petitioner Mr. Lopez Cruz is a 38-year-old native and citizen Mexico who entered the United States in 2000. He has resided in Texas for more than twenty-five (25) years with his partner and their four U.S. citizen children, [redacted] See Exhibit 1 Petitioner's Identification Documents and Exhibit 2 Relative's Identification Documents.

47. On or around January 2, 2026, Petitioner was apprehended by local enforcements and placed him in detention at Lampasas County. Consequently, on January 27, 2026, Mr. Lopez Cruz was transferred to ICE custody at the T. Don Hutto Detention Center, where he remains today. See Exhibit 4 ICE Detainee Locator.

48. In February 2014, Petitioner was placed in removal proceedings and issued a Notice to Appear. He was granted an immigration bond and remained perfectly compliant with all court mandates and supervision requirements for ten years. *See* Exhibit 5 2014 Notice to Appear.

49. On July 21, 2014, Petitioner Mr. Lopez Cruz filed a Form EOIR-42B Application for Cancellation of Removal for Certain Nonpermanent Residents under 8 U.S.C. § 1229b(b)(1). This application is predicated on the "exceptional and extremely unusual hardship" his removal would cause to his U.S. citizen children, who suffer from serious medical conditions. Specifically,

Petitioner's three eldest daughters were diagnosed with [redacted] See Exhibit 7 42B Receipt Notice.

50. Furthermore, Petitioner's youngest son, [redacted], is currently under specialized [redacted] The Petitioner's presence is indispensable to ensure the necessary follow-up care and the survival of his four vulnerable children. See Exhibit 6, Petitioner's Medical Records.

51. For the ensuing decade, Petitioner remained at liberty under an immigration bond, demonstrating flawless compliance with all court mandates. Throughout this period, the Department of Homeland Security ("DHS") consistently granted Petitioner Employment Authorization Documents ("EAD") under category (c)(10), acknowledging his prima facie eligibility for relief and his status as a non-priority for removal. See Exhibit 8 EAD History.

52. On August 14, 2018, the Immigration Court terminated Petitioner's removal proceedings without prejudice, citing a legally defective Notice to Appear ("NTA"). See Exhibit 8, IJ Order (2018). Following this termination, Petitioner remained fully compliant with the re-initiated proceedings. Following ten years of litigation and Petitioner's continued record of stability, the Immigration Court issued a final Order of Dismissal on June 12, 2024, effectively terminating all active removal proceedings against him. See Exhibit 9, 2018 IJ Order (Termination) and Exhibit 10 Final Order (2024).

53. In late 2025, Petitioner's involvement with the criminal justice system was twofold and serves as a testament to his character rather than any risk to society. First, Petitioner was identified by the U.S. Department of Justice as a victim of a federal financial crime in the case *United States v. Nicholas Keith Bonneville* (Case No. 2024R06186). See Exhibit 11, DOJ Victim

Notification. This federal investigation confirms that Petitioner was targeted and defrauded, yet he remained cooperative with federal authorities throughout the investigation.

54. On January 2, 2026, Petitioner was taken into local custody to address a matter in Lampasas County. Recognizing the interest of justice, the State of Texas moved to dismiss all proceedings. On January 5, 2026, the Honorable Judge Randall J. Hoyer signed an Order of Dismissal. See Exhibit 12, Motion and Order to Dismiss (Cause No. 22980).

55. Despite the 2024 judicial termination of his previous removal case and the 2026 dismissal of the local matter, ICE agents took Petitioner into custody on January 27, 2026. DHS re-initiated proceedings by issuing a new Notice to Appear (NTA) on January 27, 2026. See Exhibit 13, 2026 NTA.

56. Because of Petitioner's detention, his removal proceedings were re-calendared, and a preliminary hearing was set for February 12, 2026. See Exhibit 14 EOIR Online System.

57. Petitioner Mr. Lopez Cruz remains detained solely because the immigration judge improperly refuses to exercise jurisdiction over Respondent's detention. He now seeks habeas relief because continued detention under 8 C.F.R. § 1003.19(i)(2) exceeds statutory authority and violates the Fifth Amendment.

58. The BIA decided *Matter of Yajure Hurtado*, which holds that the Immigration Judge lacks bond authority ab initio and that Petitioner Mr. Lopez Cruz must remain detained under § 235(b)(2)(A) while his removal proceeding is pending. But its reading is contrary to the statutory framework and the governing regulations that channel non-expedited-removal arrests into § 240 with custody governed by § 236(a) and Immigration Judge bond jurisdiction. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a), 1003.19(h); 8 C.F.R. § 235.3(b)(1)3(2); 62 Fed. Reg. at 10,314, 10,318; 69 Fed. Reg. at 48,880381; 84 Fed. Reg. at 35,412.

VIII. LEGAL FRAMEWORK

a) . Mandatory detention violates Petitioners Constitutional and due process rights.

59. "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). This fundamental principle of our free society is enshrined in the Fifth Amendment's Due Process Clause, which specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. Const. amend. V. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) ("[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law"). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 678.

60. The Supreme Court, thus, "has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection," including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); see also *Salerno*, 481 U.S. at 755 (requiring individualized hearing and strong procedural protections for detention of people charged with federal crimes); *Foucha v. Louisiana*,

504 U.S. 71, 81-83 (1992) (same for civil commitment for mental illness); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997) (same for commitment of sex offenders).

61. For decades, the immigration system has implemented this balance through a network of three mutually exclusive detention statutes.

62. First, at the border, individuals "seeking admission" who are placed into removal proceedings are subject to detention without a bond hearing under 8 U.S.C. § 1225(b)(2).[1] See *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (describing § 1225 as relating to "borders and ports of entry"). Section 1225(b)(2) is the statute that Respondents have suddenly decided is applicable to people like Petitioner.

63. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

64. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

65. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

66. This system—in which people arrested inside the United States are generally eligible for a bond hearing and release during immigration proceedings—has existed essentially in its current form since Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, Div. C, § 3003, 110 Stat. 3009-546, 3009-585 to 3009-587 (codified at 8 U.S.C. § 1226). According to IIRIRA's legislative history, §

[1] Separately, there is also a limited subset of individuals in and around the border who may be placed into the Expedited Removal process and are subject to mandatory detention under 8 U.S.C. § 1225(b)(1). See *Make the Road N.Y. v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025).

1226(a) was intended to "restate[] the [then-]current provisions in section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States." See *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (quoting H.R. Rep. No. 104-469, at 229 (1996)). It also reflected nearly a century of law in the United States of allowing people inside the country to seek release while the government decided whether or not to deport them. *See* 34 Stat. 904-05, § 20 (1907) (providing for release on bond for noncitizens alleged to have entered the United States unlawfully); 39 Stat. 874, 890-91, §§ 19, 20 (1917) (similar); 66 Stat. 163, §§ 241(a)(2), 242(a) (1952) (last codified at 8 U.S.C. § 1252(a)(1) (1994)) (providing for release on bond, including for noncitizens alleged to have entered the United States without inspection).

67. This eligibility for a bond hearing and potential release has applied to people arrested in the United States, regardless of whether they initially entered the country with permission. Indeed, shortly after IIRIRA's enactment, the former Immigration and Naturalization Service and the Executive Office for Immigration Review ("EOIR," which houses the Immigration Courts and BIA) issued an interim rule to implement the statute that expressly stated: "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." 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

68. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. §

1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

69. However, around late 2022, the Immigration Court in Tacoma, Washington began misclassifying § 1226 detainees arrested inside the United States as mandatory detainees under § 1225(b)(2), solely because they initially entered the country without permission. See Rodriguez, 779 F. Supp. 3d at 1244. The U.S. District Court for the Western District of Washington ruled that this practice was likely illegal in April 2025 and ordered a bond hearing for a wrongfully detained litigant. *See id.* at 1263.

70. Nevertheless, three months later, on July 8, 2025, DHS, "in coordination with" the DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

71. As previously noted, the BIA and the Immigration Courts are entities within EOIR, which is part of DOJ. On September 5, 2025, in *Matter of Yajure Hurtado*, 29 I. &. N. Dec. 216 (B.I.A. 2025), the BIA issued a precedential decision that purports to require all Immigration Judges to misclassify people in this manner.

72. Since Respondents adopted their new policies, dozens of federal courts have uniformly rejected their newly invented misclassification as illegal and because it defies the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the

same reading of the statute as ICE, ruling that the BIA's decision is not entitled to any deference under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412-13 (2024).[2]

73. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

74. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

75. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute

[2] See, e.g., *Alejandro v. Olson*, No. 1:25-cv-02027-JPH-MKK (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, No. 1:25-cv-01968-SEB-TAB (S.D. Ind. Oct. 8, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-01774-SEB-MJD, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25 C 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025) (Jenkins, J.), *H.G.V.U. v. Smith*, No. 25 C 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2020) (Coleman, J.), *Mariano Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025) (Alonso, J.), and *G.Z.T. v. Smith*, No. 25 C 12802 (N.D. Ill. Oct. 21, 2025) (Ellis, J.), *Corona Diaz v. Olson, et al.*, No. 25-cv-12141 (N.D. Illinois 2025), *Belsai v. Bondi, et al.*, No. 25-cv-3862 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, --- F.Supp.3d ---, 2025 WL 2712417 (N.D. Iowa Sept. 23, 2025); *Salazar v. Dedos*, No. 1:25-cv-00835-DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25- cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

76. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. That statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a [] [noncitizen] seeking to enter the country is admissible." *Jenning v. Rodriguez*, 583 U.S. 281, 287 (2018).

77. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who already entered and was residing in the United States at the time they were apprehended.

b) Petitioner's post-release liberty interest was protected, and the government could not revoke it without prior notice and a hearing.

78. Petitioner Mr. Lopez-Cruz was apprehended in 2014 and released on bond after the evaluation of his case by the then assigned Immigration Judge. His release created a recognized liberty interest: the right to remain in the community and prepare his case while under supervision rather than in confinement. By re detaining him without advance notice, without any allegation of noncompliance, and without an opportunity to be heard before a neutral arbiter, the government violated the Due Process Clause.

79. The Supreme Court has consistently held that when the government seeks to deprive a person of liberty already granted or recognized, it must provide meaningful procedural protections. In Morrissey v. Brewer, 408 U.S. 471 (1972), the Court held that revoking parole requires advance written notice, disclosure of evidence, and a hearing before a "neutral and detached" decisionmaker. Conditional liberty, the Court explained, "includes many of the core values of unqualified liberty," and cannot be taken away arbitrarily. Likewise, *Gagnon v. Scarpelli* 411 U.S. 778 (1973) extended these protections to probationers, but even without citing that case, Morrissey alone establishes that when the government restores liberty after an initial arrest, it cannot later re-take that liberty without due process.

80. In Wolff v. McDonnell, 418 U.S. 539 (1974), the Court emphasized that even incarcerated individuals must receive advance notice and a fair hearing before losing good-time credits. The relevant principle extends beyond prisons: when the State has granted a liberty interest—whether earned, conditional, or regulatory—it cannot retract it without minimum due process safeguards. If prisoners are entitled to notice and hearing before losing a small reduction in sentence, an individual living freely for two years under government supervision is certainly entitled to those protections before losing his physical liberty altogether.

81. Goldberg v. Kelly, 397 U.S. 254 (1970), reinforces this rule by making clear that the government cannot terminate an already-granted benefit without timely notice and a pre-deprivation hearing. The Court explained that when the government takes action that affects a person's ability to live safely and meet basic needs, the risk of erroneous deprivation is too great to permit immediate, unreviewed action. Re-detention after twelve years is far more severe than the loss of welfare benefits at issue in Goldberg, and the risk of erroneous deprivation here is even greater when the government has not given an opportunity for review and offered no prior notice.

