

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

BROWNSVILLE DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
FILED

JUN 20 2025

NATHAN OCHSNER  
CLERK OF COURT

José Antonio Fuentes Carrillo, by his Next Friend, Andres Fuentes

Petitioner

v.

Kristi Noem, et al.

Respondents

Case No. 1:25-cv-00091

SUBMISSION IN RESPONSE TO ORDER FOR MORE DEFINITE STATEMENT

Submitted by:

Andres Fuentes

5500 Somerset Dr Apt 302


The Colony, TX 75056

Phone: 214-545-2539

Email: andresfuentes2111@icloud.com

Date: June 18, 2025

To the Honorable Judge Karen Betancourt

My name is Andres Fuentes, son of Jose Antonio Fuentes Carrillo (A# ) , who is currently detained at El Valle Detention Center. I respectfully write to you as his 'next friend' because my father is in custody and cannot represent himself.

1. On June 13, 2025, an immigration judge granted my father protection under the Convention Against Torture (CAT), acknowledging the real risk of him being tortured if returned to Venezuela.

2. However, ICE has yet to execute the judges order. My father remains arbitrarily detained despite a favorable ruling. This situation contradicts due process and represents unjust and inhumane detention.

3. My father is a survivor of torture by the Venezuelan regime. Forensic reports issued in Venezuela document these abuses, including physical and sexual assaults. The detention center also holds his medical history, which reflects conditions such as hypertension, diabetes, and visible physical scars resulting from torture.

4. He cannot be returned to Venezuela or to any other country. Doing so would violate the protection already granted and would endanger his life. We respectfully request his immediate release under supervised release or humanitarian parole.

5. This prolonged detention violates the right to due process guaranteed by the Fifth Amendment, as well as the principles established in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which sets limits on indefinite detention of individuals who cannot be legally deported.

6. My entire family legally entered the United States through CBP One on December 17, 2024. My

mother, sister, her husband, and their two children were all admitted. My father was the only one arbitrarily detained.

7. Although an immigration judge granted protection under CAT, an ICE officer recently informed him that they are still exploring the possibility of sending him to another country. This contradicts the protection he has been granted and unnecessarily prolongs his detention.

I respectfully inform this Honorable Court that I am responding to your request for clarification regarding why I am acting as my father's next friend.

I implore this Honorable Court to intervene. My father has endured torture, illness, years of exile, and now an unjustified detention. He only wishes to live with dignity and safety. His family is here, waiting for him with open arms.

His release is not only an act of justice, it is an act of humanity.

Respectfully,

Andres Fuentes

5500 Somerset Dr Apt 302

The Colony, TX 75056

214-545-2539

andresfuentes2111@icloud.com

A handwritten signature in black ink, appearing to be 'Andres Fuentes', written over the printed name and contact information.

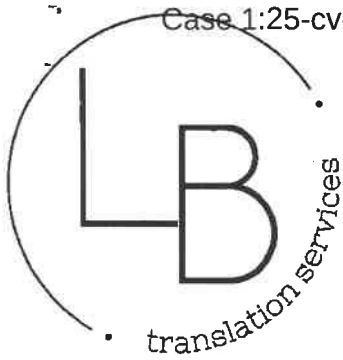
To the Honorable Judge Karen Betancourt

My name is Andres Fuentes, son of Jose Antonio Fuentes Carrillo (A# [REDACTED]), who is currently detained at El Valle Detention Center. I respectfully write to you as his 'next friend' because my father is in custody and cannot represent himself.

