UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KLEIBER ALEXANDER ARIAS GUDINO,

Petitioner,

v.

CRAIG LOWE, *in his official capacity as* Warden, Pike County Correctional Facility; BRIAN MCSHANE, *in his official capacity as* Acting Field Office Director, Philadelphia Field Office, United States Immigration and Customs Enforcement; TODD M. LYONS, *in his official capacity as* Acting Director, United States Immigration and Customs Enforcement; KRISTI NOEM, *in her official capacity as* Secretary of Homeland Security; PAMELA BONDI, *in her official capacity as* United States Attorney General,

Respondents.

No. 25-cv-571 (KM/DFB)

PETITIONER'S REPLY BRIEF IN SUPPORT OF HIS MOTION FOR A PRELIMINARY INJUNCTION

PETITIONER'S REPLY BRIEF IN SUPPORT OF PETITIONER'S MOTION FOR A PRELIMINARY INUNCTION

TABLE OF CONTENTS

INTRODUCTION 1

RECENT FACTUAL DEVELOPMENTS 3

ARGUMENT 6

I. Mr. Arias Gudino shows a likelihood of success on the merits. 6

A. Mr. Arias Gudino's detention is on the basis of his immigration status and is therefore prohibited by the TPS statute. 6

B. TPS benefits do not terminate on the issuance of a withdrawal letter. 9

C. Respondents violated Mr. Arias Gudino's due process rights and have not remedied the violation. 10

D. 8 U.S.C. § 1252(g) has no bearing on this habeas petition, which solely seeks release. 13

II. Mr. Arias Gudino faces irreparable harm. 13

III. The remaining factors weigh in favor of Mr. Arias Gudino's release. 14

CONCLUSION 16

TABLE OF AUTHORITIES

Cases

Buck v. Stankovic, 485 F. Supp. 2d 576 (M.D. Pa. 2007) 14

Cardenas Barrera v. Castro, No. 2:25-cv-266 (MLG) (KRS) (D.N.M. 2025) .. 7, 14

Council of Alt. Pol. Parties v. Hooks, 121 F.3d 876 (3d Cir. 1997) 16

Demore v. Kim, 538 U.S. 510, 531 (2003) 6

Gil Rojas v. Vanegas, No. 1:25-cv-56 (S.D. Tex. 2025) 10

Marshall v. Lansing, 839 F.2d 933 (3d Cir. 1988) 8

Martinez v. McAleenan, 385 F. Supp. 3d 349 (S.D.N.Y. 2019) 12, 13

Preiser v. Rodriguez, 411 U.S. 475 (1973) 13

Shayesteh v. Att'y Gen. of the United States, 627 Fed. App'x 70 (3d Cir. 2015) 4

Zadvydas v. Davis, 533 U.S., 688, 678 (2001) 13

Statutes

8 U.S.C. § 1231(a)(6) 7

8 U.S.C. § 1254a(d)(4) 1, 2, 15

8 U.S.C. 1254(a)(1)(A) 10

N.J. STAT. ANN. § 2C:43-12(e)(13) 4

Regulations

8 C.F.R. § 244.14(b)(3) 1, 9

Other Authorities

Alexandra Villarreal, *Venezuelans with legal status are being illegally detained in the US, lawyers say*, The GUARDIAN (Apr. 5, 2025), *available at* https://www.theguardian.com/us-news/2025/apr/05/immigration-venezuelans-detained-legal-status.....15

INTRODUCTION

Petitioner Kleiber Alexander Arias Gudino ("Petitioner or "Mr. Arias Gudino") merits a preliminary injunction directing Respondents to release him from unlawful and arbitrary immigration detention. Mr. Arias Gudino, who has been properly granted and continues to hold Temporary Protected Status ("TPS"), was detained in clear violation of statute, a fact Respondents do not meaningfully contest. The TPS statute unambiguously states that "[a noncitizen] provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the [noncitizen's] immigration status in the United States." 8 U.S.C. § 1254a(d)(4).