82. In Hamdi v. Rumsfeld, 542 U.S. 507 (2004), the Court reaffirmed that the Due Process Clause applies even in matters involving national security, holding that a U.S. citizen detained as an enemy combatant must receive notice of the factual basis for the detention and a fair opportunity to rebut before a neutral decisionmaker. The plurality underscored that "a state of war is not a blank check," and the Executive may not detain without basic procedural protections. If due process is required in wartime detention, it must also be required in civil immigration custody.

83. Finally, Zinermon v. Burch, 494 U.S. 113 (1990), establishes the broader principle that the Due Process Clause prohibits the State from depriving an individual of liberty through established procedures without first providing constitutionally adequate safeguards. Where, as here, the government had full ability to provide notice and a hearing before re-detention, the failure to do so is a procedural due process violation. Zinermon teaches that when the State itself controls the timing and manner of the deprivation, pre-deprivation process is required.

84. Taken together, these cases show that Respondent's re-detention after twelve years of lawful release, constituted the deprivation of a recognized liberty interest. Just as parole or probation cannot be revoked without notice and a hearing, Petitioner's conditional liberty as a released noncitizen could not lawfully be revoked without procedural safeguards. The government had no emergency basis to bypass due process, no evidence of noncompliance, and no justification for re-incarcerating him without first providing written notice, an opportunity to respond, and a hearing before a neutral arbiter.

85. Because the government failed to provide these essential protections, the redetention violated due process and cannot be sustained. Petitioner Mr. Lopez Cruz respectfully asks the Court to recognize the procedural deficiency and order his release.

IX. CLAIMS FOR RELIEF

Count I – The Regulation is *Ultra Vires*

86. Petitioner Mr. Lopez Cruz incorporates by reference the allegations of fact set forth in preceding paragraphs.

87. The Immigration and Nationality Act, 8 U.S.C. § 1226(a), authorizes discretionary detention subject to an Immigration Judge's bond decision; it does not authorize Immigration and Customs Enforcement (ICE) to nullify that judicial decision by administrative fiat.

88. By turning discretionary custody into *de facto* mandatory detention for detainees not subject to 8 U.S.C. § 1226(c), § 1003.19(i)(2) exceeds the statutory power Congress delegated.

89. Detention premised solely on this *ultra vires* regulation is capricious under 5 U.S.C. § 706(2), entitling Petitioner Mr. Lopez Cruz to immediate release.

90. Respondent's presumed reliance on *Matter of Yajure Hurtado* collapses the statute's two-track system. Section 235 governs the inspection setting ports of entry and those stopped soon after crossing—with a fast-track screening and detention regime that Congress and the Supreme Court have treated as a distinct, inspection-stage context. Section 236, by contrast, governs interior arrests and vests Immigration Judges with bond authority in § 240 cases. Reading § 235(b)(2)(A) to control whenever a person was never "admitted" converts the border screen into a universal no-bond rule and all but writes § 236(a) out of existence. That interpretation is irreconcilable with the implementing rules, which limit expedited-removal processing—and its custody—to published Federal Register designations (now capped at two years of presence), and

with the case law up to *Yajure Hurtado* that kept §§ 235 and 236 on separate footing. *See* 8 C.F.R. § 235.3(b)(1)3(2); 62 Fed. Reg. 10,312, 10,314, 10,318 (Mar. 6, 1997); 69 Fed. Reg. 48,877, 48,880381 (Aug. 11, 2004); 84 Fed. Reg. 35,409, 35,412 (July 23, 2019); *Jennings v. Rodriguez*, 583 U.S. 281, 287399 (2018); *DHS v. Thuraissigiam*, 591 U.S. 103, 119321 (2020). Even if *Yajure Hurtado* was correct (it is not), using a new precedential gloss to nullify a bond already granted while the DHS's appeal was pending is impermissibly retroactive. See *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265373 (1994).

Count II - Violation of Right to Procedural Due Process

91. Petitioner Mr. Lopez-Cruz incorporates by reference the allegations of fact set forth in preceding paragraphs.

92. The Fifth Amendment forbids a deprivation of liberty without notice and a meaningful opportunity to be heard before a neutral decision-maker.

93. Read as Respondents will urge, *Yajure Hurtado* would categorically deny any bond hearing to noncitizens arrested in the interior who are outside the published expedited-removal designations—people whom Congress and the regulations routed into 8 U.S.C. § 1229 and 8 U.S.C. § 1226 custody. That construction raises serious due-process and Suspension Clause questions: it authorizes prolonged civil detention with no neutral decision-maker weighing flight risk or danger, despite settled law that civil detention must remain closely tied to its purposes. See *Zadvydas*, 533 U.S. at 690-701. Under the constitutional-avoidance canon, where a statute is susceptible of more than one construction, courts must prefer the reading that avoids grave constitutional problems. See *Clark*, 543 U.S. at 381382. The far better (and textually faithful)

reading is that § 235(b) governs the inspection track and the classes designated for expedited removal, while everyone else is detained—if at all—under § 236(a) with Immigration Judge bond review. See *Jennings*, 583 U.S. at 287-99.

94. Given the Petitioner's Mr. Lopez-Cruz rights and interests, the Government's interests, and the cost and availability of alternate means of protecting the Government's objectives, the procedures employed by the Government violated the Due Process clause of the Fifth Amendment.

Count III – Violation of Right to Substantive Due Process

95. Petitioner Mr. Lopez-Cruz incorporates by reference the allegations of fact set forth in preceding paragraphs.

96. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

97. The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be...deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

98. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

99. Continuing to jail Petitioner Mr. Lopez Cruz by invoking *Yajure Hurtado*—bears no reasonable relation to any legitimate purpose and is arbitrary in violation of substantive due process. See *Zadvydas*, 533 U.S. at 690. The BIA's new interpretation would convert a definitional label ("applicant for admission") in the "inspection" statute into a perpetual, interior no-bond regime untethered to Congress's two-track structure and the Federal Register limits that cabin expedited-removal custody. If § 235(b)(2)(A) could be stretched that far, the Court should reject that construction under constitutional avoidance; if accepted, it would invite precisely the kind of unreviewable, prolonged civil detention the Constitution forbids. See *Clark*, 543 U.S. at 381-82; *Jennings*, 583 U.S. at 300-01.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Lopez Cruz prays that this Honorable Court:

1. Assume jurisdiction over the matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within 3 days.
3. Declare that Petitioner's mandatory detention is unlawful;
4. Enjoin Respondents from transferring the Petitioner outside the jurisdiction of the Western District of Texas or to resolve the removal proceedings pending the resolution of this case;
5. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody under the same conditions of supervision that existed prior to his current detention, without the imposition of additional restrictive measures;

6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 8 U.S.C. § 2412, and on any other basis justified under law; and

7. Grant any further relief this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Dated: February 6, 2026.

Respectfully submitted,

Jeffrey A. Peek
Attorney for Petitioner
Texas State Bar No. 24027727
Peek Law Group PLLC
1406 Waller St Austin Texas 78702
512-474-4445
Federal@peeklawgroup.com

COUNSEL'S VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner as their attorney. I have reviewed relevant documentation of the events described in this Petition and Complaint reasonably available to me prior to, and at the time of, filing. On the basis of those documents and discussions with individuals whom Petitioner authorized to speak on his behalf, I hereby verify that the statements made in the foregoing Verified Petition for a Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Jeffrey A. Peek
Attorney for Petitioner
Texas State Bar No. 24027727
Peek Law Group PLLC
1406 Waller St Austin Texas 78702
512-474-4445
Federal@peeklawgroup.com

TABLE OF EXHIBITS IN SUPPORT OF PETITION

Exhibit	Exhibit Name
1	Identification Documents
2	Relative' Identification Documents.
3	AILA PRACTICE ADVISORY: Seeking Bond Hearings for Maldonado Bautista Class Members – Those Who Entered Without Inspection and Are Subject to Yajure-Hurtado
4	ICE Online Detainee Locator System
5	Original 2014 Notice to Appear (NTA)
6	Petitioner's son Medical Records
7	Form I-797 Receipt Notice for EOIR-42B (Cancellation of Removal)
8	EAD History: Copies of previous Employment Authorization Cards (Category C10)
9	2018 IJ Order (Termination)
10	2024 IJ Final Order of Dismissal
11	DOJ Victim Notification Letter (Case No. 2024R06186)
12	Motion and Order to Dismiss (Cause No. 22980)
13	New 2026 Notice to Appear (NTA issued Jan 27, 2026)
14	EOIR Online System.

EXHIBIT "1"

[redacted]

Para uso exclusivo de la Secretaría de Relaciones Exteriores para la expedición de pasaportes a personas menores de edad o personas con discapacidad que no estén en posibilidad de manifestar su voluntad.
For the exclusive use of the Ministry of Foreign Affairs for the issuance of passports to minors or people with disabilities who are unable to express their will.

15

35

PASAPORTE
PASSPORT

ESTADOS UNIDOS MEXICANOS

863131

[redacted]

Observaciones/
Remarks

[redacted]

FOLIO

[redacted]

Identificador Electrónico

[redacted]

Clave Única de Registro de Población

[redacted]

Número de Certificado de Nacimiento

—

Estados Unidos Mexicanos

Acta de Nacimiento

Entidad de Registro

VERACRUZ

Municipio de Registro

MINATITLAN

Oficialía	Fecha de Registro	Libro	Número de Acta
0001	[redacted]	10	2339

Datos de la Persona Registrada

MARTIN	LOPEZ	CRUZ
Nombre(s):	Primer Apellido:	Segundo Apellido:

HOMBRE	[redacted]	MINATITLAN VERACRUZ
Sexo:	Fecha de Nacimiento:	Lugar de Nacimiento:

Datos de Filiación de la Persona Registrada

[redacted]			MEXICANA	[redacted] —
Nombre(s):	Primer Apellido:	Segundo Apellido:	Nacionalidad:	CURP:

[redacted]			MEXICANA	[redacted] —
Nombre(s):	Primer Apellido:	Segundo Apellido:	Nacionalidad:	CURP:

Anotaciones Marginales:	Certificación:
Sin anotaciones marginales.	Se extiende la presente copia certificada, con fundamento en los artículos 670 y 680 del Código Civil del Estado de Veracruz y el artículo 35 fracción IX del Reglamento Interior de la Secretaría de Gobierno del Estado de Veracruz. La Firma Electrónica con la que cuenta es vigente a la fecha de expedición; tiene validez jurídica y probatoria de acuerdo a las disposiciones legales en la materia.
	A LOS 17 DÍAS DEL MES DE JULIO DE 2023 . DOY FE.

Firma Electrónica:

TE 9D TT g3 MD ky Mk hW Wl BS Uj Az fE 1B Ul RJ Tn xM T1 BF Wn xD Ul Va fD Ez MD Ew OD Aw MD Ex OT k1 MD Iz Mz kw fE 18 Mj Iv MD kv MT k4 N3 xW RV JB Q1 JV Wn xU T0 1B Uy BM T1 BF Wl BE SU Fa fE pV QU 5B

Código QR

[redacted]

DIRECTOR GENERAL DEL REGISTRO CIVIL

MTRO. CARLOS CORDOVA VEGA

La presente copia certificada del acta es un extracto del acta que se encuentra en los archivos del Registro Civil correspondiente, la cual se ha expedido con base en las disposiciones jurídicas aplicables, cuyos datos pueden ser verificados en la página https://cevar.registrocivil.gob.mx/eVAR/ConsultaFolio.jsp ,capturando el Identificador Electrónico que se encuentra en la parte superior derecha del acta, para su consulta en dispositivos móviles, descarga una aplicación para lectura del código QR.