1. On June 13, 2025, an immigration judge granted my father protection under the Convention Against Torture (CAT), acknowledging the real risk of him being tortured if returned to Venezuela.
2. However, ICE has yet to execute the judges order. My father remains arbitrarily detained despite a favorable ruling. This situation contradicts due process and represents unjust and inhumane detention.
3. My father is a survivor of torture by the Venezuelan regime. Forensic reports issued in Venezuela document these abuses, including physical and sexual assaults. The detention center also holds his medical history, which reflects conditions such as hypertension, diabetes, and visible physical scars resulting from torture.
4. He cannot be returned to Venezuela or to any other country. Doing so would violate the protection already granted and would endanger his life. We respectfully request his immediate release under supervised release or humanitarian parole.
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**EXHIBIT INDEX**

1. Personal Statement of Jose Antonio Fuentes Carrillo (translated)
2. Identity documents of Andres Fuentes and Jose Antonio Fuentes Carrillo
3. Forensic medical reports from Venezuela (original and translated)
4. Photos showing physical condition of Mr. Fuentes upon release
5. Screenshot of EOIR system showing protection granted under CAT



### **CERTIFICATE OF TRANSLATION ACCURACY**

I, Luisa Fernanda Berrio, am competent to translate the following document from Spanish into English. I certify that the translation of the original document that was provided to me is complete and accurate (including any stamps or seals) to the best of my abilities and knowledge.

### **PERSONAL STATEMENT**

LUISA FB

5/13/2025

Luisa Fernanda Berrio

24915 Vintage Ct. Lutz, FL 33559

Telephone: (813) 409-6747

I am a former official of my country, Venezuela, who was subjected to abuse, physical and mental torture for seven months in cells by a CCPC official. I lost my house, my job, my freedom and my life simply for being honest and doing my job. It all started in 2008, when I initiated an investigation on national directors Dante Rivas, director of SAIME, and Juan Carlos Duarte, for issuing ID cards to Moroccan, Lebanese, Albanian, Spanish, Irish and Chinese citizens, who had terrorist connections in their countries of origin. I then issued an official letter stating that the ID cards with the serial numbers 22, 23, 24, 24, 25, 26, 27, 28 and 29 did not have any support to legalize them, because the Bolivarian Constitution of Venezuela was specific about the ID cards of foreigners in the country. They replied to me that it was an order from the President of the Republic and that I simply had to obey the order, it was merely my job. In this investigation, it was possible to verify that the aforementioned individuals were brought to Venezuela to form shock groups to defend the revolution and the Castro communism that we were already living. Subsequently, at the La Chinita International Airport in Maracaibo, a situation arose in which a citizen tried to board a flight to Panama City with the Venezuelan airline. After an interrogation and body search, it was discovered that he was carrying a Moroccan passport with a different name than the one on his Venezuelan passport. When the passport information was checked, it was proven that he had ties with terrorists in his country. As a result, I informed the Attorney General's Office and followed the appropriate legal procedure, in which we were able to prove that he had committed the crime of falsification of a public document, typified in the Venezuelan Criminal Procedure Code, and we placed him at the disposal of the Attorney General's Office.

Later that year, 15 days later, I received a letter informing me that I had been transferred to a foreign location in the municipality of Paez, which borders Colombia, almost two and a half hours from my home, without knowing the reason for the change. In January 2014, on my way to my office, I received a phone call from my officials informing me that the General Inspectorate of Services was in the office and wanted to speak with me. I tell the caller that I am on my way and that they need to wait. I then called a SEBIN commissioner to ask if there was a warrant for my arrest. He asked me to give him my ID number, and he would call me back. Ten minutes later, he called back and told me that there was a warrant for my arrest, issued by a court in the city of Caracas (Venezuela), accusing me of treason, self-corruption, falsifying documents, and conspiracy to commit a crime.

From that moment on, I undertook an investigation and fled so that they could not find my whereabouts. I called my office, and I ordered the senior officer to write an official letter appointing him Interim Chief because my vacation was overdue and I would leave him in charge of the office while I was on vacation, and to put my signature stamp, which was in the drawer, and send it to Caracas for notification. Then I traveled to Caracas, where I had contacts in the Department of Justice, and I obtained the case file, which listed the officers who were on duty at the airport that day. That is how I was able to deduce that it was all a plot, because everything that had been done with the briefcase and the person who accompanied it at that time were friends of the National Director and his son, Juan Carlos, and Carlos Dugarte, who would be immersed in the manufacture of passports and identity documents for foreigners linked to groups outside the law in South America.

