UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JORGE MIGUEL JUAN,	§	Civ. No. 3:26-cv-00454-KC
Petitioner,	§	
	§	DHS File Number: [redacted]
v.	§	
PAMELA BONDI, United States Attorney General;	§	
KRISTI NOEM, Secretary of the United States Department of Homeland Security;	§	
TODD M. LYONS, Director of United States Immigration and Customs Enforcement;	§	
MARY DE ANDA-YBARRA Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement,	§	
WARDEN, Warden, El Paso Service Processing Center (Core Civic)	§	
Respondents.	§	

PETITIONER'S SUPPLEMENTAL BRIEF
PURSUANT TO THE COURT'S MARCH 6, 2026 ORDER

I. INTRODUCTION

1. This Court ordered Petitioner to file a supplemental brief specifying: (1) whether he denies receiving the September 5, 2025 bond hearing, and (2) whether the immigration attorney listed on the September 5 IJ order, Robert Stein, denies that the bond hearing occurred. Doc. 6, at 2. Petitioner responds directly to both inquiries, presents new evidence that was not available at the time of his prior reply, and respectfully submits that the totality of the record warrants habeas relief. Although a proceeding was scheduled and presumptively held on September 5, 2025, the evidence now before this Court establishes that the proceeding was constitutionally deficient and that Petitioner's continued detention without a meaningful custody determination violates due process. Petitioner asks that this Court order a prompt, constitutionally adequate bond hearing with procedural safeguards, or in the alternative, order his release.

2. As to question (1): Petitioner does not deny that a proceeding was scheduled on September 5, 2025. He confirms that he appeared for a court event related to his bond. However, in a written account provided to undersigned counsel on March 7, 2026, Petitioner states that he did not understand the basis for the denial; that the only thing he could discern was that the judge referenced his illegal entry and return; that no detailed explanation was provided; that "everything else was discussed with my attorney"; that the attorney who appeared on his behalf "never gave an explanation either to me or to my family"; and that the attorney "did not demonstrate a defense on my behalf before the judge." *See* Ex. 14 (Petitioner's Message, with Translation). Petitioner is a native Spanish speaker. He states that he did not understand the proceeding and that interpretation was not provided. The attorney who appeared on his behalf had never spoken to him.

Case 3:26-cv-00454-KC

3. As to question (2): Undersigned counsel has been unable to obtain a definitive account from Robert Stein despite diligent and sustained efforts beginning within hours of this Court's March 6 order. Counsel called Mr. Stein's office four times (once per business day), called his listed cell phone once, and sent two emails between March 6 and March 10, 2026. *See* Ex. 15 (Email Correspondence with Robert Stein). Mr. Stein returned counsel's call on March 10. During that brief conversation, before Mr. Stein had to leave for a hearing, he described a non-attorney intermediary named Pedro Torres as his "partner" (though he later clarified he uses that term "loosely"), and characterized the case as Torres's, not his. A follow-up email was sent on March 13, 2026, seeking a written account of the September 5 proceeding for submission to this Court. As of the time of this filing, no written response has been received. *See* Ex. 15.

4. Mr. Stein has therefore neither confirmed nor denied that the bond hearing occurred. What he has confirmed, however, is independently significant: the family retained a non-attorney, Pedro Torres, who then paid Mr. Stein to represent Petitioner before the Immigration Court. The implications of that fact are set forth below.

II. NEW EVIDENCE ESTABLISHES THAT THE SEPTEMBER 5 PROCEEDING WAS CONSTITUTIONALLY DEFICIENT

5. Since filing Petitioner's reply on March 5, 2026, counsel has uncovered facts that fundamentally alter the significance of the September 5 proceeding. These facts were not known to undersigned counsel at the time of the prior filing, as even Petitioner and his family were unaware of the full circumstances of the prior representation. The evidence now before this Court demonstrates that Petitioner was denied meaningful representation at the September 5 hearing due to the involvement of an unauthorized practitioner who

Case 3:26-cv-00454-KC

orchestrated the representation while holding himself out as an attorney to Petitioner and his family.