Electronic Identifier
[redacted]

Unique Population Registry Code
[redacted]

Birth Certificate Number

UNITED MEXICAN STATES
BIRTH CERTIFICATE

Registry Entity
VERACRUZ
Municipality of Registry
MINATITLAN

Office	Date of Registry	Book	Act No.
0001	06/15/1995	[redacted]	[redacted]

DATA OF THE REGISTERED PERSON

MARTIN
Name (s):

LOPEZ
First Surname:

CRUZ
Second Surname:

MALE
Gender:

[redacted]
Date of Birth:

MINATITLAN, VERACRUZ
Place of Birth:

DATA OF RELATIOSHIP OF THE REGISTERED PERSON

[redacted]
Name (s): First Surname: Second Surname:

MEXICAN
Nationality

CURP:

[redacted]
First Surname: Second Surname:

MEXICAN
Nationality

CURP:

Marginal Notes:
No marginal notes.

Certification: The present copy of certificate is issued, according to articles 22 and 23 of the Family Code of Veracruz in relation to articles 12 fraction VI, 98, 99, 100 and 101 of Internal Regulations of the Civil Registry of the State of Veracruz. The Electronic Signature with which it counts is valid as of the date of issue; it has legal and probative validity in accordance with the legal provisions on the matter.

ON THE 14TH DAY OF THE MONTH OF DECEMBER OF 2018. I ATTEST.

ELECTRONIC SIGNATURE:
[ILLEGIBLE SIGNATURE]
DIRECTOR GENERAL OF THE CIVIL REGISTRY OF VERACRUZ
LIC. MANUEL ARTURO DOMINGUEZ GALVAN

13

EXHIBIT "2"

CERTIFICATION OF VITAL RECORD

CITY OF TEMPLE, TEXAS

STATE OF TEXAS

CERTIFICATE OF BIRTH

BIRTH NUMBER

1. Child's Name First Middle Last Suffix: [redacted]
2. Date of Birth (mm/dd/yyyy): [redacted]
3. Sex: FEMALE

4a Place of Birth - County: BELL
4b City or Town (If outside city limits, give precinct no.): TEMPLE
5. Time of Birth: 07:28 AM
6a. Plurality - Single, Twin, Triplet, etc: SINGLE
6b If Plural Birth, Born 1st, 2nd, 3rd, etc:

7a Place of birth ☐ Clinic / Doctor's Office ☐ Licensed Birthing Center ☒ Hospital ☐ Home Birth (Planned to deliver at home? ☐ Yes ☐ No) ☐ Other (Specify):
7b Name of Hospital or Birthing Center, NPI (If Not Institution, Give Street Address): SCOTT AND WHITE MEMORIAL HOSPITAL

8a Attendant's Name, NPI, and Mailing Address: J L BRAKOVEC, TEMPLE, TEXAS 76508
8b. ☒ MD ☐ DO ☐ CNM ☐ Midwife ☐ Other (Specify):

9a. Certifier - I certify that this child was born alive at the place and time and on the date as stated
DAVID HOWELL
Signature and Title
Date Signed: [redacted]
9b. ☐ Attendant ☒ Facility Administrator / Designee ☐ Other (Specify):

10. Mother's Name Prior to First Marriage First Middle Last: KARLA DEBORAH COSSIO GUZMAN
11. Date of Birth (mm/dd/yyyy): [redacted]
12. Birthplace (State, Territory or Foreign Country): MEXICO
13a. Residence - State: TEXAS
13b County: BELL
13c. City, Town or Location: TEMPLE
13d. Street Address or Rural Location: [redacted]
13e. Zip Code: [redacted]
13f. Inside City Limits ☒ Yes ☐ No
14. Mailing Address: ☒ Same As Residence, or

15. Father's Name First Middle Last Suffix: MARTIN LOPEZ
16. Date of Birth (mm/dd/yyyy): [redacted]
17. Birthplace (State, Territory or Foreign Country): MEXICO

18a Local File Number: [redacted]
18b Date Received by Local Registrar: [redacted]
18c. Signature of Local Registrar: Clydette Entzminger

135870

VS-111.3 REV. 01/05 WARNING: THE PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT IN THIS FORM CAN BE 2-10 YEARS IN PRISON AND A FINE OF UP TO $5,000

[redacted]

This is to certify that this is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Sec. 191.051, Health and Safety Code.

ISSUED [redacted] 68

Clydette Entzminger
Clydette Entzminger
Local Registrar
Bureau of Vital Statistics

CITY OF TEMPLE ★ THE STATE OF TEXAS

THE STATE OF TEXAS

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

CERTIFICATION OF VITAL RECORD

CITY OF TEMPLE, TEXAS

STATE OF TEXAS

CERTIFICATE OF BIRTH

BIRTH NUMBER

1 Child's Name First Middle Last Suffix: [redacted]

2 Date of Birth (mm/dd/yyyy): [redacted]

3 Sex: FEMALE

4a Place of Birth County: BELL

City: TEMPLE

5 Time of Birth: 02:42 PM

6a Plurality - Single, Twin, Triplet, etc: SINGLE

6b If Plural Birth, Born 1st, 2nd 3rd etc:

7a Place of birth ☐ Clinic/ Doctor's Office ☐ Licensed Birthing Center ☒ Hospital ☐ Home Birth (Planned to deliver at home? ☐ Yes ☐ No) ☐ Other (Specify)

7b Name of Hospital or Birthing Center, NPI (If Not Institution, Give Street Address): SCOTT AND WHITE MEMORIAL HOSPITAL

8a Attendant's Name NPI, and Mailing Address: RM ZIMMERMAN, 2401 SOUTH 31ST STREET TEMPLE, TEXAS 76508

8b ☒ MD ☐ DO ☐ CNM ☐ Midwife ☐ Other (Specify)

9a Certifier - I certify that this child was born alive at the place and time and on the date as stated

YOLANDA SALINAS

Signature and Title

Date Signed: [redacted]

9b ☐ Attendant ☒ Facility Administrator / Designee ☐ Other (Specify)

10 Mother's Name Prior to First Marriage First Middle Last: KARLA DEBORAH COSSIO GUZMAN

11 Date of Birth (mm/dd/yyyy): [redacted]

12 Birthplace (State Territory or Foreign Country): MEXICO

13a Residence State: TEXAS

13b County: BELL

13c City, Town or Location: TEMPLE

13d Street Address or Rural Location: [redacted]

13e Zip Code: [redacted]

13f Inside City Limits ☒ Yes ☐ No

14 Mailing Address ☒ Same As Residence or

15 Father's Name First Middle Last Suffix: MARTIN LOPEZ

16 Date of Birth (mm/dd/yyyy): [redacted]

17 Birthplace (State, Territory or Foreign Country): MEXICO

18a Local File Number: [redacted]

18b Date Received by Local Registrar: [redacted]

18c Signature of Local Registrar: Lacy Borgeson

VS-111.3 REV 01/05 WARNING: THE PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT IN THIS FORM CAN BE 2-10 YEARS IN PRISON AND A FINE OF UP TO $5,000 282105

[redacted]

This is to certify that this is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Sec. 191.051, Health and Safety Code.

Lacy Borgeson

Lacy Borgeson
Local Registrar
Bureau of Vital Statistics

ISSUED [redacted]

69

CITY OF TEMPLE · THE STATE OF TEXAS

THE STATE OF TEXAS

STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

CITY OF TEMPLE

STATE OF TEXAS CERTIFICATE OF BIRTH

BIRTH NUMBER

1. Child's Name First Middle Last Suffix: [redacted] [redacted]
2. Date of Birth (mm/dd/yyyy): [redacted]
3. Sex: FEMALE

4a. [redacted] city limits, give precinct no.): BELL / TEMPLE
5. Time of Birth: 08:07 AM
6a. Plurality - Single, Twin, Triplet, etc.: SINGLE
6b. If Plural Birth, Born 1st, 2nd, 3rd, etc.

7a. Place of birth ☐ Clinic / Doctor's Office ☐ Licensed Birthing Center ☒ Hospital ☐ Home Birth (Planned to deliver at home? ☐ Yes ☐ No) ☐ Other (Specify):

7b. Name of Hospital or Birthing Center, NPI (If Not Institution, Give Street Address): SCOTT & WHITE MEDICAL CENTER - TEMPLE

8a. Attendant's Name, NPI, and Mailing Address: BELINDA KOHL-THOMAS, 2401 SOUTH 31ST STREET TEMPLE, TEXAS 76508

9a. Certifier - I certify that this child was born alive at the place and time and on the date as stated.
TERESA HERNANDEZ — Signature and Title — [redacted] Date Signed

8b. ☒ MD ☐ DO ☐ CNM ☐ Midwife ☐ Other (Specify):

9b. ☐ Attendant ☒ Facility Administrator / Designee ☐ Other (Specify):

10. Mother's Name Prior to First Marriage First Middle Last: KARLA DEBORAH CASSIO GUZMAN
11. Date of Birth (mm/dd/yyyy): [redacted]
12. Birthplace (State, Territory or Foreign Country): MEXICO

13a. Residence - State: TEXAS
13b. County: BELL
13c. City, Town or Location: TEMPLE
13d. Street Address or Rural Location: [redacted]
13e. Zip Code: [redacted]
13f. Inside City Limits ☒ Yes ☐ No
14. Mailing Address: ☒ Same As Residence, or

15. Father's Name Prior to First Marriage First Middle Last Suffix: MARTIN LOPEZ
16. Date of Birth (mm/dd/yyyy): [redacted]
17. Birthplace (State, Territory or Foreign Country): MEXICO

18a. Local File Number: [redacted]
18b. Date Received by Local Registrar: [redacted]
18c. Signature of Local Registrar: Kacy Borgeson

192860

VS-111.3 REV. 01/05 WARNING: THE PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT IN THIS FORM CAN BE 2-10 YEARS IN PRISON AND A FINE OF UP TO $5,000.

[redacted]

THE STATE OF TEXAS

This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED [redacted]

Jana Lewellen
Jana Lewellen
Local Registrar

CITY OF TEMPLE THE STATE OF TEXAS

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

CITY OF TEMPLE

STATE OF TEXAS CERTIFICATE OF BIRTH

BIRTH NUMBER

1. Child's Name First Middle Last Suffix: [redacted]
2. Date of Birth (mm/dd/yyyy): [redacted]
3. Sex: MALE
4a. Place of Birth - County: BELL
4b. City or Town: TEMPLE
5. Time Of Birth: 08:00 AM
6a. Plurality - Single, Twin, Triplet, etc.: SINGLE
6b. If Plural Birth, Born 1st, 2nd, 3rd, etc.:
7a. Place Of Birth ☐ Clinic/Doctor's Office ☐ Licensed Birthing Center ☒ Hospital ☐ Home Birth ☐ Other (Specify):
7b. Name of Hospital or Birthing Center, NPI *(If Not Institution, Give Street Address)*: BAYLOR SCOTT & WHITE MEDICAL CTR - TEMPLE
8a. Attendant's Name, NPI; and Mailing Address: CHRISTOPHER BIRKHOLZ, 2401 SOUTH 31ST STREET TEMPLE, TEXAS 76508
8b. ☒ MD ☐ DO ☐ CNM ☐ Midwife ☐ Other (Specify):
9a. Certifier - *I certify that this child was born alive at the place and time and on the date as stated.*
TERESA HERNANDEZ — *Signature and Title* — [redacted] *Date Signed*
9b. ☐ Attendant ☒ Facility Administrator / Designee ☐ Other (Specify):
10. Mother's Name Prior to First Marriage First Middle Last Suffix: MARIBEL ARREOLA MORALES
11. Date of Birth (mm/dd/yyyy): [redacted]
12. Birthplace (State, Territory or Foreign Country): MEXICO
13a. Residence - State: TEXAS
13b. County: LAMPASAS
13c. City, Town or Location: LAMPASAS
13d. Street Address or Rural Location: [redacted]
13e. Zip Code: [redacted]
13f. Inside City Limits ☒ Yes ☐ No
14. Mailing Address: [redacted] ☒ Same As Residence, or: *(If Same As Residence, Enter Zip Code Only)*
15. Father's Name Prior to First Marriage First Middle Last Suffix: MARTIN LOPEZ CRUZ
16. Date of Birth (mm/dd/yyyy): [redacted]
17. Birthplace (State, Territory or Foreign Country): MEXICO
18a. Local File Number: [redacted]
18b. Date Received By Local Registrar: [redacted]
18c. Signature of Local Registrar: Jana Lewellen

