

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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Widmer Josneyder Agelviz-Sanguino,  
Lisbeth Carolina Sanguino,  
K.M.A.S and K.J.A.S, minors, by and  
through next of friend mother  
Lisbeth Carolina Sanguino

Plaintiffs,

v.

Cause No. \_\_\_\_\_

Kristi Noem  
Secretary, U.S. Department of  
Homeland Security

Tod Lyons, Acting Director, U.S.  
Immigration and Customs  
Enforcement (ICE)

Kenneth Genalo, Acting Executive  
Associate Director, ICE and Removal  
Operations

Bret A. Bradford, ICE Houston Field  
Office Director

Pamela Bondi, U.S. Attorney General

Marco Rubio, U.S. Secretary of State

Defendants.

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COMPLAINT FOR INJUNCTIVE RELIEF AND  
DECLARATORY JUDGMENT

On or about March 15, 2025, Plaintiff Widmer Josneyder Agelviz-Sanguino, a Venezuelan national, was unlawfully removed from the United States by the Defendants. Plaintiff Agelviz-Sanguino was in removal proceedings and was awaiting a final decision to be rendered on his application for asylum on April 1, 2025. Without warning or notice, the Defendants decided that they were not going to wait for the Immigration Judge's decision and unilaterally removed the Plaintiff to El Salvador. The immigration court, family of the Plaintiff and legal counsel for the Plaintiff discovered this unlawful removal through a news story listing the Plaintiff's name on a list of individuals shipped off to El Salvador. In flagrant disregard for due process or the authority of the immigration court system, the Defendants unilaterally acted by illegally deporting the Plaintiff to a U.S. Government sponsored prison in El Salvador. The sequence of events that lead to Plaintiff Agelviz-Sanguino's removal, away from his family, who were all granted refugee status, is unconscionable and implores immediate relief by the federal judicial system.

### PARTIES

1. Widmer Josneyder Agelviz-Sanguino, is a citizen of Venezuela who was previously approved for refugee resettlement and was subsequently placed in removal proceedings upon entry to the United States. The Defendants unlawfully removed him to El Salvador while removal proceedings were in progress in violation of his due process rights and immigration law.
2. Lisbeth Carolina Sanguino is the mother of the Widmer Josneyder Agelvis-Sanguino. She was approved for refugee resettlement along with her sons, and currently resides in the United States in refugee status.
3. K.M.A.S is a minor child and sibling of Widmer Josneyder Agelvis-Sanguino. He was approved for refugee resettlement along with his family and resides in the United States.
4. K.J.A.S, is a minor child and sibling of Widmer Josneyder Agelvis-Sanguino. He was approved for refugee resettlement along with his family and resides in the United States.
5. Defendant Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official

capacity only.

6. Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity only.
7. Defendant Kenneth Genalo is the Acting Executive Associate Director of ICE Enforcement and Removal Operations. He is the head of the ICE office that carries out arrests of noncitizens and removals from the United States. He is sued in his official capacity only.
8. Defendant Bret A. Bradford is the ICE Houston Field Office Director. He is the head of the ICE office that unlawfully facilitated the removal of Plaintiff, and such arrest and removal took place under the direction and supervision of his predecessor in office.
9. Defendant, Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees. She is sued in her official capacity only.
10. Defendant, Marco Rubio is the Secretary of State of the United States. He is the individual whom Plaintiffs request this Court order to request the return of Plaintiff Widmer Agelviz-Sanguino to the United States from El Salvador. He is sued in his official capacity only.

### **JURISDICTION**

11. This Court has jurisdiction to hear this case under 28 U.S.C. § 2201, the Declaratory Judgment Act, and 28 U.S.C. § 1331, Federal Question Jurisdiction; and because the individual Defendants are United States officials. 28 U.S.C. § 1346(a)(2).

12. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court's inherent equitable powers..

### **VENUE**

13. Venue is proper in this court, pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a substantial part of the events or omissions giving rise to Plaintiff's claim occurred.

