

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JULIO CESAR SANCHEZ PUENTES *and*
LUDDIS NORELIA SANCHEZ GARCIA

Petitioners,

v.

SCOTT CHARLES, *in his official capacity as
Warden of the Caroline Detention Facility;*
JEFFREY CRAWFORD, *in his official capacity as
Warden of the Farmville Detention Center,*
RUSSELL HOTT, *in his official capacity as Field
Office Director of the Immigration and Customs
Enforcement, Enforcement and Removal
Operations Washington Field Office,* KRISTI
NOEM, *in her official capacity as Secretary of the
Department of Homeland Security,* and PAM
BONDI, *in her official capacity as Attorney
General of the United States,*

Respondents.

**VERIFIED PETITION FOR A WRIT
OF
HABEAS CORPUS**

Case No.

INTRODUCTION

1. Petitioners Julio Cesar Sanchez Puentes and Luddis Norelia Sanchez Garcia (“Petitioners”) fled Venezuela in 2022, were paroled into the United States, and were granted Temporary Protected Status (TPS), which continues to protect them from detention and deportation. Yet Immigration and Customs Enforcement (ICE) took Petitioners into its custody for the first time early in the morning on March 13, 2025, and held the couple at its Field Office in Chantilly, Virginia. While Petitioners were preparing a habeas seeking release from unlawful detention, ICE released them on or around 3 pm that same day. Yet only a week later, on March

21, 2025, officers wearing Drug Enforcement Administration vests came back to arrest Petitioners for immigration purposes, and ICE is currently holding the couple at its Field Office in Chantilly, Virginia, once again. Petitioners had no contact with ICE or other law enforcement in the 8 days between the arrests, and Petitioners still maintain TPS status. Their detention in ICE custody is patently unlawful. The TPS statute unequivocally states that “[a] [non-citizen] provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (emphasis added).

2. Respondents’ detention of Petitioners violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment. Accordingly, Petitioners ask this Court to issue a writ of habeas corpus ordering their immediate release from ICE custody.

JURISDICTION & VENUE

3. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution (“the Suspension Clause”), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

4. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

5. Venue is proper in this district and division pursuant to 28 U.S.C. §§ 2241(c)(3) and 1391(b)(2) and (e)(1) because Petitioners are currently detained in this district at Farmville Detention Center and Caroline Detention Facility, and events or omissions giving rise to this action occurred in this district.

PARTIES

6 Petitioners Julio Cesar Sanchez Puentes and Luddis Norelia Sanchez Garcia are natives and citizens of Venezuela who are currently in the custody of the Washington ICE Field Office (“WAS ICE”) in Virginia.

7 Respondent Scott Charles is the Superintendent of the Caroline Detention Facility, a county jail that contracts with ICE to detain noncitizens. He is responsible for overseeing Caroline Detention Facility’s administration and management and is the immediate custodian of Ms. Sanchez. Respondent Charles is sued in his official capacity.

8. Respondent Jeffrey Crawford is the Director of the Farmville Detention Center, which is owned and operated by Abyon LLC and contracts with ICE to detain noncitizens. He is the immediate custodian of Mr. Sanchez. Respondent Crawford is sued in his official capacity.

9. Respondent Russell Hott is the Field Office Director for WAS ICE. In that capacity, he is charged with overseeing all ICE detention centers and holding facilities in Virginia and has the authority to make custody determinations regarding individuals detained there. Respondent Hott is an immediate and legal custodian of Petitioners. Respondent Hott is sued in his official capacity.

10. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). She supervises ICE, an agency within DHS that is responsible for the administration and enforcement of immigration laws and has supervisory responsibility for and authority over the detention and removal of noncitizens throughout the United States. Secretary Noem is the ultimate legal custodian of Petitioners. Respondent Noem is sued in her official capacity.

11. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General, she oversees the Executive Office for Immigration Review (EOIR), including all Immigration Judges. Respondent Bondi is sued in her official capacity.