Subsequently, a battle for my freedom, my physical integrity and that of my family began, because I had affected the highest strings of power in my country. From that moment on, there was no rest. I have been persecuted, my family and I, to the point of losing everything: my house, my life and everything I believed in and fought for. I hid for six months and was in constant communication with the families of the officers who were detained. They informed me that the Attorney General's Office had offered them an agreement, and that agreement was that, as the only one who did not appear was me, they would accuse me of directing the whole operation, which happened immediately. They were released and I was accused of all the crimes without any evidence. Subsequently, I left Venezuela for Colombia to request help from the Colombian government, and I was imprisoned for 90 days, because when I migrated in the city of Maicao, Guajira, an Interpol red circle appeared requesting my extradition to Venezuela.

They took me to the prosecutor's office in Maicao, and I explained the whole situation to the prosecutor. I showed her some of the evidence I had with me and explained that the Attorney General of the Republic of Venezuela had committed the same crimes and was under protection in the city of Bogota because she was also wanted by Interpol. The prosecutor replied that Maicao was a town in La Guajira and that these cases were handled by the Attorney General of the Republic through the city of Bogota, and that the only thing she could do was to transfer me to Bogota in custody. Then, 28 days later, I was transferred to Los Martires, a unit in Bogota, while they were looking for space in La Picota prison, in the yard for those sentenced for extradition. In Bogota, three weeks later, I was transferred to La Picota, where I spent the next 89 days. On the 89th day, the Major General of the prison gave me some documents informing me that I was completely free, that I had committed no crime in Colombia and that, according to international agreements, there was no file to support my extradition to that country, so I was free to transit. In the same documents, I received a summons from the Migration Department informing me that I had 48 hours to present myself at a Migration Office to legalize my status in Colombia. All of this was a disgusting lie: the next day, the immigration officials came and told me that I had to accompany them. They put me on an Avianca commercial plane and took me to the city of Cucuta, on the border with Venezuela.

Already in Cucuta, they informed me that I would be expelled from Colombia for 10 years because, in their opinion, I was a danger to Colombian society, and that I would have to apply for a pardon and a visa to enter the country later. I then told them that I was politically persecuted and that they should activate the mechanisms to protect me and that I should appear before the Migration Judge so that he could make a decision after having heard my case. They broke all the migration protocols and forced me to go to the international bridge that separates Colombia from Venezuela with a deportation document containing all my data. When I crossed the bridge, there was a migration and police checkpoint in Venezuela. They asked me where I was from, I told them I was from Colombia and gave them my identity card. Then, when they checked me in the Police Information System (SIPOL), they verified that I had a police request. From that moment on, my ordeal began: they put me in the cells of the CICPC of San Antonio, where I spent thirty days being tortured and subjected to all kinds of abnormalities, subhuman cells, without shelter, without showers, dirty, full of cockroaches and rodents. Later I was transferred to the cells of the CICPC in Maracaibo, Zulia, where the terror and beatings continued. They beat us, burned us with cigarettes, put us



under electric current, and exposed us to the sounds of the dictatorship. Later, they took me before a judge and a prosecutor, both of whom asked me for money so I could be released if I did not want to die in the cells.

My family and I did not have this money, I am not a rich man. As a measure of pressure by the CICPC, the torture by the Attorney General's Office intensified, and they were ordered to pressure me so I'd pay. It was then that a CICPC officer led us in one of the daily beatings and beat us with iron clubs. I fell on my knees, his club was inserted into my anus, and he pulled it out. When he tried to repeat the action with the end of the club, he stabbed me right next to my anus, where the tip went through my intestines. I pass out. When I wake up, a nurse tells me that I have undergone an intestinal reconstruction and that I will have to stay in the hospital until I return to the cells.

From that moment on, my life changed emotionally and physically. A feeling of fear and frustration came over me that I have struggled with for many years. As a result, my children collected \$10,000 and paid the DA's office and the judge for my release. The judge said it was \$50,000, but if all we had \$10,000, then I would be sent home on house arrest. On May 9, I went back to my mother's house to serve the sentence. After being at my mother's house, I fled to Colombia again and entered the country clandestinely. I am now with my wife and children. I worked illegally for five years in a restaurant and a bakery as an undocumented migrant, trying to make things right and seeking help from migrant associations such as ACNUR, where I was informed that they could not help me in Colombia because I had been expelled and was not legalized.

