

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Civil Division**

CLAUDIA YADIRA ALVARENGA ESPANA)
AKA BENITA CASTILLO-LOPEZ)

c/o Immigrants First PLLC)
9401 Centreville Rd, Suite 204)
Manassas, VA 20110)

Plaintiff,)

v.)

TODD M. LYONS, in his official)
capacity as Acting Director of ICE;)

500 12th St., SW)
Washington, D.C. 20536)

PAUL CAPICCHIONI, in his official capacity)
as Assistant Field Office Director of)
Washington Field ICE Office)

14797 Murdock St.,)
Chantilly, VA 20151)

) Civil Action No. 1:25CV950

KRISTI NOEM, in her official)
capacity as Secretary of DHS;)

Secretary of Homeland Security)
Washington, DC 20508)

PAUL PERRY, in his official)
capacity as Superintendent of)
Caroline Detention Center)

11093 SW Lewis Memorial Dr,)
Bowling Green, VA 22427)

SHAD RICE, in his official)
capacity as Warden of South)
Louisiana Processing Center;)

3843 Stagg Avenue,)
Basile, LA 70515)

PAMELA BONDI, in her official)
capacity as Attorney General of the)

United States,)
)
950 Pennsylvania Avenue, NW)
Washington, DC 20530-0001)
)
Defendants.)
_____)

COMPLAINT FOR INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiff Claudia Alvarenga Espana ("Plaintiff" or "Mrs. Alvarenga"), A# [REDACTED] is a native and citizen of Guatemala who has lived in the United States since 2010. She is was detained by U.S. Immigration and Customs Enforcement ("ICE") at the Washington Field Office at 14797 Murdock Street Chantilly, VA 20151 United States on June 3, 2025.
2. Plaintiff's immigration attorney filed a stay of removal on ICE at the Washington Field Office on June 4, 2025, in person. At this time, ICE informed Plaintiff's immigration attorney that she was currently at Caroline Detention Center and the filing of the stay would freeze her removal process for 7 days.
3. Plaintiff's immigration attorney received a notification via ERO email notification at 12:48AM that she had been moved from Caroline Detention Center to South Louisiana ICE Processing Center despite the filing of a stay of removal on June 4, 2025.
4. Plaintiff is the lawful applicant for asylum under INA §208. Her removal would cut her off from the possibility of humanitarian reinstatement and adjustment of status.
5. Plaintiff is also statutorily eligible for cancellation of removal under INA § 240A(b), yet ICE seeks to remove her before she can present this relief before an immigration judge. A notice to appear was issued in
6. Plaintiff is under imminent threat of removal without a hearing, violating her statutory and constitutional rights. Removal would irreparably separate her from her family and foreclose relief to which she is legally eligible and applied for.
7. Plaintiff seeks an emergency injunction enjoining ICE from removing or transferring her until the Court resolves the merits of her petition.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which provides federal question jurisdiction over cases arising under Constitution, federal laws, or treaties of the United States, including immigration and due process claims.

2. Additionally, 28 U.S.C. § 2241 authorizes federal courts to grant habeas corpus relief to individuals who are “in custody” in violation of the Constitution, federal laws, or treaties of the United States.
3. Venue is proper under 28 U.S.C. § 1391 (b)(2) because Plaintiff was arrested at the ICE Washington Field Office in Chantilly, Virginia and then was subsequently housed at Caroline Detention Center at the time of the filing of the stay of removal on June 4, 2025, which is located within the jurisdiction of the Eastern District of Virginia. It wasn’t until after the stay was filed with the Washington Field Office that Mrs. Alvarenga Espana was moved to Louisiana.