VS-111.3 REV. 01/05 WARNING: THE PENALTY FOR KNOWINGLY MAKING A FALSE STATEMENT IN THIS FORM CAN BE 2-10 YEARS IN PRISON AND A FINE OF UP TO $5,000. 093765

[redacted]

THE STATE OF TEXAS

This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED [redacted]

21

Jana Lewellen
Jana Lewellen
Local Registrar

CITY OF TEMPLE THE STATE OF TEXAS

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

EXHIBIT “3”

ACLU AMERICAN CIVIL LIBERTIES UNION FOUNDATION | Northwest IMMIGRANT RIGHTS Project | ACLU AMERICAN CIVIL LIBERTIES UNION FOUNDATION Southern California | USC Gould School of Law *Immigration Clinic*

PRACTICE ADVISORY

Seeking Bond Hearings for *Maldonado Bautista* Class Members –
Those Who Entered Without Inspection and Are Subject to *Yajure-Hurtado*

Updated December 3, 2025

On November 25, 2025, the U.S. District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz*, certifying a nationwide class of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government's allegation that they entered the United States without admission or inspection (colloquially referred to as "entered without inspection" or "EWI"). **The Court granted declaratory relief to the entire class**, holding that the government is unlawfully subjecting them to mandatory (meaning no-bond) detention and that class members are eligible for release on bond under the immigration laws. Thus, under the Court's order, class members should be able to request a bond hearing in immigration court before an immigration judge (IJ) who must consider whether they are suitable for release on bond while their removal proceedings are pending. However, initial reports from practitioners indicate that the Department of Justice (DOJ) has instructed IJs to ignore the Court's order. As a result, we have also provided information for what to do if that occurs in your case.

This advisory provides a synopsis of the Court's decisions, as well as information for how to request a bond hearing. This advisory also briefly describes potential next steps in the *Maldonado Bautista* litigation. The situation is evolving, and we will update this advisory as circumstances change.

In the meantime, we are interested to hear how the Court's decision is impacting detention and access to bond hearings for class members. Please contact the email address below if you would like to share information, or if you have any questions about the *Maldonado Bautista* case.

Maldonado Bautista Class Counsel Contact:
Bautista_EWI_Class@aclu.org

Background on the Government's No-Bond Policy

For decades, noncitizens who entered without inspection, were arrested in the United States and were placed into removal proceedings were generally subject to discretionary detention under 8 U.S.C. § 1226(a) (and its predecessor statute). Under that framework, they could be considered for release on bond or conditional parole by the Department of Homeland

Security ("DHS") and receive a bond hearing in immigration court before an IJ who could order release if found not to pose an undue flight risk or danger that justified continued detention.

The government upended this long-held understanding of the law in 2025.[1] First, on July 8, 2025, U.S. Immigration and Customs Enforcement ("ICE") issued an interim guidance memo stating that anyone who entered without inspection was ineligible for release on bond and could not challenge their detention at a bond hearing in immigration court, regardless of how long an individual has lived in the United States. As a result, DHS attorneys started arguing, and some IJs started finding, that such individuals were not eligible for bond hearings in immigration court. Then, on September 5, 2025, the Board of Immigration Appeals ("BIA") issued a precedential decision, binding on all IJs, holding that an IJ had no authority to consider bond requests for any person who entered the United States without inspection. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The BIA determined that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond. Although such individuals are technically eligible for release on humanitarian parole under 8 U.S.C. § 1182(a)(d)(5)(A), in practice, DHS is not exercising this authority. As a result, thousands of people are facing months or years in detention without any individualized consideration for whether they should be detained.

Mandatory detention under 8 U.S.C. § 1225(b)(2)(A) applies "in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that [a noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted[.]" The government's position is that anyone who entered without inspection remains an "applicant for admission" who is "seeking admission" and thus subject to § 1225(b)(2). The vast majority of district court judges who have considered this legal issue, however, have rejected the government's position and have held that such individuals are subject to § 1226(a) and thus eligible for a bond hearing. Partner organizations have developed practice advisories and other resources on seeking release for those subject to § 1225(b).

***Maldonado Bautista* and the District Court's Orders**

On July 18, 2025, several weeks after the new DHS policy was announced, a nationwide class action was filed on behalf of four detained petitioners in the Central District of California challenging the new mandatory detention policy. That case, *Maldonado Bautista v. Santacruz* (Case No. 5:25-cv-1873) is litigated by the American Civil Liberties Union Immigrants' Rights Project ("ACLU IRP"), ACLU of Southern California ("ACLU SoCal"), Northwest Immigrant Rights Project ("NWIRP"), and USC Gould School of Law Immigration Clinic ("USC Immigration Clinic") (collectively referred to as "Class Counsel").

[1] Before this, around 2022, IJs in Tacoma, Washington, stopped providing bond hearings to those who entered the United States without inspection, but it was not until July 2025 that DHS adopted this position nationwide.

The Court granted a temporary restraining order and ordered bond hearings for the four named petitioners. Because of limits on the availability of classwide injunctive relief,[2] the petitioners quickly filed a motion for class certification and partial summary judgment. Specifically, the petitioners sought a declaration that all class members are detained under § 1226(a) and not § 1225(b)(2), and are thus eligible for consideration for bond, and also sought vacatur of the new DHS and BIA mandatory detention policies.

On November 20, 2025, the Court granted partial summary judgment for the four petitioners, holding that the government's policy is inconsistent with the plain language of the Immigration and Nationality Act ("INA"), and that petitioners are properly subject to § 1226(a). *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). Five days later, on November 25, 2025, the Court certified a nationwide class of individuals who are being subject to the government's new no-bond policy—the Bond Eligible Class—and expressly "extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *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) (emphasis added).

Who is a Class Member?

The district court certified the following Bond Eligible Class:

> All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *9. Under this class definition, there are two groups of people who have claims to relief. First, there are those who entered the United States, were not apprehended at or near the border or close in time to their entry, and who were later arrested by immigration authorities. Second, there are those who were apprehended at or near the border and close in time to their entry, were released on recognizance, and then were re-detained by immigration authorities after residing in the United States.

The first group of persons has a straightforward claim to class membership that the government should not contest (so long as the person claiming class membership does not have other complicating facts, like criminal history that potentially subjects the person to § 1226(c)).

[2] In *Garland v. Aleman Gonzalez*, the Supreme Court interpreted 8 U.S.C. § 1252(f)(1) to prohibit classwide injunctive relief regarding certain immigration detention statutes like the ones at issue here. 596 U.S. 543 (2022). However, § 1252(f)(1) does not bar other forms of relief, like classwide declaratory relief. *See, e.g.*, *Al Otro Lado v. Exec. Off. for Immigr. Rev.*, 138 F.4th 1102, 1123–24 (9th Cir. 2025).

However, the government is likely to contest class membership for the second group identified above. Among other arguments, advocates may want to assert that the adjudicating court should look to the most recent arrest to determine whether or not someone was apprehended "upon arrival." In addition, the *Maldonado Bautista* court's reasoning and language also indicate that the relevant inquiry for determining class membership should be a person's most recent arrest. Advocates asserting class membership for a person who falls in the second group may need to add an alternative argument that even if they are not found to be class members, the same legal analysis dictates that they are detained under § 1226(a) and must be granted a bond hearing.[3]

How to Request a Bond Hearing in Immigration Court

As noted above, since *Maldonado Bautista* district court issued its judgment on behalf of the Bond Eligible Class, the government appears to have instructed IJs not to abide by the order.

This leaves advocates with two options. Because the government has instructed IJs not to honor the *Maldonado Bautista* judgment, advocates may wish to proceed directly to filing a petition for writ of habeas corpus based on class membership. Once a habeas petition is granted, advocates should submit a bond hearing request with a copy of the court order granting the habeas petition via ECAS.

Alternatively, some advocates may wish to have a bond hearing before an IJ prior to filing a petition for writ of habeas corpus if they believe the IJ will either (1) grant a bond or (2) be amenable to issuing an order specifying a bond amount in the alternative, as this may lead to quicker release. In some places, IJs have denied bond based on *Matter of Yajure Hurtado*, but then issued an alternative finding on whether the IJ would release on bond but for the perceived lack of jurisdiction and, if so, on what amount (i.e., set an "alternative bond"). An individual can then petition for a writ of habeas corpus, requesting that the court order the person released on the alternative bond as a *Maldonado Bautista* class member. Seeking an alternative bond holding would obviate the need to go through another bond hearing. However, for most cases, it is not worth delaying the habeas petition to await a bond hearing.

Advocates who opt to request bond before filing a petition for writ of habeas corpus should include copies of the order granting partial summary judgment and granting class certification. In addition, they should assert the facts necessary to demonstrate their client is a class member and that the declaratory judgment constitutes a binding ruling that requires the IJ to consider their client detained under 8 U.S.C. § 1226(a).

Appendix A has sample language that practitioners may wish to include to present this argument to the IJ.

[3] Advocates can look at a recent district court decision making a similar alternative finding with respect to a regional class covering persons detained in Tacoma, Washington. Order, *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054-TMC (W.D. Wash. Nov. 26, 2025), Dkt. 28, at *4 ("[T]he fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds.").

Filing a Habeas Petition to Enforce *Maldonado Bautista*

So long as the government refuses to comply with the declaratory judgment in *Maldonado Bautista*, advocates will need to file petitions for writs of habeas corpus. These petitions should assert that the person is a class member in *Maldonado Bautista*, and that by virtue of the final declaratory judgment issued in that case, the person is entitled to a bond hearing under 8 U.S.C. § 1226(a). Advocates can download a Word version of a template petition for writ of habeas corpus here. While the mechanics of filing petitions for writs of habeas corpus are beyond the scope of this advisory, there are many publicly accessible resources to guide advocates, including this advisory from the National Immigration Litigation Alliance.

Notably, *Maldonado Bautista* did not include habeas claims on behalf of the class. Thus, class members are not precluded from filing habeas petitions that assert that they are unlawfully detained because Defendants have denied them their statutory rights to a bond hearing, as determined by the district court's orders in *Maldonado Bautista*.

IJs have provided different rationale for refusing to comply with the declaratory judgment. Some have mistakenly asserted that the court did not provide classwide declaratory judgment. Advocates should point to the express language in the order that "the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista*, --- F. Supp. 3d ----, 2025 WL 3288403, at *9.

Other IJs have stated that EOIR has taken the position that the *Maldonado Bautista* is not a binding, final judgment. This argument is wrong and is at odds with the *Maldonado Bautista* court's orders. The confusion stems from the fact the district court granted a partial summary judgment, as Plaintiffs did not move for summary judgment on all of their claims (e.g., their due process claim and APA claims relating to arbitrary and capricious action and rulemaking). As such, those claims remain pending, which is why the district court scheduled a status conference to determine how to address them. Under Federal Rules of Civil Procedure 54(b), a court may nonetheless order a final judgment even if it has not yet resolved all claims. In this case, the Court initially declined to do so in granting summary judgment because the Court had not yet ruled on the motion for class certification. This does not change the fact that the Court has granted summary judgment in the form of declaratory relief on behalf of the class and all parties remain bound by that order unless it is stayed, overturned on appeal, or the district court modifies the order.

However, should DOJ assert this position in a habeas petition, and should a federal judge agree, a habeas petitioner may seek to amend their petition for writ of habeas corpus to present a claim that the detained person is detained under § 1226(a), independent of any claim to class membership, just as advocates have done prior to the *Maldonado Bautista* orders.