A. Petitioner's Family Retained a Non-Attorney Who Held Himself Out as Counsel.

6. Prior to undersigned counsel's involvement, Petitioner's family retained Pedro Torres, a retired Immigration and Customs Enforcement officer who operates a for-profit immigration services business under the name "Tower Associates" in Brandon, Florida. Torres's website advertises "Preparation of documents, advocating for immigrants, teaching immigration to the community and representation in Immigration Court as well as with other government offices." *See* Ex. 11 (Tower Associates Website). The website lists services including asylum, cancellation of removal, humanitarian parole, and TPS. At no point does the website disclose that Torres is not a licensed attorney. Torres's business card similarly identifies him as an "Immigration Officer (R) & Commercial Broker" under the name "Tower Immigration — Tax & Business Lending." *See* Ex. 10 (Pedro Torres Business Card).

7. Petitioner's family believed Torres was an attorney. In WhatsApp messages, the family addresses Torres as "abogado Pedro," the Spanish word for "lawyer." Torres does not correct this characterization at any point in the exchange. *See* Ex. 13 (WhatsApp Messages with Pedro Torres, with Translation).

8. Torres prepared an EOIR Form E-28 (Entry of Appearance) in Petitioner's case under his own name, checking the box identifying himself as "a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2)." *See* Ex. 9 (EOIR Form E-28). The form lists Torres as "Non-Primary Attorney/Representative" appearing "On behalf of Robert Stein" under "The Law Office of Robert D Stein" in Bradenton, Florida.

9. This form was then provided to Petitioner's family. Under 8 C.F.R. § 1292.1(a)(2), a law student may represent a respondent in immigration proceedings only if participating "under the direct supervision of an EOIR-registered licensed attorney or accredited representative, in a legal aid program or clinic conducted by a law school or non-profit organization," and only if the student is "without direct or indirect remuneration from the alien." *See* Ex. 8 (8 C.F.R. § 1292.1). Torres meets none of these requirements. He is a retired ICE officer who operates a private, for-profit business. His student-affiliation with any law school is unknown, and despite selecting that he was a "law student," he certainly did not enter his appearance on behalf of a program or clinic conducted by a law school or non-profit organization. In direct violation of 8 C.F.R. § 1292.1(a)(2), he also received at least $4,000 in direct payments from Petitioner's family in connection with representation by private bar attorney, Robert Stein, who also does not work for a nonprofit or law school. Such an appearance would be unauthorized under federal regulation. A review of the ECAS system does not show that this E-28 was ever filed with the EOIR, rather, it appears to have been prepared and then provided to the family. The only E-28 on file with the Court appears to be that of Mr. Stein.
10. However, on a single day, August 25, 2025, Petitioner's family paid at least $4,000 directly to Torres and his business entity, Tower Associates LLC in documented electronic transfers. *See* Ex. 12 (Payment Records). They never paid Mr. Stein.
11. When the family pressed Torres for evidence of what occurred at the September 5, 2025 bond hearing, Torres responded that in the course of proceedings the family said they no longer wanted the representation and that "we told the court, the court accepted it, and for

that reason we do not have that decision." *See* Ex. 13. When asked directly whether he had proof of what transpired in the court, Torres did not provide any.

B. The Licensed Attorney of Record Never Spoke to Petitioner.

12. Torres contracted Petitioner's bond and removal case to Robert Stein, a Florida-licensed attorney, who filed an appearance as counsel of record. The notice of the custody redetermination hearing, scheduled for September 5, 2025, at 1:00 P.M., was sent to Stein's office in Bradenton, Florida. *See* Ex. 7 (Notice of Custody Redetermination Hearing).

13. In undersigned counsel's March 10 telephone conversation, Mr. Stein described the case as Torres's and referred to Torres as his "partner." He later clarified that he uses the term "partner" "loosely." Stein indicated that Torres was "probably on the call" during the September 5 proceeding as well.