PARTIES

1. Plaintiff Claudia Alvarenga Espana ("Plaintiff" or "Mrs. Alvarenga"), A# [REDACTED] is a native and citizen of Guatemala who has lived in the United States since 2010.
2. Defendant U.S. Immigration and Customs Enforcement (ICE) is the agency within the Department of Homeland Security (“DHS”) responsible for the enforcement of federal immigration laws, including detention and removal of noncitizens. ICE is the agency detaining Plaintiff and has authority over her removal.
3. Defendant Todd M. Lyons is the Acting Director of ICE. In his official capacity, he oversees all ICE operations nationwide, including detention and removal decisions. He is responsible for setting and enforcing ICE policy and may authorize or delay removal of noncitizens in ICE custody.
4. Defendant Paul Capicchioni is the Assistant Field Office Director for the ICE Washington Field Office, which has jurisdiction over Caroline Detention Center and Plaintiff’s custody. He oversees enforcement and removal operations in the region and is directly involved in making decisions about Plaintiff’s detention and removal.
5. Defendant U.S. Department of Homeland Security (DHS) is the federal department under which ICE operates. DHS sets policies and guidelines for immigration enforcement and is legally responsible for Plaintiff’s detention and removal under federal immigration law.
6. Defendant Kristi Noem is the Secretary of DHS. In her official capacity, she is the highest-ranking official in DHS and is ultimately responsible for the operations, policies, and actions of ICE and other immigration-related subagencies, including compliance with constitutional and statutory requirements.
7. Defendant Paul Perry is the Warden of Caroline Detention Center, the facility where Plaintiff was detained at the time of the filing of the stay of removal. As warden, he had

immediate and direct control over Plaintiff's physical custody and is responsible for ensuring that ICE's directives are carried out at the facility.

8. Defendant Pamela Bondi is the Attorney General of the United States. Immigration Judges and the Board of Immigration Appeals adjudicate removal proceedings and applications for relief under the delegated authority of the Attorney General. In this capacity, she is responsible for ensuring the proper administration of immigration adjudications.
9. All Defendants are sued in their official capacities only.

FACTUAL BACKGROUND

1. Plaintiff entered the United States in 2010 and has resided here continuously for over 14 years.
2. Plaintiff was trafficked across the border when she turned 18 and has been here since. She has applied for asylum with USCIS and is prima facie eligible for a T-Visa. Should she be placed into removal proceedings, she is also eligible for cancellation of removal as she has three U.S. citizen children.
3. On June 3, 2025, Plaintiff was arrested at the Washington Field Office which is her last known location.
4. Plaintiff's immigration attorney filed a stay of removal on ICE at the Washington Field Office on June 4, 2025, in person. At this time, ICE informed Plaintiff's immigration attorney that she was currently at Caroline Detention Center and the filing of the stay would freeze her removal process for 7 days.
5. Plaintiff's immigration attorney received a notification via ERO email notification at 12:48AM that she had been moved from Caroline Detention Center to South Louisiana ICE Processing Center despite the filing of a stay of removal on June 4, 2025.
6. Plaintiff has not received a bond hearing, credible fear interview, or the opportunity to pursue her asylum application or cancellation of removal via INA §240 proceedings.
7. ICE officers have informed Plaintiff's family that she could be removed at any moment, without a scheduled hearing.
8. Plaintiff's removal would preclude adjudication of her available statutory remedies and constitute irreparable harm.

LEGAL BACKGROUND

1. INA § 208 provides the eligibility requirements for asylum. The applicant must have suffered persecution, on account of a protected ground and that the government of the country she is seeking asylum from is unwilling or unable to protect her from the harm. In the absence of humanitarian asylum the applicant must also have a well-founded fear of future persecution and merit a grant of discretion.
2. INA § 240A(b) provides that a noncitizen is eligible for cancellation of removal if they: (1) have been continuously present in the U.S. for ten years; (2) have good moral character; (3) have no disqualifying convictions; and (4) can show exceptional and extremely unusual hardship to a qualifying relative.
3. The removal of an individual prior to adjudicating their statutory relief constitutes a deprivation of due process under the Fifth Amendment.

CLAIMS FOR RELIEF

1. **Plaintiff is likely to succeed on the merits of her habeas petition because she has viable claims for relief.**

Plaintiff is eligible for multiple forms of immigration relief, including asylum, T-Visa, and cancellation of removal upon being placed into INA §240 proceedings. She has not yet been afforded the opportunity to present these claims before an immigration judge or in a credible fear interview. Removal at this stage would unlawfully eliminate her ability to pursue these forms of relief and deprive her of due process.

a. Plaintiff is eligible for asylum under INA §208..

Here, Plaintiff's application for asylum was filed on March 25, 2025, and we have received no further correspondence from USCIS. The next step in the affirmative asylum process should be an interview with USCIS. She is not in removal proceedings

Given these facts, Plaintiff is eligible to be processed for asylum. Removing her before her application can be completed would deprive her of a statutory relief she is eligible for and violate due process.

b. Plaintiff is eligible for cancellation of removal under INA § 240A(b).

