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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 GUADALUPE VAZQUEZ-
12 COLINDRE,
13 (a.k.a. "Guadalupe Vasquez-Colindres")

14 Petitioner,

15
16 vs.

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18 U.S. DEPARTMENT OF HOMELAND
SECURITY; Fereti SEMAIA,
19 Warden/Superintendent, Adelanto ICE
20 Processing Center; Tim ROBBINS,
21 Acting Director of Los Angeles Field
22 Office, U.S. Immigration and Customs
23 Enforcement; Markwayne MULLIN,
Secretary, U.S. Department of
24 Homeland Security; and Todd
25 BLANCHE, Acting U.S. Attorney
General, in their official capacities,

26 Defendants.
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Case No.: 26-3543

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Guadalupe Vazquez-Colindre (also known as “Guadalupe Vasquez-Colindres”) is in the physical custody of Respondents at the Adelanto ICE Processing Center in Adelanto, California. Petitioner is a citizen of Honduras with a final order of removal to Honduras and now faces imminent removal from the United States. Petitioner has a pending application for a T visa. Respondent U.S. Department of Homeland Security (“DHS”) seeks to remove Petitioner from the United States based on an unlawful policy that violates the immigration laws and due process, despite said policy having been stayed by an order of this Court in the case of *ICWC v. Noem* (2:25-cv-09848)(Hon. André Birotte Jr.).

2. In an order issued on May 20, 2026, in *ICWC v. Noem*, the court preliminarily certified three nationwide classes of immigrant survivors of violence and granted significant portions of the plaintiffs’ request for a preliminary injunction against policies implemented by DHS, ICE, and USCIS. The court preliminarily certified three nationwide classes protecting: (1) Survivors with pending U visa, T visa, or VAWA self-petitions who were detained by Immigration and Customs Enforcement (“ICE”) or ICE sought to detain; (2) Survivors granted deferred action based on pending U or T visa petitions who were detained by ICE or removed without notice or a hearing; and (3) Survivors with pending U or T visa petitions who requested stays of removal before ICE enforced removal orders.

3. Petitioner is a member of the first and third classes certified by the Court in *ICWC v. Noem*.

JURISDICTION

4. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Adelanto ICE Processing Center in Adelanto, California.

1 illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
2 added) (citation omitted).

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4 **PARTIES**

5 12. Petitioner is a resident of Los Angeles, California who is subject to a final
6 order of removal directing removal to Honduras. Petitioner has a T visa application
7 pending with USCIS and a Motion to Reopen Sua Sponte Based on Pending T-Visa
8 Application; Emergency Motion to Stay Removal pending with the Board of
9 Immigration Appeals (BIA). Petitioner has two U.S. citizen children.

10 13. Respondent Department of Homeland Security (DHS) is the federal
11 agency responsible for implementing and enforcing the INA, including the detention
12 and removal of noncitizens.

13 14. Respondent SEMAIA is employed by the Adelanto ICE Processing Center
14 as Warden of the Facility, where Petitioner is detained. He/She/They is a legal custodian
15 of Petitioner and is sued in his/her/their official capacity.

16 15. Respondent Tim Robbins is the Acting Field Office Director for the Los
17 Angeles Field Office of the Enforcement and Removal Operations (ERO) division of
18 U.S. Immigration and Customs Enforcement (ICE). As such, Respondent Robbins is a
19 legal custodian of Petitioner. He is sued in his official capacity.

20 16. Respondent Markwayne Mullin is the Secretary of the Department of
21 Homeland Security. He is responsible for the implementation and enforcement of the
22 INA, and oversees ICE, which is responsible for Petitioner’s detention. Respondent
23 Mullin is a legal custodian of Petitioner and is sued in his official capacity.

24 17. Respondent Todd Blanche is the Acting Attorney General of the United
25 States. He is responsible for the Department of Justice, of which the Executive Office
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1 for Immigration Review and the immigration court system it operates is a component
2 agency. He is sued in his official capacity.

3 **FACTUAL ALLEGATIONS**

4 18. Petitioner was born in Honduras and currently resides in California.
5 Petitioner has two U.S. Citizen daughters, Keylin (age 22) and Marilyn (age 19). When
6 he is not detained, Respondent resides in Los Angeles, California.

7 19. After arriving in the United States, Petitioner was the victim of human
8 trafficking. Petitioner reported the victimization to law enforcement.