### **LEGAL FRAMEWORK**

#### *i. Alien Enemies Act (AEA)*

14. AEA is codified at 50 U.S.C. § 21. The AEA grants broad powers to the President, who may invoke the statute when a "declared war" exists between the United States and a "foreign nation or government[,]" or

when “any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government.” *Id.* Under either condition, the President must “make[ ] public proclamation of the event” before exercising his authority under the statute. *Id.* Once properly invoked, the AEA renders “all natives, citizens, denizens, or subjects . . . of the hostile nation or government” and who are at least 14 years old, within the United States, and not actually naturalized, “liable to be apprehended, restrained, secured, and removed as alien enemies.” 50 U.S.C. § 21. The statute authorizes the President “by his proclamation . . . or other public act . . . to direct the conduct [by the United States] toward the aliens who become so liable.” *Id.* The President can determine “the manner and degree of the restraint to which [the aliens] shall be subject and in what cases, and upon what security their residence shall be permitted.” *Id.*

15. On March 15, 2025, President Donald Trump issued the Proclamation at issue in this lawsuit. The Proclamation included several statements specifically regarding Tren de Aragua (TdA) and the Venezuelan government. *See Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua*, 90 Fed. Reg. 13033 (“Proclamation”). Based on these statements, the President proclaimed:

I find and declare that TdA is perpetrating, attempting, and

threatening an invasion or predatory incursion against the territory of the United States. TdA is undertaking hostile actions and conducting irregular warfare against the territory of the United States both directly and at the direction, clandestine or otherwise, of the Maduro regime in Venezuela. *Id* at 13034.

16.Immediately following the Presidential Proclamation numerous Venezuelan nationals were apprehended or taken from immigration detention and summarily removed without due process to El Salvador.

17.In the weeks to follow, the Supreme Court and other Federal District Courts weighed in on the use of AEA to summarily remove non-citizens.

18.On April 7, 2025, the Supreme Court issued a decision in a 5-4 emergency application finding that while the President may proceed with removals under AEA, individuals subject to AEA removal are entitled to reasonable notice and an opportunity to challenge their removal. The mechanism for challenging removal is a habeas corpus petition. *See Trump v. J.G.G.*, 604 U.S. \_\_\_\_ (2025)

19.Recently, in *J.A.V. v. Trump*, the Southern District of Texas- Brownsville Division issued an order halting removals under the AEA and issued a permanent injunction preventing the transfer or removal class members under the AEA, on May 1, 2025. *See J.A.V. v. Trump*, No. 1:25-cv-00072, 2025 WL \_\_\_\_\_ (S.D. Tex. May 1, 2025)

### **FACTS**

20. Plaintiff Widmer Josneyder Agelviz-Sanguino is a citizen of Venezuela

and no other country.

21. Plaintiff Agelviz-Sanguino has never been a member or affiliated with Tren de Aragua or any criminal organization, street gang or terrorist group. Although accused, the Defendants have failed to provide a scintilla of evidence linking Plaintiff Agelviz-Sanguino to any gang affiliation.

22. Plaintiff Agelviz-Sanguino has no criminal record in the United States or in any other county.

*Plaintiff Agelviz-Sanguino's Refugee Resettlement Approval and Journey to the United States*

23. Due to the violence, political persecution and government repression in Venezuela, Plaintiff Agelviz-Sanguino and his family<sup>1</sup> relocated to Ecuador in 2023.

24. Through identification by United Nations Refugee Resettlement Program, Plaintiff Agelviz-Sanguino and his family applied for refugee resettlement in the United States in Ecuador.

25. On May 3, 2024, after months of vetting and interviews, the entire family was approved for refugee resettlement. Plaintiff Agelviz-Sanguino and his family were then issued Travel Documents to the United States by the

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<sup>1</sup> His family consists of Plaintiffs Lisbeth Carolina Sanguino, K.M.A.S and K.J.A.S



U.S. Department of State, evidencing their grant.

26. On September 19, 2024, Plaintiff Agelviz-Sanguino and family flew to the United States and applied for admission on their refugee travel documents at George Bush Intercontinental Airport in Houston, Texas.

27. Despite the prior vetting and grant of refugee resettlement Plaintiff Agelviz-Sanguino was flagged by agents of Customs and Border Protection at entry due to his tattoos. His family was admitted in refugee status without issue.<sup>2</sup>

28. Plaintiff Agelviz-Sanguino's phone and belongings were searched for possible evidence of gang affiliation but none were found. Despite his exhaustive refugee vetting, subsequent approval for refugee resettlement and overall lack of evidence of gang affiliation, Customs and Border Protection initiated expedited removal proceedings against him as a suspected gang member of Tren de Aragua. Upon realization that his removal was imminent Plaintiff Agelviz-Sanguino again expressed his fear of returning to Venezuela. Plaintiff Agelviz-Sanguino was then taken into custody and transferred to Montgomery County Processing Center in Conroe, Texas.