Respondents' attempts to change the status quo since last Monday do not remedy their violation of the statute or of the Due Process Clause. Respondents' argument that Mr. Arias Gudino's detention is not based on immigration status is inaccurate. The only way Mr. Arias Gudino can lawfully be subject to civil immigration detention is on the basis of immigration status, and the TPS statute bars that detention. Respondents' suggestion that Mr. Arias Gudino should not be released because he can appeal a (still hypothetical) withdrawal of TPS is nonsensical. Beyond failing to account for the ongoing unlawfulness of his detention, it ignores that Mr. Arias Gudino's TPS status will continue during an appeal, which Mr. Arias Gudino intends to pursue. *See* 8 C.F.R. § 244.14(b)(3) (**"Temporary Protected**

Status benefits *will be extended* during the pendency of an appeal."); *See* Ex. A, Second Suppl. Arias Gudino Decl. ¶8.

Respondents do not contest that Mr. Arias Gudino has TPS, that he has a right to appeal a withdrawal, and that the TPS statute states unambiguously that he "shall not be detained." 8 U.S.C. § 1254a(d)(4). Mr. Arias Gudino shows a likelihood of success on the merits of Counts 1-3 (relating to unlawful detention as a TPS holder).

While the Court should order release on these claims alone, Mr. Arias Gudino also shows a likelihood of success on his constitutional claims. Mr. Arias Gudino's detention continues to bear no relation to the legitimate purposes of immigration detention. Respondents' *post hoc* attempts to add procedural regularity to Mr. Arias Gudino's detention are belated, ineffectual, and incomplete. Accordingly, Mr. Arias Gudino shows a likelihood of success on his procedural due process claim, which, moreover, relates back to the time Respondents unlawfully detained him.

The remaining preliminary injunction factors also favor relief for Mr. Arias Gudino. He faces irreparable harm as he suffers the severe deprivation of his liberty and the emotional toll of separation from his family. The balance of the equities and the public interest weigh in favor of freeing him from Respondents' unlawful detention, allowing him to fulfill the promise of stability and security that the grant of TPS offered him. The Court should order his immediate release.

RECENT FACTUAL DEVELOPMENTS

Since Mr. Arias Gudino filed for emergency relief before the Court, Respondents have sought to augment the record in a belated effort to justify his unlawful detention.

On April 8, 2025—over a week after he filed his habeas petition, and three weeks after his arrest by ICE—counsel for Respondents indicated, for the first time ever, that Mr. Arias Gudino had some unspecified and unsubstantiated association with Tren de Aragua, a Venezuelan gang.[1]

Mr. Arias Gudino is not a gang member. *See* Second Suppl. Arias Gudino Decl. ¶4 ("I have never been arrested in Venezuela or been accused of being a gang member in Venezuela or anywhere else in the world."); Ex. B, Decl. of Monica Yumaira Arias Gudino ¶ ("Monica Arias Gudino Decl.") ("[My son] has never been a member of any gang.").

Before April 8, 2025, no law enforcement agency had ever alleged that he was a member, affiliate, or associate of a gang. *See, e,g,*, Ex. C, Decl. of John L. Weichsel, Esq. ¶ 4 ("Weichsel Decl.").[2] Respondents provide no evidence that supports their

---

[1] According to experts on Venezuelan gangs, Respondents' procedures for identifying TdA members suffer from serious methodological flaws and can be expected to lead to misidentification. *See* Ex. D, Decl. of Rebecca Hanson, Ass't Professor of Sociology and Criminology, Univ. of Fla. ¶¶ 22-28 ("Hanson Decl.").

[2] Notably, in recommending Mr. Arias Gudino for participation in Pre-Trial Intervention ("PTI"), a judicial diversion program in New Jersey, the district

assertion that Mr. Arias Gudino had a "known association with TdA, TdA gang members, and their criminal activity." Resp't's Opp'n at 12, ECF No. 17, ("Opp'n."). For support, Respondents cite a search warrant that was executed at the building in which Mr. Arias Gudino was living when he was detained. *Id.* 11. To begin, it is important to clarify that the building in which Mr. Arias Gudino was living contained several rooms that were rented out individually on a weekly basis to different people. He and his family rented two rooms and did not know the people who rented the other rooms. *See* Second Suppl. Arias Gudino Decl. ¶6; Monica Arias Gudino Decl. ¶5. The search warrant Respondents rely on does not contain the words "gang" or "Tren de Aragua." *See* ECF No. 18-12. Nor does the search warrant contain Mr. Arias Gudino's (or anyone else's) name. And, although the I-213, Record of Deportable/Inadmissible Alien[3] produced by Respondents mentions TdA, ECF No. 18-13 ("I-213"), there is no evidence that the FBI determined that any TdA members were present in the building. Moreover, the I-213 itself does not allege any

---

attorney for Bergen County and the PTI program director needed to consider 17 statutory factors, including, specifically, "**[a]ny involvement of the applicant with organized crime.**" N.J. Stat. Ann. § 2C:43-12(e)(13); *see also* Weichsel Decl. ¶4.