9 20. On July 24, 2025, Petitioner filed Form I-914, Application for T
10 Nonimmigrant Status (Receipt No. [REDACTED]) and Form I-192 (Receipt No.
11 [REDACTED]) with USCIS. Respondent's T-Visa application is currently pending
12 with USCIS. *See* USCIS Receipts for Pending T-Visa Application, attached as Exhibit
13 A.

14 21. On May 21, 2026, Petitioner appeared for his USCIS biometrics processing
15 appointment at the USCIS Application Support Center. USCIS scheduled Petitioner's
16 biometrics appointment based on his pending T-Visa application. At his appointment,
17 Petitioner was detained by ICE officers.

18 22. According to email communications with ICE's Flight Operations Unit,
19 Petitioner's case has been assigned to the Flight Operations Unit. *See* Emails from
20 Deportation Officers M. Russi and L. Robles, attached as Exhibit B. According to the
21 officers' emails, ICE is currently working on removing Respondent to Honduras and
22 Petitioner remains detained at the Adelanto Processing Facility. According to Officer L.
23 Robles' email dated June 9, 2026, DHS is not considering Petitioner's release from
24 custody.

25 23. Petitioner has a final order of removal from the Immigration Judge issued
26 on December 19, 1996. *See* Order of the Immigration Judge, attached as Exhibit C. On
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June 1, 2026, Petitioner filed a Motion to Reopen Sua Sponte Based on Pending T-Visa Application; Emergency Motion to Stay Removal BIA. *See* Filing Receipt for Motion issued by BIA, attached as Exhibit D. Petitioner requested the BIA to reopen his case, grant a stay of removal, and afford him the opportunity to pursue his application for a T-Visa while in the United States. As of this date, the motion to reopen and motion for stay of removal are both pending.

LEGAL FRAMEWORK

A. CREATION OF THE T VISA

24. In 1994, Congress passed the Violence against Women Act (“VAWA”) to break the cycle of noncitizens remaining in relationships with abusers who held the keys to their eligibility for lawful immigration status in the United States. *See* Violent Crime Control and Law Enforcement Act of 1994, Title IV, Pub. L. 103-322, 108 Stat. 1796 (September 13, 1994). “[T]he goal of the bill is to ‘permit[] battered immigrant women to leave their batterers without fearing deportation.’” *Hernandez v. Ashcroft*, 345 F.3d 824, 841 (9th Cir. 2003) (quoting H.R. Rep. No. 103–395, at 25).

25. In 2000, with overwhelming bipartisan support, Congress passed the Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), which reauthorized VAWA and also included the Trafficking Victims Protection Act of 2000 (“TVPA”).

26. Through the TVPA, Congress created the T visa, which provides an avenue to lawful permanent residence and U.S. citizenship for survivors of a “severe form of trafficking in persons,” as well as their family members. Pub L. No. 106-386, 114 Stat. 1464, 1475; 8 U.S.C. §§ 1101(a)(15)(T), 1255(1). “Severe form of trafficking in persons” means either sex trafficking or labor trafficking involving the use of “force, fraud, or coercion.” 8 C.F.R. § 214.201.

1 27. In passing the TVPA, Congress made several express findings. It found
2 that “trafficking in persons. . .is the largest manifestation of slavery today” and that
3 “[a]pproximately 50,000 women and children are trafficked into the United States each
4 year.” 22 U.S.C. § 7101(b)(1). “Victims are often forced through physical violence to
5 engage in sex acts or perform slavery-like labor.” 22 U.S.C. § 7101(b)(6). Because
6 “[e]xisting laws often fail to protect victims of trafficking, and because victims are often
7 illegal immigrants in the destination country, they are repeatedly punished more harshly
8 than the traffickers themselves.” 22 U.S.C. § 7101(b)(17). “Victims of severe forms of
9 trafficking should not be inappropriately incarcerated, fined, or otherwise penalized
10 solely for unlawful acts committed as a direct result of being trafficked.” 22 U.S.C. §
11 7101(b)(19). The TVPA was passed to remedy these ills.