29. Plaintiff Agelviz-Sanguino still had a valid refugee travel document when he was taken into custody that was approved by the Department of

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<sup>2</sup> Plaintiff Agelviz-Sanguino's family are still residing in Texas in refugee status.

State for resettlement in the United States.

30. On November 14, 2024, the United States Citizenship and Immigration Service issued a notice of ineligibility for refugee resettlement for Plaintiff Agelviz-Sanguino giving him 90 days to respond. This document was not served upon him until December 20, 2024, while he was in custody.

31. On November 15, 2024, Plaintiff Agelviz-Sanguino issued a Notice to Appear formally beginning his removal proceedings.

*Plaintiff Agelviz-Sanguino's Removal Proceeding and  
Unlawful Removal to El Salvador*

32. On December 12, 2024, Plaintiff Agelviz-Sanguino hired counsel to represent him in removal proceedings. Through counsel, a request for release on parole was filed with Immigration and Customs Enforcement (ICE).

33. On January 7, 2025, Plaintiff Agelviz-Sanguino filed his I-589 application for Asylum, Withholding of Removal and Protection Under the Convention Against Torture with Immigration Court.

34. On January 15, 2025, ICE denied the request for release on parole once again citing alleged gang affiliation and membership in Tren de Aragua.

35. On March 4, 2025, an individual hearing was conducted in Conroe Immigration Court on Plaintiff Agelviz-Sanguino's I-589 Application for

Asylum. No substantive documents were provided by DHS affirmatively linking Plaintiff Agelviz-Sanguino to gang membership or affiliation. At the individual hearing, the Immigration Judge requested that written closing arguments be filed by counsel for Plaintiff Agelviz-Sanguino by March 14, 2025, and by DHS by March 21, 2025. The Immigration Judge set April 1, 2025, as the date in which the parties would reconvene, and he would render his decision.

36. On March 13, 2025, counsel for Plaintiff Agelviz-Sanguino filed his written closing arguments with the Court.

37. On March 15, 2025, two weeks before the decision was to be rendered, Plaintiff Agelviz-Sanguino was taken from Immigration Detention in Conroe and summarily deported to El Salvador under the Alien Enemies Act. No notice was given to Plaintiff Agelviz-Sanguino's family, attorney or immigration court.

38. On March 20, 2025, CBS news published an article regarding the Trump administration's use of the AEA with the names of the individuals removed to El Salvador under the Alien Enemies Act with Plaintiff Agelviz-Sanguino's name being the first one on the list. The family and attorney for Plaintiff Agelviz-Sanguino discovered the unlawful removal through the CBS article, with no formal warning being provided by the

Defendants.<sup>3</sup>

39. On April 1, 2025, the Immigration Court held a hearing without the presence of Plaintiff Agelviz-Sanguino. The Court was informed of the unlawful removal, however the immigration judge stated he was forced to terminate the matter due to lack of jurisdiction. In the order, the Immigration judge stated that Plaintiff Agelviz-Sanguino is no longer in the custody of ICE and he has no authority to review a removal under the Alien Enemies Act or to issue an order directing ICE to bring him back.

40. The Defendants were fully aware of Plaintiff Agelviz-Sanguino's removal proceeding and of his final hearing. Despite his pending decision in removal proceedings and of his due process rights to the hearing, the Defendants summarily removed Plaintiff Agelviz-Sanguino to El Salvador without notice.

41. The Defendants have taken no steps to return Plaintiff Agelviz-Sanguino to the United States since his unlawful removal. The Plaintiff, to the knowledge of counsel, is still incarcerated in El Salvador and being held without justification or due process.

*Unlawful Detention in El Salvador CECOT*

42. As stated On March 15, 2025, the Defendants deported Plaintiff Agelviz-Sanguino along with 260 other noncitizens, including 237 Venezuelan

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<sup>3</sup> [www.cbsnews.com/news/venezuelans-deported-el-salvador-names/](https://www.cbsnews.com/news/venezuelans-deported-el-salvador-names/)

nationals and 23 Salvadoran nationals, to El Salvador without notice or due process. Salvadoran President Nayib Bukele confirmed they have been sent to the country's infamous CECOT, the Terrorism Confinement Center. It appears the Defendants carried out Plaintiff Agelviz-Sanguino's deportation through extrajudicial means as they believed that in going through the immigration court process they might not win.