Similarly, if DOJ asserts and a judge agrees that a habeas petitioner is not a class member, that person may seek to amend their habeas petition to assert a claim that, regardless of *Maldonado Bautista* class membership, the person is detained under 8 U.S.C. § 1226(a).

What Happens Next?

Because of the government's noncompliance with the *Maldonado Bautista* order, Class Counsel will likely be seeking further relief from the district court, including further clarification of the order granting summary judgment. The government has not yet indicated whether it intends to appeal.

The government has already appealed multiple decisions granting habeas relief to individuals who were subject to § 1225(b)(2) mandatory detention. It is therefore likely that the courts of appeals will weigh in on the legal issue over the coming months. ACLU IRP is tracking and coordinating those appeals, so please reach out if you have a case that has been appealed: My Khanh Ngo (mngo@aclu.org). In the Ninth Circuit, where the *Maldonado Bautista* case is being litigated, several appeals are already pending. There, the lead case appears to be NWIRP's regional class action for people detained at the Northwest ICE Processing Center, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash.). Briefing is set to be complete in that matter by February. There are also appeals pending, several with expedited briefing schedules, in the following circuits: First, Fifth, Sixth, Seventh, Eighth, Ninth, and Eleventh Circuits.

In addition to *Maldonado Bautista*, there are several pending regional class actions challenging the government's no-bond for EWIs policy. If you have questions about the interaction between *Maldonado Bautista* and any regional class actions, please contact us.

Compliance with the Court's declaratory relief will likely remain an issue. Please feel free to contact Class Counsel regarding issues with compliance and any other questions about the ongoing *Maldonado Bautista* litigation.

Appendix A – Sample Bond Request Language Regarding Declaratory Judgments

Mr. XX is a class member in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). In *Maldonado Bautista* the court certified the Bond Eligible Class, defined as:

> All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

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). Mr. XX is a noncitizen without lawful status detained at the [detention center] who (1) entered the United States without inspection, (2) was not apprehended upon arrival, and (3) is not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, as a member of the Bond Eligible Class, Mr. XX is entitled to the application of the law as stated in the *Maldonado Bautista* orders granting summary judgment and class certification. *See* 2025 WL 3288403, at *9 ("When 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.").

This Court is obligated to apply the law to all class members, as determined in the binding, final judgment issued in *Maldonado Bautista*. The Executive Office for Immigration Review is a Defendant in *Maldonado Bautista*, and is thus bound by the ruling there, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). It is a "basic proposition that all orders and judgments of courts must be complied with promptly," *Maness v. Meyers*, 419 U.S. 449, 458 (1975), and thus, in "suits against government officials and departments, [courts] assume that they will comply with declaratory judgments." *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023). This is because declaratory judgments like the one in *Maldonado Bautista* have "the same effect as an injunction in fixing the parties' legal entitlements." *Florida ex rel. Bondi v. U.S. Dep't of Health & Hum. Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011). This understanding of declaratory judgments—and thus this court's obligation to comply with the declaratory judgment in *Maldonado Bautista* —is consistent with the decisions of many courts. *See, e.g.*, *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.) ("[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court."), *abrogated on other grounds by*, *Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), *cert. denied*, 144 S. Ct. 688 (2024); *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988) (describing declaratory relief as "the functional equivalent of a writ of mandamus"); *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998) ("The government's decision to appeal this Court's ruling does not affect the validity of the declaratory judgment unless and until the judgment is reversed on appeal or the government seeks and is granted a stay pending appeal."), *rev'd on other grounds*, 184 F.3d 900 (D.C. Cir. 1999).

EXHIBIT "4"

Official Website of the Department of Homeland Security

U.S. Immigration and Customs Enforcement

Report Crimes: Email or Call 1-866-DHS-2-ICE

Home Who We Are What We Do Newsroom Information Library Contact ICE

Search Results: 1

MARTIN LOPEZ-CRUZ

Country of Birth : Mexico
A-Number: [redacted]
Status : In ICE Custody
State: TX
Current Detention Facility: T. DON HUTTO DETENTION CENTER
* *Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case
About the Detainee Locator
Brochure
ICE ERO Field Offices
ICE Detention Facilities
Privacy Notice

External Links

Bureau of Prisons Inmate Locator

DHS.gov USA.gov OIG Open Gov FOIA Metrics No Fear Act Site Map Site Policies & Plug-Ins

Privacy - Terms

EXHIBIT "5"

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

DOB: [redacted] Event No: [redacted]

In the Matter of:

Respondent: MARTIN LOPEZ currently residing at:

South Texas Detention Center,566 Veterans Drive,Pearsall, TEXAS, 78061 (210) 231-4510

(Number, street, city and ZIP code) (Area code and phone number)

☐ 1. You are an arriving alien.

☒ 2. You are an alien present in the United States who has not been admitted or paroled.

☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of MEXICO and a citizen of MEXICO;

3. You arrived in the United States at or near an unknown place, on or about an unknown date;

4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

800 DOLOROSA STREET-SUITE 300 San Antonio TX 78207. EOIR San Antonio, TX

(Complete Address of Immigration Court, Including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the
(Date) *(Time)*

charge(s) set forth above. S 4174 MOCK SDDO

(Signature and Title of Issuing Officer)

Date: February 5, 2014 Waco, Texas

(City and State)

See reverse for important information

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Form I-862 (Rev. 08/01/07)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before: ______________________ *(Signature of Respondent)*

Date: ____________

____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on February 5, 2014, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

[X] in person [ ] by certified mail, returned receipt requested [ ] by regular mail

[ ] Attached is a credible fear worksheet.

[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish / English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

REFUSED TO SIGN

(Signature of Respondent if Personally Served)

P 8208 MEYER IEA

(Signature and Title of officer)

U.S. Department of Homeland Security

Notice of Custody Determination

LOPEZ, MARTIN

Event No: [redacted]
File No:
Date: 02/05/2014
FIN: [redacted]

South Texas Detention Center
566 Veterans Drive
Pearsall, TEXAS, 78061

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- ☐ detained in the custody of the Department of Homeland Security.
- ☒ released under bond in the amount of $ 1,500.00
- ☐ released on your own recognizance.

☒ You may request a review of this determination by an immigration judge.

☐ You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

B 4171 MOCK
(Signature of authorized officer)

SDDO
(Title of authorized officer)

Waco, Texas
(Office location)

☐ I do ☐ do not request a redetermination of this custody decision by an immigration judge.

☐ I acknowledge receipt of this notification.

REFUSED TO SIGN
(Signature of respondent)

2/5/14
(Date)

RESULT OF CUSTODY REDETERMINATION

On ______________, custody status/conditions for release were reconsidered by:

☐ Immigration Judge ☐ DHS Official ☐ Board of Immigration Appeals

The results of the redetermination/reconsiderationare:

- ☐ No change - Original determination upheld.
- ☐ Detain in custody of this Service.
- ☐ Bond amount reset to ______________
- ☐ Release - Order of Recognizance
- ☐ Release - Personal Recognizance
- ☐ Other: ______________

(Signature of officer)

Form I-286 (Rev. 08/01/07)

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [redacted]
Event No: [redacted]
FINS #: [redacted]
Date: February 5, 2014

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

MARTIN LOPEZ
(Full name of alien)

an alien who entered the United States at or near Unknown Place (Port) on Unknown Date (Date) is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of Designated Immigration Officer)

S 4174 MOCK
(Print name of Designated Immigration Officer)

SDDO
(Title)

Certificate of Service

Served by me at Waco, Texas on February 5, 2014 at 07:15 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

P 4200 MEYER
(Signature of officer serving warrant)

IEA
(Title of officer serving warrant)

Form I-200 (Rev. 08/01/07)

EXHIBIT "6"

EXHIBIT “7”

01:27:32 p.m. 07-31-2014 1 /3

254-773-9099

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER
[redacted]

CASE TYPE
EOIR 42B Application for Cancellation of Removal and Ad[redacted]tus for Certain Nonpermanent Residents

RECEIVED DATE
JULY 21, 2014

PRIORITY DATE

APPLICANT
LOPEZ CRUZ, MARTIN

NOTICE DATE
JULY 21, 2014

PAGE
1 of 1

PRINCIPAL ALIEN

MARTIN LOPEZ CRUZ
1308 S 49 ST
TEMPLE, TX. 76504

Notice Type: Receipt Notice
Amount received: $100.00

This notice acknowledges the above receipt of your desigated application and fee as part of the requirements before the immigration judge can grant relief in your case.

The above application has been received and accepted as an I-485 receipt at the Texas Service Center. The actual case you submitted is listed in the block marked 'CASE TYPE'

Please notify us immediately if any of the above information is incorrect.

A fingerprint appointment will be scheduled and you will be notified at a later date.

Always remember to call customer service if you move while your case is pending.

You will be notified separately about any other cases you have filed.

CITIZENSHIP & IMMIGRATION SERVICE
TEXAS SERVICE CENTER
P O BOX 851488 - DEPT A
MESQUITE, TX 751851488
Customer Service Telephone: (800) 375-5283

Please see the back of this notice for important information.

Form I-797C 01/02/12 Y

254-773-9099

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER		CASE TYPE I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS
[redacted]		APPLICANT [redacted]
RECEIVED DATE July 21, 2014	PRIORITY DATE	LOPEZ CRUZ, MARTIN
NOTICE DATE July 21, 2014	PAGE 1 of 1	

MARTIN LOPEZ CRUZ
C/O EOIR 42B
1308 S 49 ST
TEMPLE TX 76504

Notice Type: Receipt Notice

Fee Previously Collected

Receipt Notice - This notice confirms that USCIS received your application or petition ("this case") as shown above. If any of the above information is incorrect, please immediately call 800-375-5283 to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics - In some types of cases USCIS requires biometrics. In such cases, USCIS 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 identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes - If your mailing address changes while your case is pending, call 800-375-5283 or use the "Online Change of Address" function on our website. Otherwise, you might not receive notice of our action on this case.

NOTICE: Pursuant to the terms of the United States Immigration & Nationality Act (INA), the information provided on and in support of applications and petitions is submitted under penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after adjudication to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine eligibility for the benefit sought. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal decision is made and/or proceeding is initiated.

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

IMMIGRATION & NATURALIZATION SERVICE
TEXAS SERVICE CENTER
P O BOX 851488 - DEPT A
MESQUITE TX 75185-1488
Customer Service Telephone: (800) 375-5283

2

Please see the back of this notice for important information.

Form I-797C 01/02/12 Y

OMB#1125-0001

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

Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents

PLEASE READ ADVICE AND INSTRUCTIONS BEFORE FILLING IN FORM

PLEASE TYPE OR PRINT

Fee Stamp (Official Use Only)

1) My present true name is: *(Last, First, Middle)* LOPEZ-CRUZ, Martin

2) Alien Registration (or "A") Number(s): [redacted]

3) My name given at birth was: *(Last, First, Middle)* LOPEZ-CRUZ, Martin

4) Birth Place: *(City and Country)* [redacted] MEXICO

5) Date of Birth: *(Month, Day, Year)* [redacted]

6) Gender: ☑ Male ☐ Female

7) Height: 5'5"

8) Hair Color: Black

9) Eye Color: Brown

10) Current Nationality and Citizenship: Mexican

11) Social Security Number: [redacted]

12) Home Phone Number: [redacted]

13) Work Phone Number:

14) I currently reside at: [redacted]

15) I have been known by these additional name(s):

16) I have resided in the following locations in the United States: (List PRESENT ADDRESS FIRST, and work back in time for at least 10 years.)