12 28. As the Immigration and Naturalization Service (“INS”) acknowledged,
13 “Congress’s intentions in passing the TVPA were to further the humanitarian interests
14 of the United States and to strengthen the ability of government officials to investigate
15 and prosecute trafficking in persons crimes by providing temporary immigration
16 benefits to victims.” New Classification for Victims of Severe Forms of Trafficking in
17 Persons; Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784-01 (Jan. 31, 2002).
18 As highlighted in the USCIS Policy Manual (“PM”), USCIS maintains this
19 interpretation, stating the TVPA “was enacted to strengthen the ability of law
20 enforcement agencies to investigate and prosecute trafficking in persons, while offering
21 protections to victims of such trafficking, including temporary protections from
22 removal, access to certain federal and state public benefits and services, and the ability
23 to apply for T nonimmigrant status.” PM vol. 3, pt B, ch. 1.A.

24 29. Congress capped the number of T visas for principal applicants that can be
25 granted each year to 5,000. 8 U.S.C. § 1184(o)(2)-(3). The number of applicants has
26 grown over the years. As a result, USCIS created processes for bona fide determinations
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1 and placement on a waiting list to protect T visa petitioners from removal if the annual
2 cap is reached. 89 Fed. Reg. 34864 (Apr. 30, 2024); 8 C.F.R. §§ 214.205, 214.210.
3 Additionally, Congress authorized broad waivers of inadmissibility to protect eligible
4 petitioners from removal. TVPA § 107(e)(3).

5
6 **B. UNTIL 2025, DECADES OF AGENCY POLICY GUIDANCE**
7 **PRESUMPTIVELY PROTECTED T VISA PETITIONERS FROM**
8 **IMMIGRATION ENFORCEMENT.**

9 30. Consistent with Congress’s intent to encourage noncitizen victims to report
10 trafficking, for nearly two decades, DHS policies have generally required ICE to refrain
11 from pursuing removal efforts against people with pending T visa petitions, like
12 petitioner, absent serious public safety concerns. These include the written policies
13 issued in 2011 and 2021 policies. See John Morton, ICE Policy Statement 10076.1,
14 Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (Jun. 17, 2011)
15 (“2011 Policy”), available at [https://www.ice.gov/doclib/foia/prosecutorial-](https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf)
16 [discretion/certain-victims-witnesses-plaintiffs.pdf](https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf) and ICE Directive 11005.3, Using a
17 Victim-Centered Approach with Noncitizen Crime Victims (Dec. 2, 2021) (“2021
18 Policy” or “2021 Directive”), available at
19 [https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNonciti](https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf)
20 [zenVictims.pdf](https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf).

21 31. As with prior DHS policy, the 2011 Policy reiterated that “[a]bsent special
22 circumstances or aggravating factors,” it is generally “against ICE policy to initiate
23 removal proceedings against” known victims of crime. 2011 Policy at 1. Notably, the
24 2011 Policy also explains “that a flag now exists in” DHS systems “to identify those
25 victims of domestic violence, trafficking, or other crimes who already have filed for . .
26 .victim-based immigration relief.” 2011 Policy at 3.

1 32. The 2021 Directive continued ICE’s longstanding policy to “refrain from
2 taking civil enforcement action against” individuals “known to have a pending
3 application” for “victim-based immigration benefits,” “absent exceptional
4 circumstances” such as national security or public safety concerns. 2021 Directive at 1-
5 2, 9. If such an application was pending, ICE was to “defer” enforcement until USCIS
6 adjudicates the petition or issues a negative interim adjudication. *Id.* at 2. Agents were
7 to request expedited prima facie adjudications from USCIS for people in ICE custody,
8 and eligibility “for victim-based immigration benefits . . . must be considered” a
9 “positive discretionary factor.” *Id.* at 2, 9.

10 33. In January 2025, Respondent ICE issued a policy that, for the first time in
11 the agency’s history, authorized the routine detention and removal of noncitizen victims
12 of crime, like Petitioner. See ICE Policy Number 11005.4, Interim Guidance on Civil
13 Immigration Enforcement Actions Involving Current or Potential Beneficiaries of
14 Victim-Based Immigration Benefits (Jan. 30, 2025) (“2025 Guidance”), available at
15 <https://www.ice.gov/doclib/foia/policy/11005.4.pdf>.