At that time, my son Andres came to the United States with his wife, built his life here, and told me that this was a country of opportunity and freedom. That is why my wife, my daughter Maria, my grandchildren, my son-in-law and I decided to come here, to this country, we passed through several countries and when we arrived in Mexico (Tapachula), we were locked in a house for 1 month and 15 days for fear of being kidnapped, because we had met people who had been kidnapped while waiting for the CBP One appointment. A month and a half later, we got an appointment and when we tried to enter through the international bridge, we were detained, and another psychological torture began. We were arrested again, and we are still looking for freedom. I am a man of principle who only wants to be free, and I ask you, Your Honor, for the opportunity to be with my wife, my grandchildren and my children, what is left of my life.

Sincerely,

Jose Fuentes

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REPÚBLICA BOLIVARIANA DE VENEZUELA  
MINISTERIO PÚBLICO  
FISCALIA QUINTA (5)  
CIRCUNSCRIPCION JUDICIAL DEL ESTADO ZULIA



Maracaibo, 13 de Mayo del año 2019

ACTA DE DENUNCIA

El día de hoy martes, once (11) de mayo del año 2019, siendo las 10:30 de la mañana, compareció ante este despacho el ciudadano JOSE ANTONIO FUENTES CARRILLO, titular de la cédula de identidad V-, denunciando lo siguiente:

El día 12 de diciembre del pasado año, en la sede del CICPC, fui víctima de torturas físicas y psicológicas por funcionarios de dicho cuerpo Policial con un objeto de hierro, amordazado y golpeado, introduciendo en mi ano un objeto de hierro ocasionándome fuertes dolores y sangramiento lo que amerito una intervención quirúrgica en el ano. Las torturas eran a diario desde el mes de diciembre del pasado año hasta el momento de mi liberación.

. Temo por mi vida, vivo con mucho miedo y pido protección para mí y toda mi familia, es todo. SEGUIDAMENTE SE REALIZARON LAS SIGUIENTE PREGUNTAS:

PRIMERA PREGUNTA. ¿DIGA USTED HORA, FECHA Y LUGAR DONDE OCURRIERON LOS HECHOS NARRADOS? CONTESTO: Ocurrió el día desde que me detuvieron 12 de diciembre de 2018. SEGUNDA PREGUNTA: ¿DIGA USTED SI RECONOCE A LAS PERSONAS QUE COMETIERON EL HECHO DENUNCIADO? CONTESTO: Fueron varios funcionarios sin identificación y con el rostro cubierto. TERCERA PREGUNTA: ¿DIGA USTED SI TUVO LESIONES? CONTESTO: Si. Perforación del ano y dislocación del brazo derecho. Teniendo que ser hospitalizado e intervenido quirúrgicamente. CUARTA PREGUNTA: ¿HA RECIBIDO AMENAZAS CON ANTERIORIDAD A ESTE HECHO? CONTESTO: SI. QUINTA PREGUNTA: ¿DIGA USTED, SI DESEA AGREGAR ALGO MAS A LA PRESENTE DENUNCIA? CONTESTO: Que se haga justicia.

La persona denunciante.





Translation from the Spanish language:

[SENAMECF Logo]


[CICPC Logo]

**Bolivarian Republic of Venezuela  
National Service of Forensic Medicine and Sciences  
Zulia State Directorate**

[Illegible Signature]

**FORENSIC MEDIC DEPARTMENT**

Maracaibo, May 13<sup>th</sup> 2019

The undersigned, Dr. Elba Ferrer de Ochoa, Chief Forensic Pathologist, resident of this Municipality, with no legal impediment to testify under oath and appointed by this Office, hereby **STATES** the following: on this date, at 10:15 AM, the citizen José Antonio Fuentes Carrillo, holder of national ID #V  appeared before this Office to undergo a forensic medical examination. He reported having been subjected to continuous torture from December of the previous year until the moment of his release by officers of the CICPC. Upon conducting the forensic medical examination, the following findings were confirmed: *1.- Injuries to the right arm and laceration of the right rotator cuff.*  
**Cause:** *Injury caused by repeated blows with blunt objects.*