Street and Number - Apt. or Room # - City or Town - State - Zip Code	Resided From: *(Month, Day, Year)*	Resided To: *(Month, Day, Year)*
	2019	PRESENT
[redacted]		

17) I, the undersigned, hereby request that my removal be cancelled under the provisions of section 240A(b) of the Immigration and Nationality Act (INA). I believe that I am eligible for cancellation of removal because: (Check all that apply.)

☑ My removal would result in exceptional and extremely unusual hardship to my:

		UNITED STATES CITIZEN	LAWFUL PERMANENT RESIDENT
☐	spouse, who is a	☐	☐
☐	father, who is a	☐	☐
☐	mother, who is a	☐	☐
☑	child/children, who is/are a	☑	☐

☐ I, or my child, have been battered or subject to extreme cruelty by a United States citizen or lawful permanent resident spouse or parent.

With the exception of absences described in question #23, I have resided in the United States since: 09/20/2000 *(Month, Day, Year)*

Please continue answers on separate sheet as needed. 3

Form EOIR-42B
Revised Feb. 2022

PART 3 - INFORMATION ABOUT YOUR PRESENCE IN THE UNITED STATES

18) I first arrived in the United States under the name of: *(Last, First, Middle)*
LOPEZ-CRUZ, Martin

19) I first arrived in the United States on: *(Month, Day, Year)*
09/20/2000

20) Place or port of first arrival: *(Place or Port, City, and State)*
Del Rio, Texas

21) I: ☐ was inspected and admitted.
- ☐ I entered using my Lawful Permanent Resident card which is valid until ____ *(Month, Day, Year)*. Category on Lawful Permanent Resident card ____.
- ☐ I entered using a ____ *(Specify Type of Visa)* visa which is valid until ____ *(Month, Day, Year)*.

☑ was not inspected and admitted.
- ☑ I entered without documents. Explain: EWI
- ☑ I entered without inspection. Explain: EWI

☐ Other. Explain: ____

22) I applied on ____ *(Month, Day, Year)* for additional time to stay and it was ☐ granted on ____ *(Month, Day, Year)* and valid until ____ *(Month, Day, Year)*, or ☐ denied on ____ *(Month, Day, Year)*.

23) Since the date of my first entry, I departed from and returned to the United States at the following places and on the following dates: *(Please list all departures regardless of how briefly you were absent from the United States.)*

If you have never departed from the United States since your original date of entry, please mark an X in this box: ☑

1	Port of Departure *(Place or Port, City and State)*	Departure Date *(Month, Day, Year)*	Purpose of Travel	Destination
	Port of Return *(Place or Port, City and State)*	Return Date *(Month, Day, Year)*	Manner of Return	Inspected and Admitted? ☐ Yes ☐ No
2	Port of Departure *(Place or Port, City and State)*	Departure Date *(Month, Day, Year)*	Purpose of Travel	Destination
	Port of Return *(Place or Port, City and State)*	Return Date *(Month, Day, Year)*	Manner of Return	Inspected and Admitted? ☐ Yes ☐ No

24) Have you ever departed the United States: a) under an order of deportation, exclusion, or removal? ☐ Yes ☑ No
b) pursuant to a grant of voluntary departure? ☐ Yes ☑ No

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE *(Continued on page 3)*

25) I am not married: ☐ I am married: ☑

26) If married, the name of my spouse is: *(Last, First, Middle)*
COSSIO-GUZMAN, Karla Deborah

27) My spouse's name before marriage was:
COSSIO-GUZMAN, Karla Deborah

28) The marriage took place in: *(City and Country)*
Temple, Texas

29) Date of marriage: *(Month, Day, Year)*
01/05/2008

30) My spouse currently resides at:
Apt. number and/or in care of
4528 FM 1715
Number and Street
Lampasas | Texas | 76665
City or Town | *State/Country* | *Zip Code*

31) Place and date of birth of my spouse: *(City & Country; Month, Day, Year)*
[redacted]
Mexico

33) If your spouse is other than a native born United States citizen, answer the following:
He/she arrived in the United States at: *(Place or Port, City and State)* Chicago, Illinois
He/she arrived in the United States on: *(Month, Day, Year)* 03/12/2006
His/her alien registration number(s) is: A# ____
He/she was naturalized on: *(Month, Day, Year)* ____ at ____ *(City and State)*

34) My spouse ☐ - is ☑ - is not employed. If employed, please give salary and the name and address of the place(s) of employment.

Full Name and Address of Employer	Earnings Per Week *(Approximate)*
	$
	$
	$

Please continue answers on a separate sheet as needed.

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Form EOIR-42B
Revised Feb. 2022

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE *(Continued)*

35) I ☐ - have ☑ - have not been previously married: *(If previously married, list the name of each prior spouse, the dates on which each marriage began and ended, the place where the marriage terminated, and describe how each marriage ended.)*

Name of prior spouse: *(Last, First, Middle)*	Date marriage began: Date marriage ended:	Place marriage ended: *(City and Country)*	Description or manner of how marriage was terminated or ended:

36) My present spouse ☐ - has ☑ - has not been previously married: *(If previously married, list the names of each prior spouse, the dates on which each marriage began and ended, the place where the marriage terminated, and describe how each marriage ended.)*

Name of prior spouse: *(Last, First, Middle)*	Date marriage began: Date marriage ended:	Place marriage ended: *(City and Country)*	Description or manner of how marriage was terminated or ended:

37) Have you been ordered by any court, or are otherwise under any legal obligation, to provide child support and/or spousal maintenance as a result of a separation and/or divorce? ☐ Yes ☐ No

PART 5 - INFORMATION ABOUT YOUR EMPLOYMENT AND FINANCIAL STATUS

38) Since my arrival into the United States, I have been employed by the following named persons or firms: *(Please begin with present employment and work back in time. Any periods of unemployment or school attendance should be specified. Attach a separate sheet for additional entries if necessary.)*

Full Name and Address of Employer	Earnings Per Week *(Approximate)*	Type of Work Performed	Employed From: *(Month, Day, Year)*	Employed To: *(Month, Day, Year)*
[redacted]				

39) If self-employed, describe the nature of the business, the name of the business, its address, and net income derived therefrom:
Martin Remodeling; Remodeling of residential properties, 4528 FM 1715, Lampasas, Texas 76550

40) My assets (and if married, my spouse's assets) in the United States and other countries, not including clothing and household necessities, are:

Self
Cash, Stocks, and Bonds.............................. $
Real Estate.. $
Auto (dollar value minus amount owed)....... $
Other (describe on line below)..................... $
TOTAL $

Jointly Owned With Spouse
Cash, Stocks, and Bonds. [redacted]
Real Estate.
Auto (dollar value minus amount owed)
Other (describe on line below).
TOTAL

41) I ☐ - have ☑ - have not received public or private relief or assistance (e.g.,Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.). If you have, please give full details including the type of relief or assistance received, date for which relief or assistance was received, place, and total amount received during this time:

42) Please list each of the years in which you have filed an income tax return with the Internal Revenue Service:
2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021

Please continue answers on a separate sheet as needed.
(3)

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PART 6 - INFORMATION ABOUT YOUR FAMILY *(Continued on page 5)*

43) I have 3 *(Number of)* children. Please list information for each child below, include assets and earnings information for children over the age of 16 who have separate incomes:

Name of Child: *(Last, First, Middle)* Child's Alien Registration Number:	Citizen of What Country: Birth Date: *(Month, Day, Year)*	Now Residing At: *(City and Country)* Birth Place: *(City and Country)*	Immigration Status of Child
[redacted] A#:	USA [redacted]	Temple, Texas / Temple, Texas	USC
Estimated Total of Assets: $ 0.00	Estimated Average Weekly Earnings: $ 0.00		
[redacted] A#:	USA [redacted]	Temple, Texas / Temple, Texas	USC
Estimated Total of Assets: $ 0.00	Estimated Average Weekly Earnings: $ 0.00		
[redacted] A#:	USA [redacted]	Temple, Texas / Temple, Texas	USC
Estimated Total of Assets: $ 0.00	Estimated Average Weekly Earnings: $ 0.00		

44) If your application is denied, would your spouse and all of your children accompany you to your:

Country of Birth - ☐ Yes ☐ No

Country of Nationality - ☐ Yes ☐ No

Country of Last Residence - ☐ Yes ☐ No

If you answered "No" to any of the responses, please explain: I am undecided at this time.

45) Members of my family, including my spouse and/or child(ren) ☐ - have ☑ - have not received public or private relief or assistance (e.g., Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.). If any member of your immediate family has received such relief or assistance, please give full details including identity of person(s) receiving relief or assistance, dates for which relief or assistance was received, place, and total amount received during this time:

46) Please give the requested information about your parents, brothers, sisters, aunts, uncles, and grandparents, living or deceased. As to residence, show street address, city, and state, if in the United States; otherwise show only country:

Name: *(Last, First, Middle)* Alien Registration Number:	Citizen of What Country: Birth Date: *(Month, Day, Year)*	Relationship to Me: Birth Place: *(City and Country)*	Immigration Status of Listed Relative
[redacted] A#:	Mexico [redacted]	Father / Mexico	None
Complete Address of Current Residence, if Living:			
[redacted] A#:	Mexico [redacted]	Mother / Mexico	None
Complete Address of Current Residence, if Living:			

Please continue answers on separate sheet as needed.

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Form EOIR-42B
Revised Feb. 2022

PART 6 - INFORMATION ABOUT YOUR FAMILY *(Continued)*

IF THIS APPLICATION IS BASED ON HARDSHIP TO A PARENT OR PARENTS, QUESTIONS 47-50 MUST BE ANSWERED.

47) If your parent is not a citizen of the United States, give the date and place of arrival in the United States including full details as to the date, manner, and terms of admission into the United States: ______

48) My father ☐ - is ☐ - is not employed. If employed, please give salary and the name and address of the place(s) of employment.

Full Name and Address of Employer	Earnings Per Week *(Approximate)*
	$

49) My mother ☐ - is ☐ - is not employed. If employed, please give salary and the name and address of place(s) of employment.

Full Name and Address of Employer	Earnings Per Week *(Approximate)*
	$

50) My parent's assets in the United States and other countries not including clothing and household necessities are:

Assets of father consist of the following:
Cash, Stocks, and Bonds.............................. $ ______
Real Estate.. $ ______
Auto (dollar value minus amount owed)....... $ ______
Other (describe on line below)..................... $ ______
______ TOTAL $ ______

Assets of mother consist of the following:
Cash, Stocks, and Bonds.............................. $ ______
Real Estate.. $ ______
Auto (dollar value minus amount owed)........ $ ______
Other (describe on line below)..................... $ ______
______ TOTAL $ ______

PART 7 - MISCELLANEOUS INFORMATION *(Continued on page 6)*

51) I ☐ - have ☑ - have not entered the United States as a crewman after June 30, 1964.

52) I ☐ - have ☑ - have not been admitted as, or after arrival in the United States acquired the status of, an exchange alien.

53) I ☑ - have ☐ - have not submitted address reports as required by section 265 of the Immigration and Nationality Act.

54) I ☑ - have ☐ - have never (either in the United States or in any foreign country) been arrested, summoned into court as a defendant, convicted, fined, imprisoned, placed on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance(including, but not limited to, traffic violations or driving incidents involving alcohol). *(If answer is in the affirmative, please give a brief description of each offense including the name and location of the offense, date of conviction, any penalty imposed, any sentence imposed, and the time actually served. You are required to submit documentation of any such occurrences.)*

On 01/11/2014 I was arrested in Bell County, Texas, USA for Driving While Intoxicated. On 01/31/2014, I plead guilty and received 40 days jail time.

55) Have you ever served in the Armed Forces of the United States? ☐ Yes ☑ No. If "Yes" please state branch *(Army, Navy, etc.)* and service number: ______

Place of entry on duty: *(City and State)* ______

Date of entry on duty: *(Month, Day, Year)* ______ Date of discharge: *(Month, Day, Year)* ______

Type of discharge: *(Honorable, Dishonorable, etc.)* ______

I served in active duty status from: *(Month, Day, Year)* ______ to *(Month, Day, Year)* ______

56) Have you ever left the United States or the jurisdiction of the district where you registered for the draft to avoid being drafted into the military or naval forces of the United States? ☐ Yes ☑ No

Please continue answers on a separate sheet as needed.