[3] "An I–213 form documents the arrest of an [non-citizen] unlawfully present in the United States. In addition to the circumstances of the arrest, the form contains the name, alien number, address, date of birth, photograph, fingerprints, criminal and immigration history, and other information about the arrestee." *Shayesteh v. Att'y Gen. of the United States*, 627 Fed. App'x 70, 72 n.1 (3d Cir. 2015) (quotation marks and citation omitted).

association between Mr. Arias Gudino and the target of the search warrant, and it contains numerous factual errors. *Cf. id*; Ex. E Decl. of Rebecca Schectman, Esq. ¶6 ("Schectman Decl.") (listing factual errors).

The I-213 states that "ARIAS-Gudino appeared to be foreign born[,] which initiated FBI contact with ERO NYC to verify citizenship." *Id.* Respondents' submission—which includes a summary by ICE of Mr. Arias Gudino's re-detention—indicates that ICE did not decide to detain Mr. Arias Gudino based on alleged association with TdA. *See* I-213. ("ARIAS-Gudino was arrested without incident pursuant to a Warrant for Arrest of Alien (Form I-200) and an outstanding final order of removal to Venezuela."). And Respondents' submission further fails to link anyone else arrested at the address of the search warrant with TdA.

On April 8, 2025, over three weeks after his detention, Mr. Arias Gudino received a notice entitled Revocation of Release that purported to revoke his order of supervision ("OSUP") on the grounds that his removal was reasonably foreseeable. He unquestionably had TPS on that date, and his removal was therefore prohibited by statute. *See* 8 U.S.C. § 1254a(a)(1)(A).

On April 9, 2025, Mr. Arias Gudino received a second Revocation of Release that added the allegation that he had violated his OSUP by associating with gang members. Again, this allegation is false and unsupported. ICE did not explain the reason or significance of issuing a second Revocation of Release.

In their brief, Respondents indicate that a withdrawal of Mr. Arias Gudino's TPS may be forthcoming. Opp'n. at 12. Neither Mr. Arias Gudino nor counsel have received this withdrawal at the time of this filing.

ARGUMENT

I. Mr. Arias Gudino shows a likelihood of success on the merits.

A. Mr. Arias Gudino's detention is on the basis of his immigration status and is therefore prohibited by the TPS statute.

Contrary to Respondents' assertions, Mr. Arias Gudino's detention *is* on basis of his immigration status. It is therefore prohibited by the TPS statute. Respondents fundamentally misconstrue the nature of immigration detention in arguing for a distinction between detention on the basis of immigration status, on the one hand, and on the basis of an alleged order of supervision ("OSUP") violation, on the other. All of the statutes that authorize civil immigration detention do so on the basis of immigration status. The threshold question is always whether, considering the immigration status of the noncitizen, statutory authority for detention exists. *See, e.g.*, *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("[T]he ultimate purpose behind the detention is premised upon the [noncitizen's] deportability.") (Kennedy, J., concurring) (emphasis added). For TPS holders, the statute is clear. They are not removable and cannot be subjected to civil immigration detention. This includes post-final order detention pursuant to 8 U.S.C. § 1231(a)(6). Respondents' disregard for the plain language of the TPS statute is both unpersuasive and unprecedented.

The OSUP revocation, which is *post hoc* and procedurally deficient, does not provide an independent basis for detention. The subsection providing for OSUPs simply states the terms of release from ICE detention for people subject to a final order of removal. *See* 8 U.S.C. § 1231(a)(3) ("If the [noncitizen] does not leave or is not removed within the removal period, the [noncitizen], pending removal, shall be subject to supervision."); *id.* § 1231(a)(6) (providing that a noncitizen detained beyond the removal period, "if released, shall be subject to the terms of supervision in paragraph (3)."). An individual returned to Section 1231(a)(6) custody is still detained on the basis of their immigration status. The subsection in no way creates a separate authorization of detention.

