

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAFAEL LOPEZ-ARVELAIZ,

Petitioner,

v.

No. 1:25-cv-00452-MIS-GBW

**KRISTI NOEM, Secretary of the Department
of Homeland Security; PAMELA BONDI,
Attorney General of the U.S.; TODD M. LYONS,
Acting Director U.S. Immigration and Customs
Enforcement; and MARY DE ANDA-YBARRA,
ICE Field Office Director for the El Paso Field Office,**

Respondents.

JOINT STATUS REPORT

In accordance with this Court’s “Status Report Order” (Doc. 10), the parties file this Joint Status Report to “outlin[e] their respective positions as to the effect the Supreme Court’s decision in *Noem* has on these proceedings.” Doc. 10 (citing to *Noem v. Doe*, 605 U.S. __, 2025 WL 1534782 (May 30, 2025)).

The parties agree that the Supreme Court’s decision in *Noem* has lifted the district court’s temporary stay entered in *Svitlana Doe v. Kristi Noem, et al.*, No. 25-cv-10495-IT, Doc. 97 (D. Ma. filed April 14, 2025). The Supreme Court’s decision makes effective, for now, DHS’s March 25, 2025, pronouncement in the Federal Register Notice (“FRN”) that DHS “is terminating the categorical parole programs for inadmissible aliens from Cuba, Haiti, Nicaragua, and Venezuela.” *See* Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, 90 Fed. Reg. 13611 (Mar. 25, 2025). The FRN stated that “[t]he temporary parole period of aliens in the United States under the CHNV parole programs and whose parole has not already expired by April 24, 2025[,] will terminate on that date unless the Secretary makes an

individual determination to the contrary.” *Id.* The district court in *Svitlana*, however, entered a May 28, 2025, separate order granting a preliminary injunction and class-wide relief to parolees of several humanitarian parole programs who have submitted applications for re-parole or other U.S. Citizenship and Immigration Services (USCIS) immigration benefits. The May 28, 2025, order prohibits DHS from suspending adjudication of these applications for certain parolees, but the order is being appealed to higher courts by the United States. *See Doe v. Noem*, 2025 WL 1514125 (D. Mass. 2025).

It is the United States’ position that Mr. Lopez-Arvelaiz is not being unlawfully detained and that he is subject to detention while his pending asylum claim is adjudicated because he is considered an arriving alien seeking admission. The United States believes Mr. Lopez-Arvelaiz’s parole was revoked because of his arrest by Florida police, which would remove him from the categorical concerns raised in *Svitlana*. Considering the U.S. Supreme Court’s decision in *Doe*, however, the United States believes the FRN is an independent basis for the revocation of Mr. Lopez-Arvelaiz’s parole, which now provides another reason for Mr. Lopez-Arvelaiz’s lawful detention. That said, the United States does not believe *Doe* has mooted or foreclosed Mr. Lopez-Arvelaiz’s challenges to his detention to this Court.

Mr. Lopez-Arvelaiz believes he is being unlawfully detained and that he is not subject to detention while his pending asylum claim is adjudicated because under 8 C.F.R. § 212.5(e), parole can be terminated “at any time,” but this does not mean without reason or based on any unsubstantiated allegation. Further, the government has provided no individualized rationale or justification for the implicit termination of his parole under 8 C.F.R. § 212.5(e). Lastly, while the Supreme Court granted the government’s stay in *Svitlana Doe v. Kristi Noem, et al.*, No. 25-cv-10495-IT, Doc. 97 (D. Ma. filed April 14, 2025), the decision did not ratify the government’s FRN and overall actions in that matter as lawful. The order instead simply stayed the universal

injunction issued by the District Court pending the disposition of the appeal in the United States Court of Appeals for the First Circuit and disposition of a petition for a writ of certiorari, if such a writ is timely sought.

Accordingly, both parties believe *Doe* has not mooted or foreclosed Mr. Lopez-Arvelaiz's challenges to his detention to this Court, and the matter remains properly before this Court.

Respectfully submitted,

For Petitioner:

Approved electronically

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2025, I filed the foregoing pleading electronically through the CM/ECF system which caused the following parties or counsel of record to be served by electronic means as more fully reflected on the Notice of Electronic Filing:

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