

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

SANCHEZ PUENTES, *et al* ,

Petitioners,

v

CHARLES, *et al* ,

Respondents

Civil Action No.: 1:25-cv-509

**PETITIONERS' REPLY TO VERIFIED PETITION FOR A WRIT OF HABEAS
CORPUS**

Pursuant to this Court's March 24, 2025 order (Dkt. 6), Federal Respondents earlier tonight filed a Corrected Response to the Verified Petition for a Writ of Habeas Corpus (Dkt 11) (Response). Petitioners Julio Cesar Sanchez Puentes (Mr. Sanchez) and Luddis Norelia Sanchez Garcia (Ms. Sanchez) (Petitioners) submit this reply.

The Federal Respondents base all of their factual allegations in the Response on a single declaration filed by Erik Weiss, the Assistant Field Office Director (AFOD). *See* Dkt. 11-1 (Declaration). This declaration, the sole exhibit to the Response, has several inconsistencies and illogical statements, rendering it unreliable on its face

First, the declarant attaches specific dates to almost every event described, with one glaring omission: the date that United States Citizenship and Immigration Services (USCIS) allegedly issued a decision withdrawing Mr. and Ms. Sanchez's Temporary Protected Status (TPS), which is apparently effective April 1, 2025. Dkt. 11-1 ¶ 10. Such decision must be made in writing and

served by personal service. 8 C.F.R. § 244.14 AFOD Weiss attaches no such written decision nor states that it has ever been served on either Mr. or Ms. Sanchez.

Second, the declarant states that upon Mr. and Ms. Sanchez's arrest pursuant to a criminal arrest warrant for violating 8 U.S.C. § 1325, on March 10, 2025, the arresting officers from U.S. Customs and Border Protection (CBP), questioned them. Dkt. 11-1 ¶¶ 13-14. The declarant does not mention whether this questioning, which allegedly occurred after Mr. and Ms. Sanchez were advised of their *Miranda* rights, was recorded or memorialized in any way. It is supposedly during this interview that, remarkably, Ms. Sanchez admitted that she is associated with Tren de Aragua (TdA) and that her ex-husband was also a member of TdA. *Id.* ¶ 14.

Ms. Sanchez therefore allegedly freely admitted an association with a known terrorist organization, which the current Administration has been targeting very publicly and aggressively, before she was brought to jail and before appearing in front of Magistrate Judge G. Michael Harvey for a criminal custody hearing. Yet, at that hearing, the government did not raise that Ms. Sanchez is allegedly "a senior member of the Magdaleno band of TdA." *Id.* ¶ 16; Ex. 1, Abe Declaration, ¶ 12. Rather, the government simply orally moved for continued detention, arguing only that Mr. and Ms. Sanchez should remain detained during the pendency of their criminal proceedings because they are a flight risk. Ex. 1 ¶ 12. Two weeks ago the government did not believe it necessary to make the same public safety arguments for continued detention that it presses upon this Court now, despite that it supposedly had this alleged admission at that time. It strains credulity that the government received an admission from Ms. Sanchez that she is associated with TdA and yet did not raise that or ask for continued detention on that ground at the criminal hearing.

Indeed, the government did not mention *any* admission during the custody hearing, even though the Assistant United States Attorney had spoken with CBP agents prior to the custody hearing. *See id.* ¶ 10.

Third, the declarant mentions that admissions were made but offers no recording or statements of those admissions. Yet recordings and/or documentation of *Miranda* advisals, waivers of *Miranda* rights (AFOD Weiss claims that Ms. Sanchez “agreed to speak” with the agents, Dkt. 11-1 ¶ 14), and statements and admissions are typically made in the context of a criminal arrest — which is how Mr. and Ms. Sanchez were arrested. Dkt. 11-1 ¶ 13.

Fourth, three days after the alleged admission, ICE officials nevertheless released Mr. and Ms. Sanchez from ICE custody “pending further investigation.” Dkt. 11-1 ¶ 15. It is unclear why ICE would release someone who allegedly admitted to involvement in TdA. The declarant also does not specify what additional investigation ICE undertook to conclude that Ms. Sanchez is a senior member of TdA, nor does he attach any results of that investigation. Dkt. 11 at 5.

Fifth, the declarant states that ICE is detaining Mr. and Ms. Sanchez pursuant to 8 U.S.C. § 1226(a), which provides for the discretionary detention of noncitizens arrested in the interior of the country. Dkt. 11-1 ¶ 22. Yet 8 U.S.C. § 1226(c)(1)(D) allows for the mandatory detention of certain noncitizens, including those who are inadmissible under 8 U.S.C. § 1182(a)(3)(B). Section 1182(a)(3)(B) is often referred to as the Terrorism-Related Inadmissibility Grounds (TRIG), and it applies to a noncitizen who is a “member” of an organization designated by the Secretary of State by publication in the Federal Register. *See also id.* §§ 1182(a)(3)(B)(i)(V), 1182(a)(3)(B)(vi)(II). TdA has been so designated as a Foreign Terrorist Organization. *See* 90 Fed. Reg. 13033, 13033 (Mar. 14, 2025) (Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua). It is at best inconsistent that Respondents would both

claim that Ms. Sanchez is a “senior member” of TdA and yet detain her pursuant to their discretionary authority, which could result in release on bond, rather than their mandatory detention authority.

Federal Respondents make broad and dangerous claims against Mr. and Ms. Sanchez. To do so, they rely on nothing more than a single declaration that, riddled with serious inconsistencies and illogical statements, lacks even basic indicia of reliability. *See United States v. Perkins*, 8 F. App’x 191, 193-94 (4th Cir. 2001). Particularly with such serious and consequential allegations, this Court should require more than uncorroborated double hearsay. The Court should not credit this declaration—the only proffered evidence the Response relies upon for any of its factual allegations—and should order Mr. and Ms. Sanchez released so they can be reunited with their family and community.

Dated March 27, 2025

Respectfully submitted,

//s// Simon Sandoval-Moshenberg
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