LEGAL BACKGROUND

12. Venezuelans living in the United States first received temporary protection from removal on January 19, 2021, when President Trump—on the last day of his first Administration—directed the Secretaries of State and Homeland Security to “take appropriate measures to defer for 18 months the removal of any national of Venezuela . . . who is present in the United States as of January 20, 2021,” with limited exceptions, and “to take appropriate measures to authorize employment for aliens whose removal has been deferred, as provided by this memorandum, for the duration of such deferral.” Memorandum re Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

13. DHS then designated TPS for Venezuela on March 9, 2021, based on the Secretary’s determination that “extraordinary and temporary conditions in the foreign state prevent [Venezuelans] from returning in safety” and that “permitting [Venezuelans] to remain temporarily in the United States” is not “contrary to the national interests of the United States.” 86 Fed. Reg. 13574 at 13575 The Secretary found that “Venezuela is currently facing a severe humanitarian emergency” and “has been in the midst of a severe political and economic crisis for several years . . . marked by a wide range of factors including Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment, reduced access to and shortages of food and medicine, a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages, political polarization; institutional and political tensions, human rights abuses and

repression, crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID-19 pandemic, among other factors.” *Id.* at 13576.

14 DHS extended and broadened TPS protection for Venezuelans twice after that initial designation. DHS extended Venezuela’s TPS designation for 18 months on September 8, 2022, through March 10, 2024. 87 Fed. Reg. 55024. DHS again extended the 2021 designation of Venezuela for 18 months on October 3, 2023. At that time DHS also re-designated Venezuela for TPS for 18 months, allowing individuals who had come to the United States after March 2021 to become eligible for TPS 88 Fed. Reg. 68130 (“2023 Venezuela Designation”) The extension of the 2021 designation ran from March 11, 2024 through September 10, 2025. The new 2023 re-designation ran from October 3, 2023 through April 2, 2025 Finally, on January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18 months, through October 2, 2026 90 Fed. Reg. 5961 (“January 2025 Extension”)

15 In support of that extension, the DHS Secretary found that “Venezuela is experiencing a complex, serious and multidimensional humanitarian crisis The crisis has reportedly disrupted every aspect of life in Venezuela. Basic services like electricity, internet access, and water are patchy; malnutrition is on the rise; the healthcare system has collapsed; and children receive poor or no education. Inflation rates are also among the highest in the world. Venezuela's complex crisis has pushed Venezuelans into poverty, hunger, poor health, crime, desperation and migration. Moreover, Nicolas Maduro's declaration of victory in the July 28, 2024 presidential election—which has been contested as fraudulent by the opposition—has been followed by yet another sweeping crackdown on dissent.” *Id.* at 5963 (internal quotation marks and citations omitted)

16. After entering office, the Trump administration reversed course on TPS for Venezuela. On January 28, 2025, the new DHS Secretary purported to “vacate” the January 2025 Extension of TPS for Venezuela.¹ That decision was the first vacatur of a TPS extension in the 35-year history of the TPS statute. DHS published it via notice in the Federal Register on February 3, 2025. 90 Fed. Reg. 8805.

17. On February 1, 2025, the new Secretary “decided to terminate” the 2023 Venezuela Designation, ordering an end to the legal status of approximately 350,000 Venezuelans, effective on April 7, 2025.²

18. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040.

19. On February 19, 2025, the National TPS Alliance and seven individual Venezuelan TPS holders sued the federal government, alleging that the vacatur and subsequent termination of TPS for Venezuela were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *See National TPS Alliance v. Noem*, No. 3:25 CV 01766 (N.D. Cal.). Plaintiffs have moved to stay the recent vacatur and termination. A hearing on that motion is set for March 24, 2025.

20. The first Trump administration also attempted to strip several hundred thousand people of their TPS status. That attempt ultimately proved unsuccessful, as everyone who held

¹ USCIS, *Temporary Protected Status Designated Country: Venezuela*, available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>.

² USCIS, *Temporary Protected Status Designated Country: Venezuela*, available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>.

TPS in 2017 remained eligible for it by the end of the first Trump administration. *See generally Ramos v Nielsen*, 709 F. Supp. 3d 871 (N.D. Cal. 2023) (explaining procedural history).

STATEMENT OF FACTS

21 Luddis Norelia Sanchez Garcia (“Ms. Sanchez”) was born in Venezuela in 1991. Julio Cesar Sanchez Puentes (“Mr. Sanchez”) was born in Venezuela in 1997.

22 The couple entered the United States together in October 2022 and were apprehended by immigration officials. As was customary practice at the time, U.S. Customs and Border Protection (CBP) paroled them into the United States. Ex. 1, Parole Paperwork.

23. Mr. and Ms. Sanchez traveled to and settled in Washington D.C. They lived for a few months at a hotel in Northeast D.C., which operated as a migrant shelter funded by the D.C. government. At the beginning of 2023, they moved into their own place in Maryland, where they live with their three children. Mr. and Ms. Sanchez never received a Notice to Appear (NTA), which is the charging document issued by DHS to initiate removal proceedings. As of the date of this filing, they are not in removal proceedings.