[Illegible Signature]

[Illegible Wet Seal]

Dra. Elba Ferrer de Ochoa  
Chief Forensic Pathologist

**Certificate of Translator's Competence**

I, Natalia A. Rincón, hereby certify that the accompanying is an accurate translation of the original from Spanish to English and that I am competent in both the Spanish and the English language to render such translation

  
Natalia A. Rincón

ATA Member Number 280546

Sworn this 2<sup>nd</sup> day of February, 2025




REPÚBLICA BOLIVARIANA DE VENEZUELA  
SERVICIO NACIONAL DE MEDICINA Y CIENCIAS FORENSES  
DIRECCIÓN ESTATAL ZULIA



**MEDICATURA FORENSE**



Maracaibo 28 de diciembre de 2018.

La suscrita, doctora **Elba Ferrer de Ochoa**, Anatomopatólogo Forense Jefe, vecina de este Municipio, sin impedimento legal para declarar bajo fe de juramento y designada por este Despacho, cumplo en informar lo siguiente: En esta misma fecha, siendo las 8:30 horas de la mañana, se presentó por ante este Despacho el ciudadano, quien dijo llamarse: **JOSÉ ANTONIO FUENTES CARRILLO**, titular de la cédula de identidad No. V  a fin de que se le hiciera un reconocimiento médico-forense, manifestando que fue maltratado y agredido físicamente el día 12 de diciembre del presente año, en horas de la tarde en la Ciudad de Maracaibo, en la sede del CICPC, fui víctima de tortura por funcionarios de dicho cuerpo Policial con un objeto de hierro, la cual me introdujeron en mi ano ocasionándome fuertes dolores y sangramiento lo que amerito una intervención quirúrgica en el ano. Practicado dicho reconocimiento médico, se constató: 1.- Cicatriz producto de una intervención quirúrgica esfinterotomía lateral interna.- **Causa:** Lesión causada por objeto contundente.-



**Dra. Elba Ferrer de Ochoa**  
**Anatomopatólogo Forense Jefe**

Exp. F. 33542-088/18

Arc/ep201

Translation from the Spanish language:

[SENAMECF Logo]


[CICPC Logo]

**Bolivarian Republic of Venezuela  
National Service of Forensic Medicine and Sciences  
Zulia State Directorate**

[Illegible Signature]

**FORENSIC MEDIC DEPARTMENT**

Maracaibo, December 28<sup>th</sup> 2018

The undersigned, Dr. Elba Ferrer de Ochoa, Chief Forensic Pathologist, resident of this Municipality, with no legal impediment to testify under oath and appointed by this Office, hereby **STATES** the following: on this date, at 8:30 AM, the citizen José Antonio Fuentes Carrillo, holder of national ID #V- appeared before this Office to undergo a forensic medical examination.

He reported that on December 12<sup>th</sup> 2018 in the afternoon, he was mistreated and physically assaulted at the CICPC headquarters in the city of Maracaibo. He stated that he was a victim of torture by officers of said police force, who inserted an iron object into his anus, causing severe pain and bleeding, which required a surgical intervention on the anus. Upon conducting the forensic medical examination, the following findings were confirmed: 1.- *Scar resulting from an internal lateral sphincterotomy surgical procedure. Cause: Injury caused by a blunt object.*

[Illegible Signature]

[Illegible Wet Seal]

Dra. Elba Ferrer de Ochoa  
Chief Forensic Pathologist

**Certificate of Translator's Competence**

I, Natalia A. Rincón, hereby certify that the accompanying is an accurate translation of the original from Spanish to English and that I am competent in both the Spanish and the English language to render such translation

  
Natalia A. Rincón

ATA Member Number 280546

Sworn this 2<sup>nd</sup> day of February, 2025

10:29

◀ VideoVisits

65%



Photograph showing the effects  
of facial paralysis suffered by my father  
approximately one month ago.



visit-client.gtl.us



11:43



## **Information on Petitions and Judicial Rules**

The immigration judge  
**GRANTED** the action deferred  
under the Convention against  
Torture (CAT).