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PART 7 - MISCELLANEOUS INFORMATION *(Continued)*

57) Have you ever deserted from the military or naval forces of the United States while the United States was at war? ☐ Yes ☑ No

58) If male, did you register under the Military Selective Service Act or any applicable previous Selective Service (Draft) Laws? ☐ Yes ☑ No
If "Yes," please give date, Selective Service number, local draft board number, and your last draft classification: ______

59) Were you ever exempted from service because of conscientious objection, alienage, or any other reason? ☐ Yes ☑ No

60) Please list your present or past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place since your 16th birthday. Include any foreign military service in this part. If none, write "None." Include the name of the organization, location, nature of the organization, and the dates of membership.

Name of Organization	Location of Organization	Nature of Organization	Member From: *(Month, Day, Year)*	Member To: *(Month, Day, Year)*

61) Have you ever:

- ☐ Yes ☑ No been ordered deported, excluded, or removed?
- ☐ Yes ☑ No overstayed a grant of voluntary departure from an Immigration Judge or the Department of Homeland Security (DHS), formerly the Immigration and Naturalization Service (INS)?
- ☐ Yes ☑ No failed to appear for removal or deportation?

62) Have you ever been:

- ☐ Yes ☑ No a habitual drunkard?
- ☐ Yes ☑ No one whose income is derived principally from illegal gambling?
- ☐ Yes ☑ No one who has given false testimony for the purpose of obtaining immigration benefits?
- ☐ Yes ☑ No one who has engaged in prostitution or unlawful commercialized vice?
- ☐ Yes ☑ No involved in a serious criminal offense and asserted immunity from prosecution?
- ☐ Yes ☑ No a polygamist?
- ☐ Yes ☑ No one who brought in or attempted to bring in another to the United States illegally?
- ☐ Yes ☑ No a trafficker of a controlled substance, or a knowing assister, abettor, conspirator, or colluder with others in any such controlled substance offense (not including a single offense of simple possession of 30 grams or less of marijuana)?
- ☐ Yes ☑ No inadmissible or deportable on security-related grounds under sections 212(a)(3) or 237(a)(4) of the INA?
- ☐ Yes ☑ No one who has ordered, incited, assisted, or otherwise participated in the persecution of an individual on account of his or her race, religion, nationality, membership in a particular social group, or political opinion?
- ☐ Yes ☑ No a person previously granted relief under sections 212(c) or 244(a) of the INA or whose removal has previously been cancelled under section 240A of the INA?

If you answered "Yes" to any of the above questions, explain: ______

PART 7 - MISCELLANEOUS INFORMATION *(Continued)*

63) Are you the beneficiary of an approved visa petition? ☐ Yes ☑ No

If yes, can you arrange a trip outside the United States to obtain an immigrant visa? ☐ Yes ☐ No If no, please explain:

64) Name of School, Type of School, Degree Earned / Date (if any), Location (City/Country), Attended From (MM/YY) To(MM/YY)

NONE

65) The following certificates or other supporting documents are attached as part of this document. (Refer to the Instructions for documents which should be attached.)

NONE

PART 8 - SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT

(Read the following information and sign below)

I declare that I have prepared this application at the request of the person named in Part 1, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in a language the applicant speaks fluently for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form EOIR-42B may subject me to civil penalties under 8 U.S.C.§1324c.

Signature of Preparer: Pamela N. Moreno	Print Name: Pamela N. Moreno	Date: 10-19-2022
Daytime Telephone#: (512) 474-4445	Address of Preparer: *(Number and Street, City, State, Zip Code)* 1214 East 7th Street, Austin, Texas 78702	

PART 9 - SIGNATURE

APPLICATION NOT TO BE SIGNED BELOW UNTIL APPLICANT APPEARS BEFORE AN IMMIGRATION JUDGE

I swear or affirm that I know the contents of this application that I am signing, including the attached documents and supplements, and that they are all true to the best of my knowledge, taking into account the correction(s) numbered ______ to ______, if any, that were made by me or at my request.

____
(Signature of Applicant or Parent or Guardian)

Subscribed and sworn to before me by the above-named applicant at ______________________________

____
Immigration Judge

____
Date (Month, Day, Year)

PART 10 - PROOF OF SERVICE

I hereby certify that a copy of the foregoing Form EOIR-42B was: ☐ - delivered in person ☑ - mailed first class, postage prepaid

on 05-21-24 *(Month, Day, Year)* to the Assistant Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement - ICE)

at 1015 Jackson Keller Road, Suite 100, San Antonio, Texas 78213 *(Number and Street, City, State, Zip Code)*

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

____
Signature of Applicant (or Attorney or Representative)

Please continue answers on separate sheet as needed.

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Form EOIR-42B
Revised Feb. 2022

EXHIBIT "8"

U.S. Citizenship and Immigration Se

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER [redacted]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION	
RECEIPT DATE December 3, 2015	PRIORITY DATE	APPLICANT [redacted] LOPEZ-CRUZ, MARTIN	
NOTICE DATE February 16, 2016	PAGE 1 of 1		

JEFFREY ALAN PEEK
1214 E 7TH ST
AUSTIN TX 78702

Notice Type: Approval Notice
Class: C10
Valid from 02/12/2016 to 02/11/2017

Your application for employment authorization has been approved. The Form I-766, Employment Authorization Document, was sent under separate cover to the beneficiary.

This card authorizes your employment in the United States. Show this card to your employer to verify authorization to work during the dates on the card.

If any information on the card is incorrect, please write the office listed below. Include your Employment Authorization Document, I-766, a photocopy of this notice, and evidence to support the necessary corrections.

THIS APPROVAL NOTICE IS NOT A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION, NOR MAY IT BE USED IN PLACE OF A VISA OR FORM I-766.

As a reminder, you may request to change employers under INA 204(j) if your Form I-485 Adjustment application has been pending for at least 180 days and your underlying Form I-140 is approved or is still pending. In order to do so, you should supplement the Form I-485 record of proceeding with documentation relating to the new job offer that forms the basis of the INA 204(j) portability request. For more information on how to request to change employers and what information is required to supplement the Form I-485, please visit www.uscis.gov.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

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

NATIONAL BENEFITS CENTER
USCIS, DHS
P.O. BOX #648004
LEE'S SUMMIT MO 64064
Customer Service Telephone: (800) 375-5283

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Form I-797 (Rev. 01/31/05) N

U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

Receipt Number	USCIS Account Number	Case Type
[redacted]		I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Receipt Date 01/05/2017	Priority Date	Applicant [redacted] MARTIN LOPEZ-CRUZ
Notice Date 04/14/2017	Page 1 of 1	

MARTIN LOPEZ-CRUZ
c/o ANITA GUPTA
PEEK AND TOLAND
1214 E 7TH STREET
AUSTIN TX 78702

Notice Type: Approval Notice
Class: C10
Valid from 04/14/2017 to 04/13/2018

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected.
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.

NOTICE: Although this application or petition has been approved, 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 that 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/National Benefits Center
P.O. Box 648004
Lee's Summit MO 64064

Customer Service Telephone: 800-375-5283

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Form I-797 (Rev. 01/31/05) N

Department of Homeland Security
U.S. Citizenship and Immigration Serv.

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number	USCIS Account Number	Case Type
[redacted]		I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date	**Priority Date**	**Applicant**
08/28/2019		[redacted] MARTIN LOPEZ CRUZ
Notice Date	**Page**	
11/15/2019	1 of 1	

MARTIN LOPEZ CRUZ
c/o PAMELA NICOLE MORENO
PEEK AND TOLAND PLLC
1214 E 7TH ST
AUSTIN TX 78702

Notice Type: Approval Notice
Class: C10
Valid from 11/15/2019 to 11/14/2020

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preference you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

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- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.

NOTICE: Although this application or petition has been approved, 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 that 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.

National Benefits Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

Customer Service Telephone: 800-375-5283

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If this is an interview or biometrics appointment notice, please see the back of this notice for important information.

Form I-797C 04/01/19

Department of Homeland Security
U.S. Citizenship and Immigration Servi

rm I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number	USCIS Account Number	Case Type
[redacted]		I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 10/21/2020	Priority Date	Applicant [redacted] MARTIN LOPEZ-CRUZ
Notice Date 01/14/2021	Page 1 of 1	

MARTIN LOPEZ-CRUZ
c/o JUAN RAMON CASTRO
PEEK AND TOLAND PLLC
1214 EAST 7TH STREET
AUSTIN TX 78702

Notice Type: Approval Notice
Class: C10
Valid from 01/14/2021 to 01/13/2022

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. **This is a courtesy copy, not the official notice.**

What the Official Notice Said

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

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- A letter explaining what information needs to be corrected.
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

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NOTICE: Although this application or petition has been approved, 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 that 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.

National Benefits Center
U. S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter

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I-797 NOTICE OF ACTION

Receipt Number	USCIS Account Number	Case Type
[redacted]		I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 02/07/2022	**Priority Date**	**Applicant** [redacted] LOPEZ CRUZ, MARTIN
Notice Date 11/22/2022	**Page** 1 of 1	

PEEK AND TOLAND PLLC
c/o PAMELA NICOLE MORENO
1214 E 7TH ST
AUSTIN TX 78702

Notice Type: Approval Notice
Class: C10
Valid from 11/21/2022 to 11/20/2023

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected,
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.
NOTICE: Although this application or petition has been approved, 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 that 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.

National Benefits Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter

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FORM I-797 (REV. 08/01/18)

EXHIBIT "9"

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 DOLOROSA STREET, SUITE 300
SAN ANTONIO, TX 78207

Peek & Toland
Peek, Jeffrey Alan
1214 East 7th Street
Austin, TX 78702

In the matter of
LOPEZ, MARTIN

File A [redacted]

DATE: Aug 14, 2018

__ Unable to forward - No address provided.

X 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
5107 Leesburg Pike, Suite 2000
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
800 DOLOROSA STREET, SUITE 300
SAN ANTONIO, TX 78207

__ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.

__ 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: ______________________________

COURT CLERK
IMMIGRATION COURT FF

cc: DHS / ASSISTANT CHIEF COUNSEL
1015 JACKSON-KELLER, SUITE 100
SAN ANTONIO, TX, 78213

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 DOLOROSA STREET, SUITE 300
SAN ANTONIO, TX 78207

In the Matter of: Case No: [redacted]
LOPEZ, MARTIN

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

After considering the facts and circumstances of this case ~~and as there is no opposition from the parties,~~ it is HEREBY ORDERED that these proceedings be terminated ~~with~~ / without prejudice.

NTA dated: Feb 5, 2014.

Reason for Termination:
See Addendum A

CHARLES M. MCCULLOUGH
Immigration Judge
Date: 8.13.18

Appeal Waived/Reserved by A/I: NO APPEAL
Appeal Due Date: 9.12.18

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [M] Alien's ATT/REP [P] DHS
DATE: 8-15-18 BY: COURT STAFF
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

Form EOIR 35 - 6T (Termination)

ADDENDUM

The canons of statutory construction emphasize recourse to the plain text and statutory context. *Pereira v. Sessions*, No. 17-459, 2018 WL 3058276, at *15 (June 21, 2018).[1] In addition, the Supreme Court has also implored the use of common sense in interpreting statutes. *Pereira v. Sessions*, at *12 (stating, "if the three words 'notice to appear' mean anything ... they must mean that, at a minimum, the Government has to provide noncitizens 'notice' of the information, i.e., the 'time' and 'place' that would enable them 'to appear' at the removal hearing in the first place.")