14. The licensed attorney who appeared on Petitioner's behalf at the bond hearing, the only proceeding Respondents point to as an individualized custody determination, never communicated with his own client. He appeared at the direction of a non-attorney who had no lawful authority to practice before the immigration court. No one investigated Petitioner's equities, obtained his personal account, or prepared a defense. Petitioner was a spectator at a proceeding nominally conducted on his behalf.

C. Interpretation Was Waived for a Native Spanish Speaker Who Had Never Spoken to His Attorney.

15. Petitioner states that interpretation was waived at the September 5 proceeding. There is no audio recording in the DAR system to confirm or deny this account, but it is consistent with the totality of the record. Petitioner is a native Spanish speaker from Guatemala. His own account of the hearing confirms what the waiver of interpretation guaranteed: that he

Case 3:26-cv-00454-KC

"did not understand" the basis for the denial of his bond and that the proceeding was conducted between the judge and the attorney without his meaningful participation.

16. The waiver of interpretation was not an informed, voluntary choice by Petitioner. It was made by or at the direction of an attorney who had never spoken to him and who therefore had no basis on which to assess his English-language proficiency or to determine whether he could meaningfully participate in an English-language proceeding. This is not a case of an attorney making a strategic decision with which the client later disagrees. It is a case in which the most basic prerequisite to participation, the ability to understand what is being said, was surrendered by someone who had no knowledge of the client's capabilities and no relationship with the client on whose behalf the waiver was made.

17. A bond hearing at which the respondent cannot understand the proceedings is not a hearing in any constitutionally meaningful sense. Due process requires not merely the presence of a warm body in a courtroom but a "meaningful opportunity to be heard." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Petitioner was afforded neither.

D. The Flight-Risk Finding Was the Direct Product of These Deficiencies.

18. The Immigration Judge's sole stated basis for denying bond was "flight risk." The most likely factual predicate for that finding was the 2008 voluntary departure order reflected in Petitioner's immigration history. Had competent counsel appeared, counsel who had actually spoken to the client and reviewed the government's own evidence, the Court would have learned two things.

19. First, Petitioner complied with the voluntary departure order. The government's own I-213 narrative confirms: "On August 23, 2008, MIGUEL-JUAN, Jorge's Voluntary Departure to Guatemala was confirmed." *See* Ex. 6 (I-213 Narrative), at EOIR–3 of 4. Compliance

with a voluntary departure order is an affirmative equity that directly rebuts a flight-risk finding. DHS verified the departure. No one presented this fact to the Immigration Judge.

20. Second, Petitioner was a child during the entirety of his prior immigration proceedings. He was fourteen years old when Border Patrol apprehended him near Falcon Heights, Texas on October 19, 2006—an unaccompanied minor who would not have been subject to expedited removal. He was fifteen years old when an Immigration Judge granted voluntary departure in Orlando, Florida on April 29, 2008, and still fifteen—two days before his sixteenth birthday—when he complied with that order on August 23, 2008, purchasing his own plane ticket home to Guatemala. To the extent the Immigration Judge relied on the existence of a prior removal history to support a flight-risk finding, that history involved a fifteen-year-old child's voluntary compliance with an order at his own expense, not an adult's evasion of one. Petitioner subsequently re-entered the United States as an adult and, over the course of fifteen years, purchased a home, raised three citizen children, worked full-time in construction, and accumulated no criminal history. These facts do not support a flight-risk finding. They refute one.

21. Competent counsel would have presented all of this. Competent counsel would also have presented the full range of Petitioner's equities: nearly two decades of continuous presence following his re-entry, homeownership, full-time employment, three United States citizen children including a child with developmental disabilities requiring ongoing speech and developmental therapy, eligibility for cancellation of removal under INA § 240A(b), and the complete absence of any criminal history beyond minor traffic infractions. None of this was before the Immigration Judge because no one with a professional obligation to Petitioner, or any knowledge of his circumstances, prepared the case.

