

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

VIGDALIA MARITZA MARTINEZ
GOMEZ,

CASE NO.

Petitioner/Plaintiff,

JUDGE:

v.

MAGISTRATE JUDGE

JUAN AGUDELO, Interim Field Office Director, U.S. Department of Homeland Security ("DHS") Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO") Miami Field Office; TODD M. LYONS; Acting Director, U.S. DHS ICE; KRISTI NOEM, Secretary, DHS; PAMELA J. BONDI, U.S. Attorney General; and U.S. Citizenship and Immigration Services ("USCIS");

Respondents/Defendants.

VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241 AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF

COMES NOW the Petitioner/Plaintiff, VIGDALIA MARITZA MARTINEZ GOMEZ, by and through undersigned counsel, and hereby brings this Petition and sues the Respondents/Defendants and alleges as follows:

INTRODUCTION

1. The Petitioner/Plaintiff is a citizen and national of Guatemala who is the beneficiary of a deferred action grant by the U.S. Department of Homeland Security ("DHS") U.S. Immigration and Citizenship Services ("USCIS") arising from the USCIS's bona fide determination ("BFD") that the Petitioner/Plaintiff qualifies for U nonimmigrant status for alien victims of certain qualifying activity. See copy of USCIS Correspondence dated September 09,

2022, at Exhibit No. 3, and copy of the Petitioner/Plaintiff's current USCIS Employment Authorization Document issued January 02, 2024, at Exhibit No. 2; 8 U.S.C. §§ 1184(p)(6) and 1103(a) (authority for bona fide discretion process for Petition for U Nonimmigrant Status (Form I-918)); 8 C.F.R. § 214.14 (regulations for I-918 Petition adjudication); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483-84 (1999) ("At each stage [of the deportation process] the Executive has discretion to abandon the endeavor, and at the time [the Illegal Immigration Reform and Immigrant Responsibility Act of 1996] was enacted the [legacy Immigration and Naturalization Service] had been engaging in a regular practice (which had come to be known as 'deferred action') of exercising that discretion for humanitarian reasons or simply for its own convenience").

2. "Approval of deferred action status means that [...] no action will thereafter be taken to proceed against an apparently deportable alien, even on grounds normally regarded as aggravated." *Am.-Arab Anti-Discrimination Comm.*, 525 U.S. at 484 (quoting 6 C. Gordon, S. Mailman, & S. Yale-Loehr, *Immigration Law and Procedure* §72.03[2][h] [1998]).

3. Despite the USCIS deferred action grant and compliance with a DHS Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO") Order of Supervision ("OSUP"), the Petitioner/Plaintiff has indicated that the DHS ICE ERO apprehended her on or about March 27, 2025, in Palm Beach Gardens, Florida, and has been detaining her since this time. *See* copy of OSUP at Exhibit No. 1.

4. The Petitioner/Plaintiff challenges her detention as a violation of the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101 *et seq.*, and regulations thereunder, Administrative Procedure Act ("APA"), and the Due Process Clause of the Fifth Amendment.

5. The Petitioner/Plaintiff respectfully requests *inter alia* that this Honorable Court grant her a Writ of Habeas Corpus and order the Respondents/Defendants to release her from custody, grant a stay of removal, and order other relief as described herein.

6. This action arises under the United States Constitution and the INA. This Honorable Court has jurisdiction over this complaint under: 28 U.S.C. § 2241 (power to grant Writ of Habeas Corpus); the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1346 (United States Defendant); the Mandamus Act, 28 U.S.C. § 1361 (jurisdiction to compel an officer to perform a duty owed to Plaintiff); and APA, 5 U.S.C. § 555(b), 5 U.S.C. § 702 (APA waiver of sovereign immunity), 5 U.S.C. § 704 (no other adequate remedy) and 5 U.S.C. § 706 (compel agency action unlawfully withheld or unreasonably delayed).

VENUE

7. Venue is proper in this district under 28 U.S.C. § 1391(b), 28 U.S.C. § 1391(e)(1) (United States defendant resides in this district), 28 U.S.C. § 1391(e)(2) (cause of action arose in this district), and 28 U.S.C. § 1391(e)(4) (plaintiff resides in this district and no real property is at issue).

8. The Petitioner/Plaintiff has indicated that she is in the Respondents/Defendants' physical custody within this district at the Broward Transitional Center in Pompano Beach, Florida, an immigration detention center under the direct control of the Respondents/Defendants and their agents.