The TPS statute's clear and unambiguous prohibition applies to all forms of immigration detention and does not contain or imply a carveout for detention pursuant to an alleged violation of terms of release. *See, e.g.*, Order Granting Petitioner's Temporary Restraining Order, *Cardenas Barrera v. Castro*, No. 2:25-cv-266 (MLG) (KRS) (D.N.M. March 15, 2025), ECF No. 24 at 4 (finding that valid TPS status of noncitizen, who had been released on supervision from post-order detention, precluded his detention on the basis of § 1231(a)(6)).[4] In Mr. Arias

[4] *See also id.* ("[I]f the Government is willing to ongoingly violate Petitioner's legal rights and unlawfully hold Petitioner under 8 USC § 1231(a)(6), the Court can fairly infer that the same Government will likely unlawfully remove or transfer Petitioner absent an order from this Court.").

Gudino's case, his detention prohibited by statute, *see* 8 U.S.C. 1254a(d)(4), and he may not be removed because of his TPS status, *see* 8 U.S.C. § 1254a(a)(1)(A). The distinction Respondents seek to draw would eviscerate the TPS's statute's unambiguous prohibition of detention.

Even if the distinction drawn by Respondents were tenable, the record does *not* indicate that Mr. Arias Gudino was detained because his OSUP was revoked. His I-213 does not mention his OSUP or a revocation. *See* ECF No. 18-13, Updated I-213. Rather, it states that he was being detained pursuant to "an outstanding final order of removal to Venezuela." *Id.* The revocation of his OSUP on April 8 or 9, 2025 was a *post hoc* rationalization for the decision to detain him three weeks earlier in clear violation of the TPS statute. *See, e.g.*, *Marshall v. Lansing*, 839 F.2d 933, 943-44 (3d Cir. 1988) ("A court must review the agency's actual on-the-record reasoning process. Only a formal statement of reasons from the agency can provide this explanation, not a *post hoc* rationalization, or agency counsel's in-court reasoning."). The Court should not credit these decisions as the basis for Mr. Arias Gudino's detention.

Respondents' attempts to contort both the Immigration and Nationality Act ("INA") and the record are unsupported in both law and fact. As discussed in Petitioner's opening brief, ECF No. 13, *see* 16–17, district courts presented with

analogous cases to Mr. Arias Gudino's, in which a noncitizen with valid TPS was detained by ICE, have ordered immediate release from ICE detention.

B. TPS benefits do not terminate on the issuance of a withdrawal letter.

Even if USCIS withdraws Mr. Arias Gudino's TPS, which the record does not reflect, he will not immediately lose the protections of the TPS statute. These protections, including the prohibition on his detention and removal, will remain in effect through the appeal period, which includes the period that he has to submit his appeal[5] and the pendency of the appeal. *See* 8 C.F.R. § 244.14(b)(3). Mr. Arias Gudino plans to file an appeal. *See* Second Suppl. Arias Gudino Decl. ¶8.

Mr. Arias Gudino has the right to appeal a withdrawal of his TPS before the USCIS's Administrative Appeals Unit ("AAU"). *See* 8 C.F.R. § 244.14(b)(3). The regulation unambiguously states: "**Temporary Protected Status benefits *will be extended* during the pendency of an appeal.**" *Id.* (emphasis added). Mr. Arias Gudino has already stated that he wants to appeal any withdrawal of his TPS. Thus, even if USCIS withdraws Mr. Arias Gudino's TPS, his detention will remain unlawful throughout the pendency of the agency appeal that he plans to pursue. Respondents' argument that the issuance of a withdrawal letter from USCIS would

---

[5] In general, USCIS decisions offer a 30-day appeal period before any decision becomes final. *See, e.g.*, Ex. F, Sample TPS Withdrawal Letter.

moot the petition is meritless. Absent intervention by the Court, Mr. Arias Gudino will remain unlawfully detained through a monthslong appeal process during which his TPS will remain valid.

It is notable that the one other court to address the lawfulness of detention after a TPS withdrawal ordered immediate release. In *Gil Rojas v. Vanegas*, No. 1:25-cv-56, (S.D. Tex.), the petitioner challenged his detention in violation of the TPS statute. The day before the hearing on his petition, USCIS withdrew the petitioner's TPS on the basis that he was a danger to the United States. *See* Ex. G, Plaintiff's Notice of Recent Case-Related Developments, *Gil Rojas v. Vanegas*, No. 1:25-cv-56 (S.D. Tex. Apr. 1, 2025), ECF No. 17 at 2. The next day, the court ordered petitioner's release, concluding that he "is a Venezuelan national with valid Temporary Protected Status and was wrongfully detained under 8 U.S.C. 1254(a)(1)(A)." *See* ECF 1-3, TPS Orders at 7.