16 34. The 2025 Guidance became “effective immediately and remains in effect
17 until superseded.” 2025 Guidance at 1. It explicitly “rescinded and superseded” the 2021
18 Directive and 2011 Policy, thereby reneging the Government’s promise to protect
19 noncitizen crime victims and greenlighting a mass deportation campaign that ignores
20 their potential eligibility for relief. *Id.*

21 35. Specifically, the 2025 Guidance requires, when ICE officers seek to detain
22 or remove individuals with pending T visa petitions, that they (1) merely “coordinate
23 and deconflict internally” and with law enforcement agencies “to ensure criminal
24 investigative and other enforcement actions will not be compromised,” (2) “consult
25 with” local ICE attorneys only “to ensure any such action is consistent with applicable
26 legal limitations,” (3) need not consider a noncitizen being “a victim of a crime” as “a
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1 positive discretionary factor,” and (4) will not “routinely request expedited
2 adjudications from USCIS,” but may do so only when “it is in ICE’s best interests.”
3 2025 Guidance at 2-3.

4 36. The 2025 Guidance marked an abrupt about-face from longstanding DHS
5 practices, under which immigration agencies generally refrained from enforcement
6 against noncitizen crime victims absent serious adverse factors.

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8 **C. PETITIONER IS A PROTECTED CLASS MEMBER IN THE *ICWC V.***
9 ***NOEM* CASE**

10 37. On October 14, 2025, several individual plaintiffs and non-profit legal
11 organizations serving immigrant survivors filed a class action complaint in *ICWC*,
12 challenging the lawfulness of the 2025 Guidance. See Compl., *Immigr. Ctr. for Women*
13 *& Child. v. Noem*, et al., No. 2:25-cv-09848-AB-AS (C.D. Cal. Oct. 14, 2025) [Dkt. 1].

14 38. On May 20, 2026, the U.S. District Court for the Central District of
15 California granted *ICWC* Plaintiffs’ Motion for Class Certification and granted in part
16 *ICWC* Plaintiffs’ Motion for APA § 705 Relief and Individual and Classwide
17 Preliminary Injunction. See *ICWC* PI Order.

18 39. As part of the order the Court stayed the 2025 Guidance, including its
19 rescission of prior policies. The stay applies in favor of all individual Plaintiffs, and the
20 members of all three Classes. In addition, the Court stayed the Blind Removal Policy,
21 which applies in favor of all individual Plaintiffs, and the members of the stay of
22 removal class. See Order, pp. 95-96.

23 40. Therefore, immediate release is warranted, pending adjudication of
24 Petitioner’s T visa application by USCIS.

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CLAIMS FOR RELIEF
COUNT ONE

PETITIONER-PLAINTIFF'S REMOVAL PRIOR TO THE ADJUDICATION OF HIS T VISA APPLICATION VIOLATES THE ADMINISTRATIVE PROCEDURES ACT, THE TRAFFICKING VICTIMS PROTECTION ACT, THE IMMIGRATION AND NATIONALITY ACT, AND FEDERAL REGULATIONS.

41. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

42. Under the APA, “final agency action for which there is no other adequate remedy in court [is] subject to judicial review.” 5 U.S.C. §704. The reviewing court “shall ... hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “unsupported by substantial evidence.” 5 U.S.C. §706(2)(A), (E). A court reviewing agency action “must assess ... whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment; it must “examine[e] the reasons for agency decisions- or, as the case may be, the absence of such reasons.” *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

43. The APA also sets forth rule-making procedures that agencies must follow before adopting substantive rules. *See* 5 U.S.C. 553. DHS followed these rulemaking procedures to establish the Trafficking Victims Protection Act (“TVPA”), authorizing T Nonimmigrant Status, *see* 867 Fed. Reg. 4784.

44. Petitioner’s deportation would render him statutorily ineligible for a T Visa which would be a direct violation of the APA since it is not in accordance with the law and is an abuse of discretion. 5 U.S.C. §706(2)(A). In order to be statutorily eligible for

1 a T Visa, Petitioner *must* be physically in the U.S. on account of trafficking per 22
2 U.S.C. §7102(8); INA §101(a)(15)(T)(I).

3 45. Second, in attempting to execute Petitioner's order of removal,
4 Respondents have attempted to strip Petitioner's right to pursue a T Visa. Congress
5 institutionalized the TVPA with specific regulations designed to grant T Visa status to
6 detained victims with final orders of removal with the underlying goal of treating
7 victims as "... victims, not criminals." Trafficking Victims Protection Act of 2000,
8 Purpose and Findings (H.R. 8856)." Sec.102(b)(17). Congressional Record (October 5,
9 2000) ("Existing laws fail to make clear distinctions between victims of trafficking and
10 the perpetrators"); *see also* Senator Clinton (NY), Trafficking Victims Protection Act of
11 2000, *Congressional Record*, S8276 (July 16, 2004) (noting that many victims are
12 mischaracterized as "illegal" migrants and are deported).