PARTIES

9. Petitioner/Plaintiff MARTINEZ GOMEZ is a citizen and national of Guatemala in the Respondents/Defendants' physical custody. The Respondents/Defendants have assigned her Alien Registration No. A 

10. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Juan Agudelo, the DHS ICE ERO Miami Field Office Interim Director. In this official capacity, he is responsible for the ICE Field Office with administrative jurisdiction over the Petitioner/Plaintiff and he is a legal custodian of the Petitioner/Plaintiff.

11. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Todd M. Lyons, the DHS ICE Acting Director. In this official capacity, he is a legal custodian of the Petitioner/Plaintiff.

12. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Kristi Noem, the DHS Secretary. In this official capacity, she is a legal custodian of the Petitioner/Plaintiff.

13. The Petitioner/Plaintiff brings a suit against Respondent/Defendant Pamela J. Bondi, the Attorney General of the U.S. Department of Justice. In this official capacity, she is a legal custodian of the Petitioner/Plaintiff.

14. The Petitioner/Plaintiff brings a suit against Defendant U.S. Citizenship and Immigration Services (USCIS) as it is among the DHS agencies responsible for administration of the INA., including the statutory obligation to adjudicate immigration benefits.

CUSTODY

15. The Petitioner/Plaintiff is in the Respondents/Defendants' physical custody within this district at the Broward Transitional Center in Pompano Beach, Florida, an immigration detention center under the direct control of the Respondents/Defendants and their agents

LEGAL BACKGROUND

A. U Nonimmigrant Status and Deferred Action

16. Congress created the U-nonimmigrant classification as part of the Victims of Trafficking and Violence Protection Act of 2000. In enacting this law, Congress recognized that

the U-nonimmigrant status process would “facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status” and “give law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions.” *See* section 1513(a)(2)(B), Public Law No.: 106-386, 114 Stat. 1464.

17. U-nonimmigrant status provides temporary immigration benefits to certain victims of criminal activity who: (1) have suffered substantial mental or physical abuse as a result of having been a victim of criminal activity; (2) have information regarding the criminal activity; and (3) assist government officials in the investigation and prosecution of such criminal activity. 8 U.S.C. § 1184(p)(2).

18. Additionally, the criminal activity must have violated U.S. law or occurred in the United States or its territories and possessions. 8 U.S.C. § 1101(a)(15)(U)(i).

19. A petitioner for U-nonimmigrant status must submit an application to USCIS with a certification from a law enforcement agency indicating that *inter alia* the petitioner is a victim of qualifying criminal activity and has been, is, or is likely to be helpful in the investigation or prosecution of the relevant criminal activity. 8 U.S.C. § 1184(o); 8 C.F.R. § 214.14(c)(2)(i). The alien also must submit biometric data and a personal statement. 8 C.F.R. § 214.14(c)(2)(ii)-(iii).

20. A final removal order does not remove jurisdiction from USCIS to adjudicate an I-918 Petition. 8 C.F.R. § 214.14(c)(1)(ii).

21. Pursuant to 8 U.S.C. § 1184(p)(2), USCIS may only issue 10,000 “U-visas” per year. *See also* 8 C.F.R. § 214.14(d)(1).

22. “[T]hat cap has been reached each year since 2009.” *De Sousa v. Dir. Of U.S. Citizenship and Immigration Services*, 755 F. Supp. 3d 1266, 1268 (N.D. Cal. 2024).

23. In the recent decision in *De Sousa*, the Court explained how Respondent/Defendant USCIS has addressed this problem as follows:

In response, USCIS established a regulatory waiting list process. 8 C.F.R. §214.14(d)(2). If USCIS determines that a U visa is approvable but cannot be granted “due solely” to the 10,000-person cap, the petitioner “must be placed on [the] waiting list.” *Id.* The wait time for issuance of a U visa is at least seven or eight years. USCIS prioritizes the U visa applications that have been pending the longest. 8 C.F.R. § 214.14(d)(2); USCIS Policy Manual, Vol. 3, Part C, Ch. 7. As of October 2024, USCIS was issuing U visas only for petitions filed in or before November 2016. See <https://www.uscis.gov/I918> (last visited November 5, 2024).

But the waiting list has a backlog of its own. In 2020, for example, “the median processing time from receipt of a U visa petition until placement on the waiting list was 50.9 months.” USCIS, Humanitarian Petitions: U Visa Process Timings, Fiscal Year 2021 Report to Congress (available at <https://www.uscis.gov/sites/default/files/document/reports/USCIS-Humanitarian-Petitions.pdf>). USCIS has been repeatedly sued for allegedly lengthy delays in its issuance of waiting list decisions. See, e.g., *Barrios Garcia v. U.S. Dep’t of Homeland Sec.*, 25 F.4th 430, 452-54 (6th Cir. 2022); *Gonzalez v. Cuccinelli*, 985 F.3d 357, 374-76 (4th Cir. 2021).