If Mr. Arias Gudino receives a non-final decision withdrawing his TPS before the Court adjudicates his motion, his TPS will be no less "valid," and his detention no less prohibited by the TPS statute. The Court should order his immediate release.

C. Respondents violated Mr. Arias Gudino's due process rights and have not remedied the violation.

Although the Court need not reach constitutional questions because the TPS statute alone resolves the case, Mr. Arias Gudino's habeas corpus petition raises significant due process claims that Respondents do not, and cannot, address.

Respondents' own submission makes apparent that Mr. Arias Gudino's detention violates both the substantive and procedural components of the Due Process Clause.

First, Respondents' submission illustrates that Mr. Arias Gudino's detention violates the substantive due process because his detention serves no legitimate purpose. As the I-213 shows, ICE knew that Mr. Arias Gudino held TPS at the time he was detained. *See* I-213 at 3 ("On January 21, 2025, USCIS approved the TPS application, card expiration date: October 2, 2026."). ICE therefore knew that his detention was prohibited by statute and that his removal was not reasonably foreseeable.

Second, Respondents' submission also illustrates their flagrant ongoing violation of procedural due process. Mr. Arias Gudino was provided with no notice or process until he sought emergency relief before this Court. Contrary to Respondents' assertion, there is nothing in the record to suggest that ICE revoked Mr. Arias Gudino's OSUP on March 14, 2025. That decision, which, in any event, does not supersede the TPS statute's prohibition on detention, was issued on April 8, 2025 and again, inexplicably, on April 9, 2025. At the time Mr. Arias Gudino was detained, the government had not withdrawn his TPS and is seemingly only doing so in response to his request for relief before this Court. At the time they detained Mr. Arias Gudino, Respondents followed none of the procedures that could even conceivably subject him to detention.

Respondents' attempt to "[r]epent for [v]iolating their own [r]egualtions" over the past week has been ineffectual at best. *See Martinez v. McAleenan*, 385 F. Supp. 3d 349, 367 (S.D.N.Y. 2019). They ask the Court to rubberstamp their Revocations of Release not only based on an untenable legal theory, but also without accounting for the complete lack of notice and an opportunity to be heard during the first three weeks of Mr. Arias Gudino's arbitrary detention. More fundamentally, Respondents have submitted no evidence demonstrating that Mr. Arias Gudino's TPS has been withdrawn, which, as discussed *supra* Section I.B, would not provide adequate process in any event due to the statutory provision that TPS benefits continue through the appeal period and during the pendency of an appeal.[6]

Although the Court need not reach these constitutional claims, the Court could readily grant relief on the basis of that Mr. Arias Gudino's detention violated due process both at the time he was taken into custody and at present. *See, e.g.*, *Martinez*, 385 F. Supp. 3d at 359 ("[The court] can find that Petitioner's initial detention was unconstitutional, and regardless of his present custody, the appropriate remedy for that initial violation alone is to release him. Or it can find that Petitioner's

---

[6] It is not clear whether Respondents are unaware of the statutory provision regarding the TPS appeal process—which provides that TPS status shall remain during the pendency of the appeal—or whether Respondents are choosing to disregard it as they have done so far with the TPS statute prohibiting detention or removal.

original *and* current detention are unconstitutional, and the appropriate remedy for the continuous violation is to release him."). Mr. Arias Gudino's detention violates the Due Process Clause.

D. 8 U.S.C. § 1252(g) has no bearing on this habeas petition, which solely seeks release.

Respondents suggest that the Court should dismiss Mr. Arias Gudino's petition "to the extent [it] may be construed as a challenge to [his] administratively final order of removal." Opp'n. at 21. Mr. Arias Gudino seeks release from unlawful detention, which is "the essence of habeas corpus." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). As the Supreme Court held 24 years ago after reviewing the application of several jurisdiction-stripping statutes—including 8 U.S.C. Section 1252(g)—"[Section] 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention." *Zadvydas v. Davis*, 533 U.S., 688, 678 (2001). None of the legal holdings Respondents cite relate to release from detention. *Cf.* Opp'n. at 23–24. Mr. Arias Gudino's challenge to unlawful detention and request for release are an uncontroversial exercise of habeas jurisdiction and in no way implicate the jurisdictional bars of the INA.