43. Plaintiff Agelviz-Sanguino is at imminent risk of irreparable harm with every additional day he spends detained in CECOT, included but not limited to torture and possible death.<sup>4</sup>

44. Plaintiff Agelviz-Sanguino has exhausted all administrative remedies. No administrative remedies are available to Plaintiff Agelviz-Sanguino, precisely because Defendants made the choice to unlawfully forego proceedings before the immigration judge's decision, which would entail a right to administrative review before the Board of Immigration Appeals and then a petition for review to the U.S. Court of Appeals for the Fifth Circuit.

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<sup>4</sup> [www.hrw.org/news/2025/04/11/us/el-salvador-venezuelan-deportees-forcibly-disappeared?utm;english.elpais.com/international/2023-05-29/inmates-in-el-salvador-tortured-and-strangled-a-report-denounces-hellish-conditions-in-bukeles-prisons.html](https://www.hrw.org/news/2025/04/11/us/el-salvador-venezuelan-deportees-forcibly-disappeared?utm;english.elpais.com/international/2023-05-29/inmates-in-el-salvador-tortured-and-strangled-a-report-denounces-hellish-conditions-in-bukeles-prisons.html)

**CAUSE OF ACTION I  
PROCEDURAL DUE PROCESS  
U.S. CONSTITUTION, 5<sup>th</sup> AMENDMENT  
(Plaintiff Agelviz-Sanguino)**

45.Plaintiffs incorporate by reference paragraphs 1 – 44.

46.Plaintiff Agelviz-Sanguino has a procedural due process right not to be removed to El Salvador, without an immigration judge first completing all procedures set forth in statute and federal regulations.

47.As set forth above, Defendants removed Plaintiff Agelviz-Sanguino to El Salvador, in the middle of his removal proceeding and prior to the immigration judge’s decision, thus violating his procedural due process rights under the Fifth Amendment to the U.S. Constitution.

48.Defendants’ violation of law, as set forth herein, is causing Plaintiff Agelviz-Sanguino irreparable harm with each day that he spends outside the United States and detained in CECOT.

49.Even if Plaintiff Agelviz-Sanguino were released from CECOT, he would still be suffering irreparable harm in the form of separation from his family who were lawfully admitted and resettled in the United States as refugees. Additionally, irreparable harm would come from being placed in custody with the very people he sought protection from in addition to being subject to inhumane treatment in CECOT.

50. Plaintiffs ask the Court to immediately order Defendants to take all steps reasonably available to them, proportionate to the gravity of the ongoing harm, to return Plaintiff Agelviz-Sanguino to the United States. This should begin with ordering that Defendants immediately halt all payments to the Government of El Salvador to hold individuals in CECOT, and an order that Defendants immediately request that the Government of El Salvador release Plaintiff Agelviz-Sanguino from CECOT and deliver him to the U.S. Embassy in El Salvador.

**CAUSE OF ACTION II  
SUBSTANTIVE DUE PROCESS  
U.S. CONSTITUTION, 5<sup>th</sup> AMENDMENT  
(All Plaintiffs)**

51. Plaintiffs incorporate the foregoing paragraphs 1-44 by reference.

52. Plaintiff Agelviz-Sanguino has a substantive due process right under the Fifth Amendment to the U.S. Constitution not to be subjected to government conduct that shocks the conscience. Defendants' conduct as set forth above violates that right.

53. Plaintiffs Lisbeth Carolina Sanguino, K.M.A.S and K.J.A.S also have a family unity interest in Plaintiff Agelviz-Sanguino not being removed from the United States in a manner that shocks the conscience. Defendants' conduct as set forth above violates that right.

54. Defendants' conscience-shocking actions, as set forth herein, is causing

Plaintiff Agelviz-Sanguino irreparable harm with each day that he spends outside the United States and detained in CECOT.

55. Even if Plaintiff Agelviz-Sanguino were released from CECOT, he would still be suffering irreparable harm in the form of separation from his family who were lawfully admitted and resettled in the United States as refugees. Additionally, irreparable harm would come from being placed in custody with the very people he sought protection from and being subject to inhumane treatment in CECOT.