Due to the “growing backlog awaiting placement on the waiting list,” USCIS issued a Policy Alert creating an abbreviated, substitute process: a bona fide determination. [...]. The USCIS Policy Manual sets forth the procedures for that process. USCIS “determines whether a petition is bona fide based on the petitioner’s compliance with initial evidence requirements and successful completion of background checks.” USCIS, Policy Manual, Vol. 3, Part C, Ch. 5 (available at <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5>). If a U visa petition is deemed bona fide, USCIS grants the petitioner “deferred action,” along with work authorization. *Id.* “Deferred action” refers to an “exercise in administrative discretion” under which “no action will thereafter be taken to proceed” with the applicant’s removal from the United States. [*Am.-Arab Anti-Discrimination Comm.*, 525 U.S. at 484] (citation omitted). Petitioners who do not receive a bona fide determination are generally not considered for a waiting list decision. USCIS, Policy Manual, Vol. 3, Part C, Ch. 6.

De Sousa, 755 F. Supp. 3d at 1269-70.

24. The USCIS Policy Manual notes that “[t]he evaluation performed by USCIS to determine whether a petition is bona fide and whether a petitioner receives a BFD [Employment Authorization Document (“EAD”)] is a more complex evaluation than looking at the petition on its face alone.” USCIS, Policy Manual, Vol. 3, Part C, Ch. 5

25. The USCIS Policy Manual further explains that “USCIS generally does not conduct waiting list adjudications for aliens who USCIS grants BFD EADs and deferred action to; these petitioners’ next adjudicative step is final adjudication when space is available under the statutory cap.” *Id.*

26. The regulations note, however, that “a petitioner may be removed from the waiting list, and the deferred action [...] may be terminated at the discretion of USCIS.” 8 C.F.R. §214.14(d)(3).

B. Stay of Removal

27. The DHS may stay a final removal order against an alien to allow the alien to pursue relief or in light of practical or humanitarian considerations. *See* 8 C.F.R. § 241.6 (DHS stay of removal authority); 8 U.S.C. § 1231(c)(2) (providing for stay of removal for aliens found removable at port of entry); *see also* 8 U.S.C. § 1227(d)(1) (“If the [DHS Secretary] determines that an [I-918 Petition] sets forth a prima facie case for approval, the Secretary may grant the alien an administrative stay of a final order of removal under [8 U.S.C. § 1231(c)(2)] until” the Petition is approved or denied).

28. An alien who has been granted a stay of removal may be released from detention pursuant to “conditions [that the DHS Secretary] may prescribe.” 8 U.S.C. § 1231(c)(3); *see also* 8 U.S.C. § 1231(a)(3) (after 90-day period, authorizing supervision under regulations subject to certain conditions); 8 C.F.R. § 241.1 (regulations regarding continued detention of inadmissible aliens beyond removal period); 8 C.F.R. §241.5(a) (requirements for order of supervision (“OSUP”)).

29. A stay of removal does not confer eligibility for work authorization, but an OSUP does confer such eligibility under certain circumstances. *See* 8 C.F.R. § 274a.12 (not listing stay

of removal as basis for work authorization); *but see id.* at § 274.a.12(c)(18) (work authorization available with order of supervision).

30. “Any alien [...] who has been released under an [OSUP] or other conditions of release who violates the conditions of release may be returned to custody.” 8 C.F.R. § 241.4(l)(1).

31. “Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” *Id.*

32. “The Executive Associate Commissioner shall have authority, in the exercise of discretion, to revoke release and return to Service custody an alien previously approved for release under the procedures in [8 C.F.R. § 241.4]. *Id.* at § 241.4(l)(2).

33. “A district director may also revoke release of an alien when, in the district director’s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” *Id.*

34. “Release may be revoked in the exercise of discretion when, in the opinion of the revoking official: (i) The purposes of release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.” *Id.*

35. Moreover, “[a]ny alien who has been released under an [OSUP] who violates any of the conditions of release may be returned to custody [...]” *Id.* at § 241.13(i)(1)

36. “The Service may revoke an alien’s release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a

significant likelihood that the alien may be removed in the reasonably foreseeable future.” *Id.* at § 241.13(i)(2).

37. “Upon revocation, the alien will be notified of the reasons for revocation of his or her release.” *Id.* at §241.13(i)(3).

38. “The service will conduct an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” *Id.*

39. “The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision.” *Id.*

40. “The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.*

C. Due Process, Statutory, and Regulatory Rights

41. “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).