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Accordingly, a respondent's "[r]emoval proceedings are commenced" only once a "notice to appear," which has been served upon the respondent, is filed with the Immigration Court. *Matter of Avetisyan*, 25 I&N Dec. 688, 691 (2012) (citing INA § 239; 8 U.S.C. § 1229 (2006); 8 C.F.R. § 1239.1 (2011))

Paragraph (1) of section 239(a) of the Immigration and Nationality Act (INA) requires that a notice to appear (NTA) for removal proceedings specifying "[t]he time and place at which the proceedings will be held" be given to the alien. *Id.* § 239(a)(1)(G)(i); *see also* 8 U.S.C. § 1229(a)(1)(G)(i) (2018). Thus, the Supreme Court recently held that "[a] notice that does not inform a noncitizen when and where to appear for removal proceedings is not a 'notice to appear under section 1229(a).'" *Pereira v. Sessions*, at *3 & *9. Section 239 of the Act is entitled "Initiation of Removal Proceedings," and immediately precedes section 240 of the Act, entitled "Removal Proceedings." *See also* 8 U.S.C. § 1229a. The Supreme Court also held that the subsequent notice of hearing under section 239(a)(2) is insufficient to cure this thresh hold deficiency. *Pereira v. Sessions*, at *10. The Supreme Court, favoring adherence to the plain text of the statute, also rejected any practical concerns raised by the Government and the Dissent as "meritless." *Pereira v. Sessions*, at *12 n.6 & *18-19 (noting the advances in software capabilities which would facilitate coordination between DHS and the immigration court's calendar to ensure adequate notice). Moreover, the Government's reliance on a prior regulation and its concerns that 100 percent of NTAs omit the time and date of proceedings was also deemed unavailing. *Pereira v. Sessions*, at *5.

DHS argues that the U.S. Immigration Court's notice of hearing cures its NTA. This position is erroneous for two reasons. First, the Supreme Court held that the subsequent notice of hearing under section 239(a)(2) is insufficient to cure this thresh hold deficiency as noted above.[2] Secondly, if the NTA did not invoke the subject matter jurisdiction of this court to begin with, then this court's subsequent action would be without authority to cure the NTA as espoused by DHS.

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[1] The Majority also cautioned against injecting ambiguity into the statute where none exists. *Pereira v. Sessions* at *13; see also *Matter of J. M. Alvarado*, 27 I&N Dec. 27, 29 (BIA 2017)(stating, "We have a duty to apply the plain language of the Act and not create ambiguity where none exists.)

[2] *Pereira v. Sessions*, at *10.

The Federal District Court for the Eastern District of Washington recently reviewed this issue.[3] The Court noted that, "[L]ack of a valid charging document as required by § 1229(a) means that the I[mmigration] J[udge] lacks jurisdiction. Lack of a statutorily compliant Notice to Appear in Defendant's case means that the immigration court did not have jurisdiction."

Further, this Court, as a neutral tribunal does not represent either party but is a fair and impartial fact finder. Therefore, the argument that this Court's notice cures DHS's deficient notice fails to take into consideration the tribunal's adjudicatory function.

DHS further argues that if the United States Supreme Court intended termination as a remedy, it would have ordered termination in the *Pereira v. Sessions appeal.* When making this argument, DHS ignores the actual ruling of the Supreme Court. The majority ruled in pertinent part, "[T]he judgment of the Court of Appeals for the First Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion." The United States Supreme Court directed the lower court to follow its decision. That would include finding that the NTA was defective and terminating the matter.

Accordingly, common sense dictates based on the plain language of the law and its statutory context that removal proceedings under section 240 of the Act cannot proceed without the proper initiation of said hearings as specified under section 239 of the Act. Simply stated, one cannot have removal proceedings unless one has been properly initiated.

In this case, the Department of Homeland Security (DHS) gave the respondent a NTA that ordered the respondent to appear before an immigration judge on a date and at a time "to be set" or "to be determined." Under *Pereira v. Sessions*, this NTA was invalid because it did not inform the respondent when to appear for removal proceedings. *See id.* at *3, *7, *9, *10, *11. As such, the respondent did not receive notice in accordance with paragraph (1) of section 239(a) of the INA. *See id.*; *see also* INA § 239(a)(1)(G)(i); 8 U.S.C. § 1229(a)(1)(G)(i). Accordingly, these removal proceedings must be terminated without prejudice and any prior removability finding based on the allegations and charge contained in this legally defective NTA must be rescinded. *See* INA § 240(a)(1). *See also* 8 C.F.R. § 1239.1; *Matter of Castro-Tum*, 27 I&N Dec. 271, 289 (A.G. 2018) (noting that a termination of proceedings may be a proper course to cure inadequate notice in the NTA).

ORDERS

IT IS HEREBY ORDERED that the respondent's motion to terminate removal proceedings be **GRANTED, without prejudice**.

---

[3] *United Sates v. Virgen-Ponce*, -- Fed. Supp. 3rd--, 2018 WL 3655166 (E.D. Wash. July 26, 2018).

IT IS FURTHER ORDERED that any prior finding of removability be **RESCINDED**.

8.13.18
Date

Charles M. McCullough
United States Immigration Judge

EXHIBIT "10"

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN ANTONIO IMMIGRATION COURT

Respondent Name:
LOPEZ, MARTIN

To:
Peek, Jeffrey Alan
1214 East 7th Street
Austin, TX 78702

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
06/05/2024

☐ 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. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA § 242.

☐ 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:
IJ ORDER.

Date:

Immigration Judge: McCullough, Charles 06/05/2024

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [M] Noncitizen's atty/rep. | [P] DHS
Respondent Name : LOPEZ, MARTIN | A-Number : [redacted]
Riders:
Date: 06/05/2024 By: MANGOLD, GILBERT, Court Staff

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN ANTONIO IMMIGRATION COURT

Respondent Name:
LOPEZ, MARTIN

To:
Peek, Jeffrey Alan
1214 East 7th Street
Austin, TX 78702

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
06/05/2024

ORDER ON MOTION TO DISMISS

☐ The Respondent ☐ the Department of Homeland Security ☑ the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is ☐ opposed ☑ unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

☑ Granted without prejudice
☐ Denied

Further explanation:

DHS "PD" authority. No opposition to the motion.

IT IS SO ORDERED.

Immigration Judge: McCullough, Charles 06/05/2024

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [M] Noncitizen's atty/rep. | [P] DHS
Respondent Name : LOPEZ, MARTIN | A-Number : [redacted]
Riders:
Date: 06/05/2024 By: MANGOLD, GILBERT, Court Staff

EXHIBIT "11"

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 09/22/1987
Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: MARTIN LOPEZ CRUZ currently residing at:

1001 Welch Taylor, TEXAS 765744007 (512) 218-2400
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.
☒ You are an alien present in the United States who has not been admitted or paroled.
☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near UNKNOWN, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

566 Veterans Drive, PEARSALL, TEXAS 78061. T. DON HUTTO RESIDENTIAL
(Complete Address of Immigration Court, including Room Number, if any)

on February 12, 2026 at 9:00 am to show why you should not be removed from the United States based on the
(Date) *(Time)*

charge(s) set forth above. N 4668 CARRILLO - SDDO
(Signature and Title of Issuing Officer)

Date: January 27, 2026 Pflugerville, Texas
(City and State)

EOIR — 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: ______________________ *(Signature of Respondent)*

Date: ______________________

____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on January 27, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # ____________ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign
(Signature of Respondent if Personally Served)

Robert J. Rios R6275 RIOS - Deportation Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT "12"

U.S. Department of Justice
Western District of Texas
601 N.W. Loop 410; Ste. 600
San Antonio, TX 78216-5597
Phone: (210) 384-7160
Fax: (210) 384-7168

July 22, 2025

Martin Lopez
[redacted]

Re: United States v. Defendant(s) Nicholas Keith Bonneville
Case Number 2024R06186 and Court Docket Number 25-CR-00230

Dear Martin Lopez:

The enclosed information is provided by the United States Department of Justice Victim Notification System (VNS). As a victim witness professional, my role is to assist you with information and services during the prosecution of this case. I am contacting you because you were identified by law enforcement as a victim or potential victim during the investigation of the above criminal case.

Custody of a defendant during a federal criminal case is determined by the Court and is managed by the United States Marshal Service. Custody status of a defendant is subject to change during the course of the criminal proceedings. To receive the timeliest update to your case, please provide and verify your email address, as instructed below.

As of May 27, 2025, Nicholas Keith Bonneville is not in the custody of the U.S. Marshal Service.

On June 9, 2025, defendant Nicholas Keith Bonneville pled guilty to the charges listed below. Any remaining counts will be disposed of at the time of sentencing. As a result of the guilty plea, there will be no trial involving this defendant.

Number of Charges	Description of Charge(s)	Disposition
1	Fraud by wire, radio, or television	Guilty

Through the Victim Notification System (VNS) we will continue to provide you with updated scheduling and event information as the case proceeds through the criminal justice system. You may obtain current information about this case on the VNS website at https://www.notify.usdoj.gov or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program.

For many VNS registrants email will provide the most timely notification. The email address VNS currently has for you is cruzconztrction19@icloud.com. This email address has not been verified in VNS. As a result all notifications sent to this email address will contain limited information. To receive subsequent emails with the full text of the notification you must verify this email address by accessing the VNS Internet web page using the login information provided above. If the email address provided above is incorrect, please update the email address by accessing the VNS Web site.

Once you have verified/updated your email address, most, if not all, future notifications will be provided by email and not by letter. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

You will use your Victim Identification Number (VIN) [redacted] and Personal Identification Number (PIN) [redacted] anytime you contact the Call Center and the first time you log into VNS on the website. If you are receiving notifications with multiple victim ID/PIN codes please contact the VNS Call Center. In addition, the first time you access the VNS website, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Lopez.

Remember, VNS is an automated system and cannot answer questions. If you have other questions which involve this matter, please contact this office at the number listed above.

Sincerely,

Susan Perez
Victim Witness Specialist

EXHIBIT "13"

CAUSE NO 22980

THE STATE OF TEXAS	§	IN THE COUNTY COURT
VS.	§	OF
MARTIN LOPEZ-CRUZ	§	LAMPASAS COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Attorney, and respectfully request the Court to dismiss the above entitled and numbered criminal action in which the defendant is charged the offense of **TAMPER W/GOVERNMENT RECORD-73990623** for the following reasons;

__The evidence is insufficient/lacks probable cause;
__The defendant was convicted in another case;
__The complaining witness has requested a dismissal;
__The defendant is unapprehended;
__The defendant is deceased;
__The defendant has been granted immunity in light of his testimony;
__Terms of Pretrial Intervention have been met;
✓ Interest of Justice
__Other; ______

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed.

Respectfully submitted,
By: ______
County Attorney
Lampasas County, Texas

ORDER

The foregoing motion having been presented to me on this January 5, 2026, and the same having been considered, it is, therefore, ORDERED, ADJUDGED DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

______
Randall J. Hoyer
Judge of the County Court of Lampasas County, Texas

FILED
____a.m. 2 p.m. o'clock
JAN 23 2026
By ______ Deputy
County Court, Lampasas County, TX
Clerk, Dianne Miller

EXHIBIT "14"

EOIR | Automated Case Information

Court Closures Today February 5, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Home > LOPEZ-CRUZ, MARTIN [redacted]

Automated Case Information

Name: LOPEZ-CRUZ, MARTIN | A-Number: [redacted] | Docket Date: 1/27/2026

Next Hearing Information

Your upcoming **MASTER** hearing is on **February 12, 2026 at 9:00 AM.**

JUDGE
Martinez, Anibal D.

COURT ADDRESS
566 Veterans Drive
PEARSALL, TX 78061

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
566 VETERAN DRIVE., SUITE 101
PEARSALL, TX 78061

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