56. Plaintiffs ask the Court to immediately order Defendants to take all steps reasonably available to them, to return Plaintiff Agelviz-Sanguino to the United States. This should begin with ordering that Defendants immediately halt all payments to the Government of El Salvador to hold individuals in CECOT, and an order that Defendants immediately request that the Government of El Salvador release Plaintiff Agelviz-Sanguino from CECOT and deliver him to the U.S. Embassy in El Salvador.

**CAUSE OF ACTION III:  
ADMINISTRATIVE PROCEDURE ACT  
5 U.S.C. § 706(2)(A)  
(Plaintiff Agelviz-Sanguino)**

57. Plaintiffs incorporate the foregoing paragraphs 1- 44 by reference.

58. The Administrative Procedure Act provides that courts “shall . . . hold



unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion.” *5 U.S.C. § 706(2)(A)*.

59. Defendants’ actions as set forth herein were arbitrary, capricious, and an abuse of discretion.

60. Defendants’ arbitrary and capricious actions, as set forth herein, are causing Plaintiff Agelviz-Sanguino irreparable harm with each day that he spends outside the United States and detained in CECOT.

61. Even if Plaintiff Agelviz-Sanguino were released from CECOT, he would still be suffering irreparable harm in the form of separation from his family who were lawfully admitted and resettled in the United States as refugees. Additionally, irreparable harm would come from being placed in custody with the very people he sought protection from and being subject to inhumane treatment in CECOT.

62. Plaintiffs ask the Court to immediately order Defendants to take all steps reasonably available to them, proportionate to the gravity of the ongoing harm, to return Plaintiff Agelviz-Sanguino to the United States. This should begin with ordering that Defendants immediately halt all payments to the Government of El Salvador to hold individuals in CECOT, and an order that Defendants immediately request that the Government of El Salvador release Plaintiff Agelviz-Sanguino from CECOT and deliver him to the U.S. Embassy in El Salvador.

**CAUSE OF ACTION IV:  
HABEAS CORPUS  
28 U.S.C. § 2241  
(Plaintiff Agelviz-Sanguino)**

63. Plaintiffs incorporate the foregoing paragraphs 1-44 by reference.

64. The writ of habeas corpus is available to any individual who is held in custody of the federal government in violation of the Constitution or laws or treaties of the United States.

65. As set forth herein, Plaintiff Agelviz-Sanguino is being held in custody by the Government of El Salvador, but the Government of El Salvador is detaining Plaintiff Agelviz-Sanguino at the direction and behest of Defendants, and at the financial compensation of Defendants. Such detention is in violation of the Constitution or laws or treaties of the United States.

66. Plaintiffs ask the Court to immediately order Defendants to immediately cease compensating the Government of El Salvador for its detention of, Plaintiff Agelviz-Sanguino, and to immediately request that the Government of El Salvador release, Plaintiff Agelviz-Sanguino from CECOT and deliver him to the U.S. Embassy in El Salvador.

**REQUEST FOR RELIEF**

Plaintiffs pray for judgment against Defendants and respectfully request that the Court enters an order:

- a) Declaring that Defendants' actions, as set forth herein, violated the laws of the United States and the Fifth Amendment to the U.S. Constitution;
- b) Immediately ordering Defendants to immediately cease compensating the Government of El Salvador for its detention of Plaintiff Agelviz-Sanguino;
- c) Immediately ordering Defendants to immediately request that the Government of El Salvador release Plaintiff Agelviz-Sanguino from CECOT and deliver him to the U.S. Embassy in El Salvador;
- d) Should the Government of El Salvador decline such request, ordering Defendants to take all steps reasonably available to them, to return the Plaintiff Agelviz-Sanguino to the United States
- e) Granting Plaintiffs costs and fees under the Equal Access to Justice Act; and
- f) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

/s/Javier Rivera

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### **CERTIFICATE OF SERVICE**

I, Javier Rivera, hereby certify that a true and correct copy of the foregoing "Plaintiffs' COMPLAINT FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT, including all attachments, will be served on Defendants via US Postal Service Certified mail addressed as follows:

Kristi Noem  
Secretary, U.S. Department of  
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Civil Process Clerk,  
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On this the 9<sup>th</sup> day of May 2025.

Respectfully submitted,

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