### **DATE OF FAILURE**

June 13, 2025

### **COURT MANAGEMENT**

27991 BUENA VISTA BLVD  
LOS FRESNOS, TX 78566



## **Information of a case before the Board of Immigration Appeals**

The deadline for filing the  
appeal is July 14, 2025.

11:43

Cellular signal, Wi-Fi, and battery status icons.



# Automated case information

NAME:

FUENTES CARRILLO, JOSE |

Foreigner registration number:



Date of the list of causes:

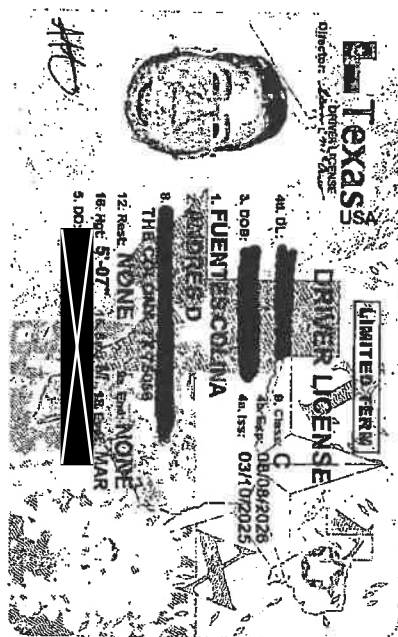
1/16/2025

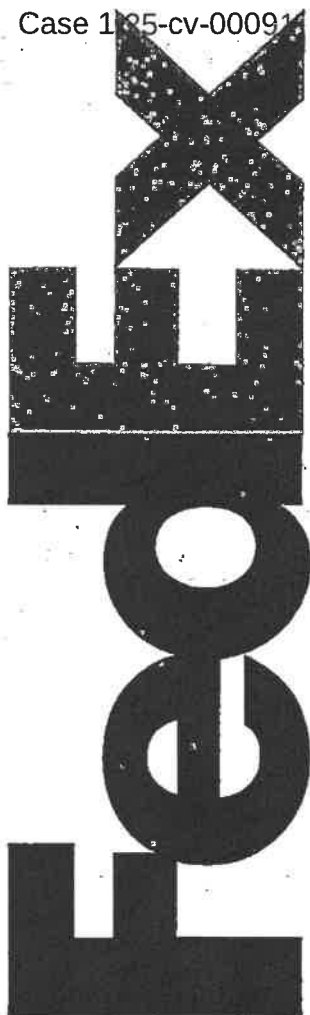


Information about the  
next hearing

*There are no future  
hearings for this case.*







ORIGIN ID:ADSA (214) 545-2539  
 ANDRES FUENTES COLINA  
 8500 BOWENSET DR APT 302  
 THE COLONY, TX 75058  
 UNITED STATES US

SHIP DATE: 19 JUN25  
 ACTWGT: 0.25 LB  
 CWD: 6572112/ROSA2630

TO HONORABLE JUDGE KAREN BETANCOURT  
 U.S DISTRICT COURT  
 SOUTHERN DISTRICT OF TEXAS  
 600 E HARRISON ST. STE 101  
 CASE NO.1:25-CV-00091  
 BROWNSVILLE TX 77520



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TRK# 8821 3955 2223

THU - 19 JUN 10:30A  
 PRIORITY OVERNIGHT

XS HRLA

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 TX-US HRL



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 600 E HARRISON ST  
 PRIORITY OVERNIGHT  
 539-1001  
 ETP: 1 SP PD 100Y 882139552223

MAIL  
 RECEIVED  
 JUN 20 2025  
 CHAMBERS OF  
 KAREN BETANCOURT

4765 THU 06/19 07:59  
 600 E HARRISON ST  
 PRIORITY OVERNIGHT  
 539-1001  
 ETP: 1 SP PD 100Y 882139552223