42. 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).

43. When a petitioner is not deportable insofar as a grant of deferred action bars deportation, the Due Process Clause requires that any deprivation of a petitioner’s liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (finding 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”); *Denmore*, 538 U.S. at 528 (applying less rigorous standard for “deportable aliens”).

44. Moreover, under the Fifth Amendment, ICE cannot deprive a petitioner of notice and an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Elridge*, 424 U.S. 319, 333 (1976).

45. Procedural due process “imposes constraints on government decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Id.* at 332.

46. Once a petitioner has identified a protected liberty or property interest, the Court must determine whether respondents have provided constitutionally sufficient process. *See id.* at 332-33.

47. In making this determination, the Court balances (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335.

48. Due process cases recognize a broad liberty interest in deportation and removal proceedings. *See Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (deportation “visits a great hardship on the individual and deprives him of the right to stay and live and work in the land of freedom”).

49. Due process also protects an alien’s liberty interest in the adjudication of applications for relief and benefits under the INA. *See Arevalo v. Ashcroft*, 344 F.3d 1, 15 (1st Cir. 2003) (recognizing protected interests in the “right to seek relief” even when there is no “right to the relief itself”).

D. The APA

50. Federal agencies must comply with the APA when crafting and enforcing decisions, regulations, and legislative rules. 5 U.S.C. § 553.

51. Courts have authority to review and invalidate final agency actions that are not in accordance with the law, exceed agency authority, lack substantial evidence, or are arbitrary and capricious. 5 U.S.C. § 706.

52. Under the APA, this Honorable Court has authorization to compel agency action that has been unreasonably delayed. 5 U.S.C. § 706(1).

53. An agency must “conclude a matter presented to it [...] within a reasonable time.” 5 U.S.C. § 555(b).

54. “A person suffering legal wrong because of agency action [...] is entitled to judicial review thereof.” 5 U.S.C. § 702. Agency action includes the failure to act. *Norton v. S. Utah Wilderness Alliance*, 542 U.S. 55, 62 (2004).

STATEMENT OF THE FACTS

55. On or about December 10, 2013, the Petitioner/Plaintiff entered the United States without inspection in Arizona, and DHS officers apprehended the Petitioner/Plaintiff, issued her an expedited removal order pursuant to 8 U.S.C. § 1225(b), and released her on an OSUP, which the Petitioner/Plaintiff complied with since that time. *See* copy of OSUP at Exhibit No. 1.

56. On or about November 27, 2017, the Petitioner/Plaintiff filed an I-918 Petition with Respondent/Defendant USCIS. *See* copy of USCIS I-918 Petition Receipt Notice dated December 05, 2017, at Exhibit No. 2.

57. On or about September 09, 2022, Respondent/Defendant USCIS provided the Petitioner/Plaintiff with a BFD finding regarding her I-918 Petition, and USCIS granted her

deferred action pursuant to the BFD finding. *See* copy of USCIS Correspondence dated September 09, 2022, at Exhibit No. 3.

58. On or about January 02, 2024, Respondent/Defendant USCIS provided the Petitioner/Plaintiff with an Employment Authorization card under the C14 category that is valid until January 01, 2028. *See* copy of card at Exhibit No. 4; *see also* 8 C.F.R. § 274a.12(c)(14) (providing for work authorization document for “an alien who has been granted deferred action, an act of administrative convenience to the government that gives some cases lower priority, if the alien establishes an economic necessity for employment”).

59. The Petitioner/Plaintiff’s counsel before the agencies indicated to undersigned counsel that ICE ERO apprehended the Petitioner/Plaintiff on or about March 27, 2025, in Palm Beach Gardens, Florida, and has been detaining her at the Broward Transitional Center since that time.

60. On or about April 1, 2025, counsel for the Petitioner/Plaintiff before the agencies filed an application for an administrative stay of removal with the Respondents/Defendants, but on or about April 14, 2025, DHS ICE ERO denied the stay application. *See* copy of application for stay of removal and supporting documents at Exhibit No. 5.

61. In her application for a stay of removal, the Petitioner/Plaintiff argued that she merited a stay because *inter alia* of her pending I-918 Petition with BFD determination, hardship to her spouse and four children, compliance with her OSUP since 2013, and lack of any negative aggravating factors. *See id.*

62. If ICE ERO executes a removal order against a petitioner for U-nonimmigrant status, the Petitioner/Plaintiff will need to await adjudication of the I-918 Petition from abroad and would face separation from family during this period and would need to obtain additional waivers to return to the United States when the case backlog clears. *See* 8 U.S.C. § 1182(a)(9)(A), (B)(i)(II).

