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July 22, 2025

Via Electronic Filing

The Honorable Michael E. Farbiarz, D.C. J.
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: ***Sorto-Tabora v. Noem, et al.***
Case No.: 2:25-cv-05706-MEF
Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241

Dear Judge Farbiarz:

I represent the petitioner, Sergio Francisco Sorto-Tabora, in connection with the above-referenced matter. Presently pending before Your Honor is petitioner's Verified Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Kindly accept this correspondence as an update on the status of service of process. As indicated in my prior correspondence of July 16, 2025, service was effectuated upon counsel for the U.S. Immigration and Customs Enforcement on July 2, 2025.

It is respectfully submitted that service was proper in accordance with Rule 4(i) of the Federal Rules of Civil Procedure. As set forth in the U.S. Immigration and Customs Enforcement – District Court Litigation Division (“DCLD”), the “DCLD defends ICE’s operational prerogatives and activities...and its people by zealously representing agency in civil litigation.... DCLD’s attorneys serve as agency counsel and manage federal civil litigation filed against ICE and cases that implicate ICE equities.... DCLD assists ICE personnel and DOJ in all aspects of federal litigation, including...claims seeking injunctive or declaratory relief, including class action habeas corpus relief.”¹

Further, a copy of the filed Complaint as been forwarded to Guaranteed Subpoena for service upon the United States Attorney’s Office (“USAO”) for the District of New Jersey. Guaranteed Subpoena is in the process of serving the USAO at the Peter Rodino Federal Building. An additional copy was sent via Federal Express overnight delivery to the USAO.²

More importantly, I wanted to provide Your Honor with a vital update on the status of Mr. Sorto’s continued confinement at the Elizabeth Detention Center. As outlined in the petitioner’s Habeas Corpus application, ICE-ERO has continued to detain Mr. Sorto despite his DACA-status since February 2025. ICE-ERO rejected the petitioner’s request to be released on his own recognizance,

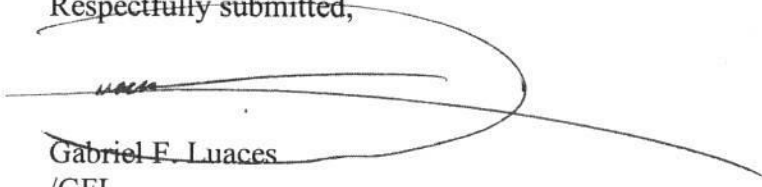
¹ See <https://www.ice.gov/about-ice/opla/enforcement-litigation>.

² Federal Express Tracking No.: 8829 7468 0024

citing a request by ICE-ERO to the U.S. Citizenship and Immigration Services ("USCIS") to terminate his DACA protections. On even date, I received the USCIS' formal decision. (*See Exhibit A*). The USCIS has rejected ICE-ERO's request, and Mr. Sorto's DACA protections will remain valid until January 31, 2027. I have contacted ICE-ERO – Newark Field Office again requesting his immediate release on his own recognizance. However, as of the filing of this letter, I have yet to receive a response from ICE-ERO.

Thank you for Your Honor's courtesies and attention in this regard. Should Your Honor have any questions, please do not hesitate to contact me directly.

Respectfully submitted,



Gabriel F. Luaces
/GFL

EXHIBIT A

July 21, 2025



GABRIEL FRANCISCO LUACES
7312 BERGENLINE AVENUE
NORTH BERGEN, NJ 07047

RE: SERGIO FRANCISCO SORTO TABORA
I-821D, Deferred Action for Childhood Arrivals



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

**U.S. Citizenship
and Immigration
Services**



DECISION

On February 1, 2025, USCIS approved your Form I-821D deferring action until January 31, 2025. On March 20, 2025, USCIS sent you a Notice of Intent to Terminate your approved Deferred Action for Childhood Arrivals.

In response to the Notice of Intent to Terminate, you provided a final court disposition from the Guttenberg Municipal Court, in Guttenberg, NJ. which indicates the charge was dismissed on April 8, 2025. Based on the information provided, USCIS has determined not to terminate your deferred action.

USCIS' previous decision to defer removal action will remain in effect until January 31, 2027, as indicated on your Notice of Action, Form I-797 issued February 1, 2025. Your employment authorization will also remain valid until January 31, 2027

Sincerely,

John M. Allen
SCOPS Deputy Associate Director of Adjudications
Officer: EX0139