

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSE ELIEZER MARTINEZ-ANDINO,

Plaintiff,

v.

MARKWAYNE MULLIN,
Secretary of Homeland Security, et al.,

Defendants.

Civil Action No. 26-1208 (BAH)

JOINT STATUS REPORT

The parties jointly file the below pursuant to the Court's August 13, 2026, order, requiring the parties file a Joint Status Report by 6PM on August 17 "proposing a schedule to govern further proceedings in this matter."

Plaintiff's position

The Plaintiff remains in civil immigration detention in Port Isabel, Texas. Plaintiff considers this to be a lawless detention and a clear sign that the Defendants are still not acting consistently with the established facts of this case. The case is not moot, as Plaintiff has not received all prayed-for relief. In particular, the Court's Preliminary Injunction Memorandum and Opinion already explained the distinction between the relief it was granting through the Preliminary Injunction and the ultimate relief sought.¹

¹ In ECF # 44, page 44, the Court found: "Although plaintiff's requested preliminary injunctive relief overlaps somewhat with the ultimate relief sought in the Amended Complaint, the latter is far more extensive and includes "reinstating Plaintiff's grant of Deferred Action and his prior immigration status" and a permanent injunction "prohibiting Defendants from further interfering with . . . his right to seek adjustment of status," along with an order for parole into this country. Am. Compl. at 19 (Prayer for Relief). Those latter forms of relief are not sought or discussed at this stage."

In summary, the Amended Complaint (ECF #19) also asked for a declaratory judgment of Plaintiff-Petitioner's rights and status, as well as setting aside the government's prior actions inconsistent with the law and his constitutional rights. The current detention is an ongoing violation of this court's ordering him returned to the *status quo ante*, which this litigation had already found to have included the protections of deferred action and him being lawfully present with his Special Immigrant Juvenile Status. There is not, however, any way to square the Defendants' stated position, below, that the Plaintiff has Deferred Action with the fact that they are detaining him and have begun proceedings to try to deport him. There are documents not yet in the record here, such as CBP's form I-213, that would show the government's initial detention in April was under the mistaken belief that he did not have any immigration status or benefits. Now that the government is aware and the matter has been litigated, their behavior is more shocking to the Plaintiff.

The Plaintiff is prepared to proceed with discovery and believes it to be necessary in order to reach a final resolution of the pending claims, especially determining how and whether Defendants' conduct deprived him of his due process. Less discovery would be needed to nail down the contours of his current legal status for an exact declaration. This case type is not precisely a fit under any exempted case type under LCvR 16.3(b) but is also not necessarily best handled under the general rules. Therefore, Plaintiff-Petitioner believes that a status conference would be beneficial to address the procedural options.

Defendants' position

Defendants have complied with the Court's order and returned Plaintiff to the United States in the same position as we was when he was removed. When he returned the United States, Plaintiff

retained both his Special Immigrant Juvenile status and his grant of Deferred Action.² Plaintiff may continue seeking to adjust his status when the visa becomes available. Plaintiff's case is currently before the immigration court that has jurisdiction to determine his removability and grant relief from removal

No further relief could be provided with respect to any of Plaintiff's surviving claims in the Amended Complaint. Any proposed causes of action must be brought in Plaintiff's ongoing immigration proceedings. Defendants therefore respectfully submit that this case is moot. If Plaintiff will not voluntarily dismiss this action then Defendants propose that they will file a motion to dismiss the case as moot (and on any other appropriate grounds) on or before September 4, 2026.

Above, Plaintiff complains about his detention. First, Plaintiff does not have a live habeas claim. Second, any dispute with regard to this detention should be brought before the immigration court where Plaintiff admits that immigration proceedings are ongoing. Finally, the Court did not decide that Plaintiff should be released from detention. Indeed, the Court's order expressly and implicitly contemplated that Defendants might find that detention was warranted. *See* Order at 1–2, ECF No. 43 (ordering that Plaintiff be provided certain treatment in “in accordance with Immigration and Customs Enforcement’s Performance-Based National Detention Standards 5.5, 5.4(II)(E), and 7.2(II)(A)(1)”; Mem. Op. at 47 (“Defendants are DIRECTED to facilitate plaintiff’s return to the United States for proper processing of his immigration case[.]”)

No discovery is warranted because, to the extent any claims remained, they would be Administrative Procedure Act claims to be decided on the record.

² Any decision to terminate either of these going forward would not affect the outcome of this litigation.

Dated: August 17, 2026

Respectfully submitted,

/s/ Allison T. Chan

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