24 In February and March 2024, respectively, Mr. and Ms. Sanchez applied for Temporary Protected Status through the U.S. Citizenship and Immigration Service (USCIS). On May 7, 2024, Ms. Sanchez received a notice from USCIS granting her TPS status. Ex. 2, TPS Approvals. Mr. Sanchez received the same approval notice granting him TPS status on August 1, 2024. *Id.* Their TPS status is active and valid through April 2, 2025. *Id.*

25. Mr. and Ms. Sanchez additionally applied for asylum and withholding of removal under the Convention Against Torture with USCIS. Mr. Sanchez submitted his application on March 6, 2025, and Ms. Sanchez submitted her application on March 8, 2025.³

³ Counsel has not included here Petitioners’ asylum applications because of their highly

26 On March 10, 2025, Mr. and Ms. Sanchez were arrested on criminal warrants from the Western District of Texas, alleging both with violating 8 § U.S.C. 1325(a)(1), a misdemeanor offense which criminalizes unlawful entry into the United States. Ex. 3, Misdemeanor Arrest Warrants. Mr. and Ms. Sanchez have not been in Texas since October 2022. Though the alleged date of offense is October 13, 2022, the criminal warrant was not filed until February 27, 2025. On March 12, 2025, Magistrate Judge G. Michael Harvey on the U.S. District Court for the District of Columbia ordered both Mr. and Ms. Sanchez be released from custody pending the criminal trial. *See* Ex. 4, Mr. Sanchez TX Docket; Ex. 5, Mr. Sanchez DC Docket; Ex. 6, Ms. Sanchez TX Docket; Ex. 7, Ms. Sanchez DC Docket. Despite Magistrate Judge Harvey's order to release Mr. and Ms. Sanchez from criminal custody, and D.C. policy limiting D.C. law enforcement's cooperation with immigration enforcement, U.S. Marshalls continued detaining Mr. and Ms. Sanchez.

27. In the early hours of March 13, 2025, the U.S. Marshalls took Mr. and Ms. Sanchez from criminal custody to the courthouse and then placed them directly in ICE custody. ICE officers took Mr. and Ms. Sanchez to the WAS ICE field office in Chantilly, Virginia, where they continued detaining the couple. ICE released the couple from detention that same day, on or around 3 pm. When they were released, Mr. and Ms. Sanchez were told to report for a check-in at the field office on April 29, 2025. They were not served with an NTA when they were released and have not been served with one to this date.

28. Since their release, Mr. and Ms. Sanchez have checked in with the D.C. Pretrial Services, as required by the conditions of their release from criminal custody.

confidential nature. Counsel will file the applications under seal if the Court requires the applications.

29. On March 21, 2025, Mr. and Ms. Sanchez were driving in two cars with their three children when they were stopped by masked agents, one of whom was wearing a Drug Enforcement Administration vest. They arrested Mr. and Ms. Sanchez and brought them into ICE custody. Mr. and Ms. Sanchez were once again held at the WAS ICE field office in Chantilly, Virginia, only a week after their first unlawful detention at the same location. They have both been transferred; Mr. Sanchez is now detained at Farmville Detention Center while Ms. Sanchez is now detained at Caroline Detention Facility.

ARGUMENT

30. The Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unambiguously provides that “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien’s immigration status in the United States.”⁴ 8 U.S.C. § 1254a(d)(4) (emphasis added). It is hard to imagine a clearer statutory mandate proscribing detention.

31. The Court need not delve further in an attempt to understand other aspects of Mr. and Ms. Sanchez’s immigration status, because TPS protection remains valid even if the TPS holder lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A) (the government “shall not remove the alien from the United States during the period in which such [TPS] status is in effect.”); 8 U.S.C. § 1254a(a)(5) (TPS statute provides no authority to “deny temporary protected status to an alien based on the alien’s immigration status”). *See also* 8 U.S.C. § 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens). For that reason alone, this Court should grant the writ and order Mr. and

⁴ “Attorney General” in Section 1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

Ms. Sanchez's immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

32. If the Court nonetheless reaches the constitutional questions, it should also find that Mr. and Ms. Sanchez's detention violates the Due Process Clause of the Fifth Amendment. "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 [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

33. Mr. and Ms. Sanchez's detention violates the Fifth Amendment's protection of liberty for at least three related reasons. First, 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). Where, as here, the government currently has no authority to deport Mr. and Ms. Sanchez, detention is not reasonably related to its purpose

34. Second, because Mr. and Ms. Sanchez are not "deportable" insofar as the TPS statute bars their deportation, the Due Process Clause requires that any deprivation of their liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"); *Demore*, 538 U.S. at 528 (applying less rigorous standard for "deportable [non-citizens]"). Mr. and Ms. Sanchez's ongoing imprisonment obviously cannot satisfy that rigorous standard.