Case 3:26-cv-00454-KC

III. PETITIONER'S FIRST-HAND ACCOUNT CONFIRMS THE ABSENCE OF MEANINGFUL PARTICIPATION

22. On March 7, 2026, Petitioner provided a written account to undersigned counsel through the facility messaging system. The full text in Spanish, with translation, is attached as Exhibit 14. In relevant part, Petitioner states:

> *On 09/05/2025, I had a court [hearing] which was to discuss my bond, which I did not understand what the reason was that the judge could have had for denying my bond since the only thing I could understand was that I entered through the border illegally and returned after leaving, and he did not give a detailed explanation since everything else was discussed with my attorney who was representing me at that time and who never gave an explanation either to me or to my family and only wanted more money when he did not demonstrate a defense on my behalf before the judge, and today my family is asking for specific evidence of my appearance that day in court and nothing appears. Evidence of nothing, and that attorney also did not want to give an answer about that court [hearing].*

23. Petitioner's account is consistent with every other piece of evidence in the record. He did not understand what was happening because interpretation had been waived. He perceived the proceeding as occurring between the judge and the attorney, not involving him, because no one had prepared him, spoken to him, or presented his equities. His family's subsequent efforts to obtain evidence of the hearing have been unsuccessful.

24. This is not a case in which a client second-guesses his attorney's strategic choices after a disappointing result. This is a case in which the client had no attorney in any meaningful

Case 3:26-cv-00454-KC

sense. The person his family believed was their lawyer was not a lawyer. The person who was a lawyer never spoke to him. The proceeding was conducted in a language Petitioner does not adequately speak, on the basis of facts no one bothered to investigate, producing an outcome no one has ventured to explain to him or his family.

IV. THE SEPTEMBER 5 PROCEEDING DOES NOT EXTINGUISH PETITIONER'S CONSTITUTIONAL CLAIMS

A. Due Process Requires a Meaningful Opportunity to Be Heard.

25. The Due Process Clause guarantees not merely the form of process but its substance. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). A custody proceeding that satisfies the Clause must afford the detainee a meaningful opportunity to present evidence and contest the government's assertions before a neutral decisionmaker. *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004) (plurality). Where an individual is denied effective representation at a proceeding that determines his liberty, the proceeding does not satisfy due process regardless of whether it technically occurred.

26. The September 5 proceeding was constitutionally deficient in four independently sufficient respects. First, Petitioner was represented by an attorney who never communicated with him, the foundational prerequisite to any form of advocacy. Second, that attorney's appearance was orchestrated by an unauthorized practitioner who lacked any lawful authority to practice before the immigration court, in violation of 8 C.F.R. § 1292.1. Third, interpretation was waived by or at the direction of counsel who had no knowledge of Petitioner's English-language proficiency, rendering him unable to understand or participate in the proceeding. Fourth, as a direct consequence of these compounding deficiencies, the Immigration Judge's flight-risk finding rested on a factual premise that

Case 3:26-cv-00454-KC

competent counsel would have corrected with the government's own documents: that a fourteen, and then fifteen-year-old child's voluntary compliance with a departure order somehow evidenced an adult's propensity to flee.

27. This is not a case in which Petitioner received a constitutionally adequate hearing and now seeks a second one. He received the form of a hearing without its substance. The checkbox order denying bond on "flight risk" grounds, without findings, without analysis, without a record, in a language the respondent did not understand, on the basis of facts no one investigated, is not the product of an adversarial proceeding in which Petitioner's interests were represented. It is the product of a proceeding in which no one with knowledge of Petitioner's circumstances, an obligation to serve his interests, or any relationship with him whatsoever appeared on his behalf.

B. Section 1226(e) Does Not Bar Review.

28. As Petitioner argued in his Reply, Respondents cannot simultaneously maintain that Petitioner is detained under § 1225(b)(2)(A) and invoke § 1226(e)'s jurisdiction-stripping provision, which applies only to discretionary decisions made under § 1226. If § 1226 does not govern Petitioner's detention, § 1226(e) does not bar this Court's review. Reply at 3.