II. Mr. Arias Gudino faces irreparable harm.

Mr. Arias Gudino faces irreparable harm. To begin, the due process violations he is experiencing already constitute irreparable harm. *See, e.g.*, *Buck v. Stankovic*,

485 F. Supp. 2d 576, 586 (M.D. Pa. 2007); Pet.'s Brief at 28–29. If he is not released by this Court, "Petitioner is likely to be unlawfully removed from the United States ("U.S.") prior to the expiration of TPS, satisfying the second prong." *Cardenas Barreras*, slip. op. at 3. At the status conference on April 8, 2025, Respondents were unable to provide any assurance that Mr. Arias Gudino would not be imminently removed despite having TPS, prompting the Court to issue a temporary order enjoining his removal. Respondents nonetheless suggest that Mr. Arias Gudino cannot show irreparable harm because he has "alternative means of challenging his detention." Opp'n. at 27. In reality, absent an order directing his release, Mr. Arias Gudino will continue to have no meaningful way to challenge his detention in violation of the TPS statute and is at high risk of unlawful removal from the United States after the expiration of the temporary order, causing him irreparable harm. Mr. Arias Gudino also continues to suffer from irreparable harm due to his separation from his family. *See* Pet.'s Brief at 29.

III. The remaining factors weigh in favor of Mr. Arias Gudino's release.

The balance of the equities and the public interest weigh in Mr. Arias Gudino's favor. *First*, against the severe deprivation of Mr. Arias Gudino's liberty and statutory and constitutional rights (which he has already suffered for nearly one month), Respondents' only suggested equity is that releasing him would harm "the Government's ability to effectively administer immigration laws." Opp'n. at 27. To

the contrary, however, his release is necessary to ensure that the government give effect to its immigration laws (specifically, 8 U.S.C. § 1254a). On a practical level, Mr. Arias Gudino seeks a return to a status quo that imposed minimal burdens on Respondents. Their last action before unlawfully detaining him was in fact to downgrade the conditions of his supervision, requiring the expenditure of few, if any, government resources. *See* Pet. ¶ 51; Ex. E, Email from Deportation Officer Ryan to Rebecca Schechtman, Esq. (Jan. 29, 2025).

Second, releasing Mr. Arias Gudino from arbitrary and unlawful detention serves the public interest. Respondents argue that Mr. Arias Gudino's continued unlawful detention somehow "confirm[s] the statutory framework set forth by Congress and ensure[s] that removal proceedings are not fragmented." Opp'n. at 28–29. However, the statutory framework set forth by Congress (*i.e.*, the unambiguous statutory language prohibiting his detention) can only be confirmed by granting Mr. Arias Gudino's petition.[7] Mr. Arias Gudino is not presently in removal proceedings and does not seek review of his removal order. "In the absence of legitimate, countervailing concerns, the public interest clearly favors the protection of

---

[7] *See also* Alexandra Villarreal, *Venezuelans with legal status are being illegally detained in the US, lawyers say*, The GUARDIAN (Apr. 5, 2025), *available at* https://www.theguardian.com/us-news/2025/apr/05/immigration-venezuelans-detained-legal-status (describing recent unlawful detentions of Venezuelans with TPS).

constitutional rights." *Council of Alt. Pol. Parties v. Hooks*, 121 F.3d 876, 883-84 (3d Cir. 1997).

The public interest favors releasing Mr. Arias Gudino. This outcome gives effect to congressional intent and to fundamental due process principles. It allows Mr. Arias Gudino to once again "begin a new chapter in my life," Arias Gudino Decl., ECF No. 1-2 ¶11, an opportunity the government afforded him by properly granting him TPS, only to violently rip it away by unlawfully detaining him.

CONCLUSION

For the foregoing reasons, Mr. Arias Gudino meets the standard for a preliminary injunction. The Court should order his release from Respondents' arbitrary and unlawful detention in violation of the TPS statute and the Constitution.

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I served this Reply Brief and all attachments on Respondents using the CM/ECF system.

Dated: April 13, 2025

/s/ Kevin Siegel
Kevin Siegel
Pro Bono Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

I, undersigned counsel, hereby certify pursuant to Local R. 7(b)(2), that Petitioner's Reply Brief complies with the world count limit described in Local R. 7(b)(2). The actual number of words in the brief is 3,752.

Dated: April 13, 2025

/s/ Kevin Siegel
Kevin Siegel
Pro Bono Counsel for Petitioner