

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

KLEIBER ALEXANDER ARIAS
GUDINO,

Petitioner,

v.

CRAIG LOWE, *in his official
capacity as* Warden, Pike County
Correctional Facility, *et al.*,
Respondents.

Case No. 1:25-CV-571

Hon. Karoline Mehalchick,
U.S. District Judge

**RESPONDENT'S NOTICE OF CASE-RELATED
DEVELOPMENTS**

Respondent¹ respectfully writes to inform this Court that on April 14, 2025, United States Citizenship and Immigration Services (USCIS) withdrew Petitioner Kleiber Alexander Arias Gudino's temporary protected status (TPS). Exhibit 16, Decision dated April 14, 2025. As noted in the opposition to Petitioner's motion for temporary restraining

¹ "In habeas challenges to present physical confinement – 'core challenges' – the default rule is that the proper respondent is the warden of the facility where the prisoner is being held." *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Petitioner requests release from confinement. See Doc. 1, Complaint, at 31, ¶¶ 90-92; Doc. 13, Brief in Support of Temporary Restraining Order or Preliminary Injunction, at 31-32. As such, Warden Lowe is the only proper respondent.

order and preliminary injunction, Respondent's position is that the withdrawal of Gudino's TPS moots this matter.

Contrary to Petitioner's assertions, *see, e.g.*, Doc. 19, Reply Brief, at 12, n. 6 (suggesting Respondent is not aware of the regulatory scheme for TPS), Doc. 21, Petitioner's Notice of Case-Related Developments, at 2 (citing to C.F.R. § 244.14 to justify continued extension of benefits), TPS benefits are limited by regulation, *see* C.F.R. § 244.10(e) (benefits limited to temporary stay of deportation and temporary employment authorization),² and Immigration and Customs Enforcement (ICE) is specifically entitled to detain a petitioner whose TPS is withdrawn on the basis of 8 C.F.R. § 244.4. *See* 8 C.F.R. § 244.18(d) ("An alien who is determined by USCIS deportable or inadmissible upon grounds which would have rendered the alien ineligible for such status as provided in... 8 C.F.R. § 244.4 may be detained under the provisions of this chapter pending removal proceedings."). Therefore, Petitioner's basis for the

² In accordance with 8 C.F.R. § 241.13(i)(3), Petitioner is currently scheduled for an informal interview for the Order of Supervision violation on Wednesday, April 16, 2025, after adjournment requests from Petitioner's counsel. Neither 8 U.S.C. § 1254a, nor 8 C.F.R. § 244.10(e), prohibit an order of supervision for a noncitizen granted TPS. Therefore, ICE and the Department of Homeland Security have the authority under 8 U.S.C. § 1231(a)(6) to issue orders of supervision.

underlying habeas petition is no longer present, but Gudino may challenge USCIS's decision regarding withdrawal through the administrative process, as he indicates he intends to do. *See* Doc. 19 at 9, Doc. 21 at 2.

Respectfully submitted,

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Dated: April 14, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on April 14, 2025, she served a copy of the attached

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via Electronic Filing:

Kevin Siegel, Esq.
Vanessa Stine, Esq.

/s/ Stephanie Kakareka
STEPHANIE KAKAREKA
Legal Administrative Specialist