To qualify for cancellation of removal under INA § 240A(b), a non-citizen must demonstrate: (1) physical presence in the U.S. for at least 10 years; (2) good moral character during that period; (3) no disqualifying criminal convictions; and (4) removal would result in exceptional and extremely unusual hardship to a qualifying U.S. citizen or LPR spouse, parent, or child.

Here, Plaintiff has resided in the United States continuously since 2010. She has strong family ties, including three U.S. citizen children who may experience exceptional hardship if she is removed. Although Plaintiff has a pending criminal matter, she has not been convicted and therefore remains statutorily eligible for cancellation unless disqualified under INA § 240A(b)(1)(C). ICE detention and expedited removal prevent the Immigration Judge from making these determinations on a complete record.

Plaintiff meets the statutory threshold for cancellation and should be permitted to submit evidence and testimony to an Immigration Judge. Premature removal would deny her access to this discretionary relief.

2. Emergency Temporary Restraining Order (TRO) should be given because Plaintiff faces imminent and irreparable harm.

A temporary restraining order (“TRO”) is appropriate when the movant demonstrates: (1) a likelihood of success on the merits; (2) a likelihood of suffering irreparable harm in the absence of relief; (3) that the balance of equities tips in their favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

a. Likelihood of success on the merits

Plaintiff is likely to succeed on the merits because she has viable claims for relief, including her application for asylum and cancellation of removal under INA § 240A(b). She has not been given an opportunity to present these claims before an immigration judge, and removal at this stage would unlawfully deny her access to those remedies.

b. Likelihood of suffering irreparable harm in the absence of relief

If Plaintiff is removed before having the opportunity to present her claims for relief, she will suffer irreparable harm through permanent separation from her family, a potential ten-year bar to reentry, and the loss of any chance to seek adjustment of status or cancellation of removal. This harm cannot be remedied through later judicial review because Plaintiff would already have been removed and barred from return.

c. Balance of equities tips in their favor

Plaintiff risks permanent family separation, the loss of legal relief, and removal to a country she has not lived in for nearly 15 years, while the government would face only a brief delay to allow proper legal review. Courts have recognized that such a delay imposes minimal burden on the government compared to the serious and irreversible harm to the individual.

d. An injunction is in the public interest

The public interest is best served when the government respects due process and follows its own laws, ensuring that individuals with viable legal claims are not removed before their cases can be heard. Preventing unnecessary family separation and honoring humanitarian principles promotes

social stability and upholds rule-of-law values at the core of the United States Constitution and immigration system. Issuance of a temporary restraining order therefore aligns with both justice and the public interest.

Plaintiff satisfies all four requirements and seeks only a brief pause in her removal to ensure that lawful procedures are followed before irreparable harm occurs.

3. Plaintiff's procedural due process rights have been violated.

Under the Fifth Amendment, all individuals physically present in the United States, regardless of immigration status, are entitled to procedural due process before being deprived of liberty or the ability to remain in the country.

Here, Plaintiff has not been afforded a meaningful opportunity to apply for relief, appear before an immigration judge, or challenge her removal. The government's failure to provide notice, access to proceedings, and an opportunity to be heard before executing removal violates the basic protections guaranteed by the Constitution.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Issue a Temporary Restraining Order enjoining Defendants from removing, transferring, or taking any adverse enforcement action against Plaintiff while this action is pending;
2. Order Defendants to show cause why a preliminary injunction should not be granted;
3. Grant habeas corpus relief under 28 U.S.C. § 2241;
4. Declare that Plaintiff is entitled to due process before removal;
5. Award any additional relief that the Court deems just and proper.

Respectfully submitted, submitted, this 5th day of June, 2025



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June 2025, a copy of the foregoing **Complaint for Injunctive Relief** and exhibits supporting thereof was delivered via pacer/certified mail, to:

TODD M. LYONS, Acting Director of ICE
500 12th St., SW
Washington, D.C. 20536

PAUL CAPICCHIONI, Assistant Field Office Director of Washington Field Office
14797 Murdock Street
Chantilly, VA 20151

KRISTI NOEM, Secretary of DHS
Secretary of Homeland Security
Washington, DC 20508

PAUL PERRY, Superintendent of Caroline Detention Center
11093 SW Lewis Memorial Dr,
Bowling Green, VA 22427

SHAD RICE, Warden of South
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Respectfully Submitted,



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