35. Third, at a bare minimum, "the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention." *Zadvydas*, 533 U.S. at 718 (Kennedy, J.,

dissenting) (emphasis added) Where federal law explicitly prohibits an individual's detention, then detention also violates the Due Process Clause.

36. It is irrelevant for purposes of this case that Mr. and Ms. Sanchez's TPS status may expire in several weeks, if the Government successfully defends in court its unprecedented attempt to vacate the January 2025 TPS Extension for Venezuela. The TPS statute's unambiguous command applies so long as the TPS holder's status remains in effect. It contains no exception for people whose TPS status may soon expire. And, as noted above, because litigation has now commenced to challenge the government's attempt to end TPS for Venezuela, it would not be appropriate for this Court (or any other) to speculate on the likely outcome of that litigation. Rather, it should decide this petition on the state of affairs as it currently exists, under which Mr. and Ms. Sanchez remain TPS holders.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF:

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT – 8 U.S.C. § 1254a

37. Mr. and Ms. Sanchez reallege and incorporate by reference each and every allegation contained above.

38. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

39. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States ” (emphasis added). There is no exception to this rule provided in the statute.

40. Thus, Mr. and Ms. Sanchez's detention violates Section 1254a, and they are entitled to immediate release from custody.

SECOND CLAIM FOR RELIEF:
**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
THE U.S. CONSTITUTION**

41. Mr. and Ms. Sanchez reallege and incorporate by reference each and every allegation contained above.

42. 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. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003)

43. Mr. and Ms. Sanchez's detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning Petitioner; and because it lacks any statutory authorization.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243, and order Respondents not to transfer or remove Petitioners from this District while this Petition is pending;
3. Declare that Petitioners' detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;
4. Declare that Petitioners' detention violates the Due Process Clause of the Fifth Amendment,

5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from custody,
6. Enjoin Respondents from further detaining Petitioners so long as TPS for Venezuela remains in effect and Petitioners continue to hold TPS status;
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
8. Grant such further relief as this Court deems just and proper.

Dated: March 21, 2025

Respectfully submitted,

//s// Simon Sandoval-Moshenberg
Simon Y. Sandoval-Moshenberg, Esq.
VSB No : 77110
Counsel for Plaintiff
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, VA 22030
Telephone: (703) 352-2399
Facsimile: (703) 763-2304
ssandoval@murrayosorio.com

Yulie Landan*
Matthew S. Vogel*†
National Immigration Project of the National
Lawyers Guild d/b/a National Immigration
Project
1201 Connecticut Ave. NW
Suite 531 # 896645
Washington, DC 20036
Tel: (213) 430-5521
yulie@nlpnl.org
matt@nlpnl.org

**Pro hac vice application forthcoming*

† Not admitted in DC; working remotely from and admitted in Louisiana only.

COUNSEL FOR PETITIONERS

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioners because I am one of the Petitioners' attorneys. I have discussed with the Petitioners' legal team the events described in this Petition. On the basis of those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Yulie Landan

Date: March 21, 2025

Certificate of Service

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U S mail, return receipt requested, to:

Civil Process Clerk
U S. Attorney's Office for the Eastern District of Virginia
2100 Jamieson Ave
Alexandria, VA 22314

Office of the General Counsel
U.S. Department of Homeland
Security 245 Muray Lane, SW, Mail
Stop 0485 Washington, DC 20528-
0485

Pamela Bondi, Attorney General of the United
States 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of the Principal Legal Advisor, Washington
U S. Immigration and Customs Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Respectfully submitted,

Date. March 21, 2025

//s// Simon Sandoval-Moshenberg
Simon Y. Sandoval-Moshenberg, Esq.
VSB No.: 77110
Counsel for Plaintiff
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, VA 22030
Telephone: (703) 352-2399
Facsimile: (703) 763-2304
ssandoval@murrayosorio.com