29. Moreover, even if § 1226(e) applied, the claims raised here are not challenges to the Immigration Judge's exercise of discretion. They are challenges to the constitutional adequacy of the proceedings themselves: whether the hearing satisfied due process, whether Petitioner was afforded meaningful representation, whether interpretation was properly waived, and whether the resulting order can constitutionally justify seven months of continued detention. Section 1226(e) does not strip jurisdiction over constitutional and

Case 3:26-cv-00454-KC

legal challenges to detention procedures. *See Jennings v. Rodriguez*, 583 U.S. 281, 302–03 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001).

V. PETITIONER REQUIRES RELEASE TO VINDICATE HIS RIGHTS AND PURSUE HIS DEFENSE

30. Petitioner has been detained for over seven months without a constitutionally adequate individualized custody determination. The sole proceeding Respondents point to was conducted without interpretation for a native Spanish speaker, orchestrated by a non-attorney who prepared a false entry of appearance identifying himself as a "law student" in violation of federal regulation, and carried out by a licensed attorney who never spoke to the client—producing a bare checkbox order that rests on a factual premise competent counsel would have corrected with the government's own documents.

31. Petitioner's removal proceedings remain pending; his next master calendar hearing is April 1, 2026. He is eligible to pursue cancellation of removal under INA § 240A(b), supported by strong equities: over fifteen years of continuous presence following his only entry as an adult; homeownership (a home valued at approximately $80,000), full-time employment in the construction and roofing industry as the sole breadwinner of his household, three United States citizen children, including his youngest child who requires ongoing speech and developmental therapy, and no criminal history beyond minor traffic infractions. Removal is not imminent. Petitioner's equities are precisely the kind that Congress intended to protect through the cancellation-of-removal statute, and he should have the opportunity to present them to the Immigration Court from a position of liberty.

32. Petitioner also has potential civil claims arising from the unauthorized practice of law by Pedro Torres and the conduct of his prior representation that he cannot meaningfully

Case 3:26-cv-00454-KC

investigate or pursue from a detention facility in El Paso, Texas, more than a thousand miles from his home, his family, and the witnesses and evidence relevant to those claims. The legitimate purposes of civil immigration detention, ensuring appearance at proceedings and protecting public safety, can be fully served through conditions of supervision. The government has never articulated, much less demonstrated, any individualized basis for concluding otherwise.

VI. CONCLUSION

33. This Court asked whether Petitioner denies receiving the September 5 bond hearing and whether Robert Stein denies it occurred. The answer to the first question is nuanced but clear: Petitioner confirms he appeared for a proceeding. However, he also states that he did not understand it, because interpretation was waived without his knowledge or consent, and that he was excluded from any meaningful participation in it. The answer to the second is that Stein, despite sustained efforts to reach him, has provided no definitive account in writing, though he has confirmed the central constitutional defect: that he never interacted with the client he nominally represented.

34. The record now before this Court goes well beyond the documentary deficiencies identified in Petitioner's prior reply. It establishes that the September 5 proceeding was constitutionally deficient not merely because of what the government's records fail to show, but because of what the first-hand evidence affirmatively demonstrates: a native Spanish speaker, deprived of interpretation, nominally represented by an attorney who never spoke to him, at the direction of a non-attorney who collected at least $4,000 while holding himself out as a lawyer, subjected to a proceeding he could not understand,

Case 3:26-cv-00454-KC

resulting in a flight-risk finding based on a factual error that competent counsel would have corrected. All of it memorialized in nothing more than a checked box on a preprinted form.

35. Petitioner has never received a constitutionally adequate individualized custody determination. He respectfully requests that this Court grant habeas relief by ordering Respondents to provide a prompt, constitutionally adequate individualized custody determination before a neutral decisionmaker with authority to order release, at which the government bears the burden of justifying continued detention by clear and convincing evidence, and at which Petitioner is afforded competent representation and interpretation services, or, in the alternative, order his immediate release from ICE custody as his due process rights were, and continue to be, violated.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 13, 2026, I served a true and correct copy of the foregoing through the Court's CM/ECF system on counsel for Respondents.

/s/ C.M. Boston Cote
C.M. Boston Cote
Counsel for Petitioner