13 46. Third, by attempting to deport Petitioner, Respondents are acting in an
14 arbitrary and capricious manner.

15 47. The *Accardi* doctrine applies in a broad set of contexts, including where the
16 agency rules in question implicate an individual's due process rights, or in
17 circumstances involving violation of the APA. *Accardi* is the bedrock for the
18 proposition that federal agencies are required to follow their own procedures. *Morton*,
19 415 U.S. at 233–35; *United States v. Heffner*, 420 F.2d 809, 811 (4th Cir. 1969) (courts
20 must overturn agency actions which do not scrupulously follow the regulations and
21 procedures promulgated by the agency itself); *Damus v. Nielsen*, 313 F. Supp.3d 317,
22 341 (D.D.C. 2018) (finding plaintiffs demonstrated a likelihood of success on the merits
23 of their *Accardi* claim by arguing that DHS was not abiding by their own policies and
24 procedures when adjudicating parole requests submitted by asylum seekers.)
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48. Fourth, in addition to the Petitioner due process interests, there is also a significant government interest favoring a stay to effectuate the T Visa program and permit victims of human trafficking to assist law enforcement to detect and disrupt criminal activity. T Nonimmigrant Status was created to “substantially allow for more aggressive prosecution.” Trafficking Victims Protection Act of 2000, Section 12, Strengthening Prosecution and Punishment of Traffickers. (H.R. 8881),” Sec.102(a), Congressional Record (October 5, 2000); *see also* Senator Brownback (WY), “Victims of Trafficking and Violence Protection Act of 2000,” Congressional Record, S10139 (October 10, 2000).

COUNT II

Violation of the Due Process Clause

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

50. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

51. Civil immigration detention violates substantive due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003). (citing *Zadvydas*, 533 U.S. at 690).

1 52. In the immigration context, the Supreme Court has recognized only two
2 valid purposes for civil detention: to mitigate the risk of flight and to prevent danger to
3 the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 514-15.

4 53. Petitioner's detention is not reasonably related to the primary valid
5 purposes cited above.

6 54. Petitioner's continued detention is unrelated to the purposes justifying civil
7 immigration detention as a constitutional matter and contravenes the Substantive Due
8 Process protections of the Fifth Amendment.

9 55. Petitioner's detention thus violates procedural due process.

10
11 **COUNT III**

12 **Violation of the ICWA Stay Order**

13 56. The allegations in the above paragraphs are realleged and incorporated
14 herein.

15 57. Under the APA, courts "shall . . . hold unlawful and set aside agency action
16 . . . found to be . . . not in accordance with law." 5 U.S.C. § 706(2)(A). Respondent's
17 detention of Petitioner constitutes final agency action under the APA. 5 U.S.C. §
18 551(13), 704; *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997).

19 58. In the *ICWC v. Noem* case, the court stayed the 2025 Guidance, including
20 its rescission of prior policies. The stay applies in favor of all individual Plaintiffs, and
21 the members of all three Classes. In addition, the Court stayed the Blind Removal
22 Policy, which applies in favor of all individual Plaintiffs, and the members of the stay of
23 removal class. *See* Order, pp. 95-96.

24 59. Respondents' action in detaining Petitioner, and potentially removing
25 Petitioner prior to adjudication of his pending T visa application, violates this Court's
26 order in the *ICWC* case.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Enjoin Respondents from removing Petitioner outside this District during the pendency of this action;
4. Declare that Petitioner's detention violates the APA, the INA, federal regulations, and the Due Process Clause of the Fifth Amendment;
5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody; and
6. Award attorney's fees and costs under the Equal Access to Justice Act, as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
7. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted,

Dated: June 26, 2026

LAW OFFICES OF SCOTT K. KAWAMURA

/s/ Scott K. Kawamura

By

Scott K. Kawamura, Esq.
Attorneys for Petitioner GUADALUPE
VAZQUEZ-COLINDRE

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

I represent Petitioner, GUADALUPE VAZQUEZ-COLINDRE, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 26th day of June, 2026.

Respectfully submitted:

/s/ Scott K. Kawamura

By _____
Scott K. Kawamura, Esq.