CLAIMS FOR RELIEF

COUNT I

RESPONDENTS/DEFENDANTS HAVE VIOLATED THE APA, INA, AND REGULATIONS

63. Petitioner/Plaintiff MARTINEZ GOMEZ repeats and re-alleges paragraphs 1 through 62 as though fully set forth herein.

64. 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.

65. The reviewing court “shall [...] hold unlawful and set aside agency action, findings, and conclusions found to be (A) 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).

66. Assuming *arguendo* that the Respondents’/Defendants’ basis for re-detaining the Petitioner/Plaintiff is 8 U.S.C. § 1231, the detention is unlawful.

67. 8 U.S.C. § 1231(a)(3) provides that an individual who is not removed within a 90-day statutory period “shall be subject to supervision,” and the 90-day period in the instant matter expired in 2014 and the Petitioner/Respondent has been complying with an OSUP since on or about December 18, 2013.

68. Assuming *arguendo* that the Respondents/Defendants have revoked the Petitioner/Plaintiff’s OSUP, the revocation occurred without notice or an opportunity to be heard in violation of 8 C.F.R. §§ 241.4(l) and 241.13(i).

69. Moreover, the Respondents/Defendants have ignored the BFD finding and deferred action grant that prevents the Petitioner/Plaintiff’s deportation, and this is arbitrary, capricious, and abuse of discretion, not in accordance with the law, and unsupported by substantial evidence.

COUNT II

**RESPONDENTS/DEFENDANTS HAVE VIOLATED THE DUE PROCESS
CLAUSE TO THE FIFTH AMENDMENT**

70. Petitioner/Plaintiff MARTINEZ GOMEZ repeats and re-alleges paragraphs 1 through 62 as though fully set forth herein.

71. The Respondents/Defendants have failed to provide the Petitioner/Plaintiff with due process pursuant to the Fifth Amendment.

72. To comport with due process requirements, detention must bear a reasonable relationship to its two regulatory purposes of ensuring the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-91.

73. The Petitioner/Plaintiff is neither a flight risk nor a danger to the community.

74. As applied to individuals like the Petitioner/Respondent with viable claims to relief like U nonimmigrant status, the Petitioner/Plaintiff's detention fails under the *Mathews* requirement to weigh an individual's liberty interest and the risk of erroneous deprivation of the interest against the government's interest. *Id.*, 424 U.S. at 334-35.

75. Here, the Petitioner/Plaintiff's interest is substantial, as freedom from physical restraint is an interest that "lies at the heart of the liberty that the [Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

76. The government's interest in removing aliens is diminished when the Petitioner/Plaintiff is the beneficiary of a deferred action grant arising from a BFD determination in I-918 Petition proceedings.

77. Furthermore, the Respondents/Defendants have failed to provide notice and an opportunity to be heard that comports with due process requirements.

RELIEF REQUESTED

WHEREFORE, Petitioner/Plaintiff MARTINEZ GOMEZ prays that this Honorable Court grant the following relief:

1. Accept jurisdiction over this action.
2. Issue a Writ of Habeas Corpus requiring the Respondents/Defendants to produce the Petitioner/Plaintiff and to show why her detention is not unlawful.
3. Grant temporary and permanent injunctive relief staying the Petitioner/Respondent's imminent removal.
4. Grant temporary and permanent injunctive relief requiring the Respondents/Defendants to release the Petitioner/Plaintiff from custody.
5. Declare that the Respondents/Defendants detention of the Petitioner/Plaintiff violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and regulations.
6. Declare that the Respondents/ Defendants deportation of the Petitioner/Plaintiff would violate the Due Process Clause of the Fifth Amendment, the INA, the APA, and regulations.
7. Award Plaintiff MARTINEZ GOMEZ reasonable costs and attorney fees for bringing this action.
8. Grant such further relief as Plaintiff MARTINEZ GOMEZ may request and/or this Honorable Court deems just and proper under the circumstances.

Respectfully submitted this 18th day of April, 2025,

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By: /s/ Andrew W. Clopman

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VERIFICATION

Pursuant to 28 U.S.C. § 2242, undersigned counsel certifies under penalty of perjury that I am submitting this verification because I am one of the Petitioner/Plaintiff's attorneys and I have discussed the facts within this Petition with the Petitioner/Plaintiff's counsel in stay of removal proceedings before Respondents/Defendants. Pursuant to these discussions, I have reviewed the foregoing petition and that, to the best of my knowledge, the facts therein are true and accurate and the attachments to the petition are true and correct copies of the originals.

Respectfully submitted this 18th day of April, 2025,

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