

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Laredo Division**

ISRAEL ADONAY SAGASTIZADO SANCHEZ,)

Petitioner,)

v.)

KRISTI NOEM, *Secretary of Homeland Security,*)

TODD LYONS, *Acting Director, U.S. Immigration*)
and Customs Enforcement,)

DANIEL BIBLE, *ICE San Antonio Field Office*)
Director,)

PAMELA BONDI, *Attorney General,*)

WARDEN, WEBB COUNTY DETENTION)
CENTER,)

Respondents.)
_____)

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS

In February 2024, Petitioner Israel Adonay Sagastizado Sanchez won an order from an immigration judge granting him a form of relief called withholding of removal, which prohibits Respondents from removing him to his native El Salvador. Should Respondents wish to remove Petitioner to El Salvador, the law sets forth specific procedures by which they can reopen the case and seek to set aside the grant of withholding of removal. Should Respondents wish to remove Petitioner to any other country, they would first need to provide him with notice and the opportunity to apply for protection as to *that* country as well. Until they do either of these things, they cannot remove Petitioner from the United States. But Respondents have arrested Petitioner without warning and without observance of procedures required by regulation, and are detaining

him for no reason; they now appear to be seeking to deport Petitioner without observance of any legal procedures whatsoever, ripping him away from his family. Such conduct cries out for immediate judicial relief.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. 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, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

3. Venue lies in this District because Petitioner is currently detained in ICE's Webb County Detention Center in Laredo, Texas; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

THE PARTIES

4. Petitioner Israel Adonay Sagastizado Sanchez is a citizen and native of El Salvador. Respondents seek to deport him without any legal process whatsoever, and in violation of an immigration judge order and a federal regulation prohibiting them from doing so.

5. Respondent 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.

6. Respondent 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.

7. Respondent Daniel Bible is the ICE San Antonio Field Office Director. He is the immediate legal custodian of Petitioner.

8. Respondent 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.

9. Respondent Warden, Webb County Detention Center is the warden of the Webb County Detention Center, located within this division of this District. He is the immediate physical custodian of Petitioner.

10. All government Respondents are sued in their official capacities.

LEGAL BACKGROUND

11. Withholding of removal under 8 U.S.C. § 1231(b)(3) prohibits the government from removing a noncitizen to a country where it is more likely than not that the individual would be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion. See 8 C.F.R. § 1208.16(b). This form of relief is mandatory if the applicant meets the standard and is distinct from asylum in that it does not lead to permanent residency.

12. To qualify for withholding of removal, the noncitizen bears the burden of proving that it is more likely than not that they would face persecution if returned to their country of origin. The government may not remove an individual with a valid withholding order to that country unless the order is formally terminated following the procedures set forth in the regulations. *See* 8 C.F.R. § 1208.24(f).

13. If a noncitizen is granted withholding of removal, “DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021). No exceptions lie.

14. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge and must prove, by a preponderance of the evidence, that the individual would no longer face persecution. 8 C.F.R. § 1208.24(f). Only after termination may removal proceed.

15. However, withholding of removal is a country-specific form of relief. Should the government wish to remove an individual with a grant of withholding of removal to some *other* country, it must first provide that individual with notice and an opportunity to apply for withholding of removal as to *that* country as well, if appropriate. 8 U.S.C. § 1231(b)(3)(A). *See also Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att’y Gen.*, 149 F. App’x 947, 953 (11th Cir. 2005) (per curiam) (permitting removal to third country only where individuals received “ample notice and an opportunity to be heard”).¹

¹ Indeed, the Solicitor General’s office acknowledged this legal principle earlier this year in oral argument before the Supreme Court:

JUSTICE KAGAN: So let me --let me make sure I understand that. You think you have the --the --the legal right -- . . . --to --to send the non-citizen to some other country, where he doesn't have a CAT --CAT claim, but, in fact, the U.S. government does not exercise that right?

MR. McDOWELL: Under Title 8 we --we do not do that as a matter of practice. We do think we have the legal authority to do that, with the following caveat: We would have to give the person notice of the third country and give them the opportunity to raise a reasonable fear of torture or persecution in that third country.

16. Finally, for individuals with a removal order but who cannot be removed (because there is no country designated to which they can lawfully be removed, or because logistical or practical considerations prevent execution of an otherwise lawfully executable order), 8 U.S.C. §1231(a) permits the government to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the alien from the United States.” 8 U.S.C. §1231(a)(1)(A).

17. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that the government shall release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

18. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715,

If they raise that reasonable fear, the withholding-only proceedings would simply continue. They would just focus on the new country, rather than the original one.

JUSTICE KAGAN: But you don’t have the legal power to remove the person to the country for which there is a pending CAT claim?

MR. McDOWELL: That’s exactly right. The regulate --the regulations prohibit that.

Oral Argument Tr., *Riley v. Bondi*, No. 23-1270 (S. Ct., March 24, 2025), 32-33, *available at* https://www.supremecourt.gov/oral_arguments/argument_transcripts/2024/23-1270_c0n2.pdf.

738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.”)

19. The purpose of detention during and beyond the removal period is to “secure[] the alien’s removal.” *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

20. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because “the need to detain the noncitizen to ensure the noncitizen’s availability for future removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when “necessary to bring about that alien’s removal.” *See id.* at 689.

21. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

22. Where a petitioner has provided “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701.

FACTS

23. Petitioner Israel Adonay Sagastizado Sanchez is a citizen of El Salvador and no other country.

24. On February 2, 2024, Petitioner was granted withholding of removal pursuant to 8 U.S.C. § 1231(b)(3), after the immigration judge agreed that he had established it was more likely than not that he would be tortured in El Salvador. *See* Ex. A (Immigration Judge order). To date, Respondents have not taken any steps to reopen or rescind the grant of relief. *See* Ex. B (EOIR Automated Case Information).

25. Since 2024, Petitioner has not been convicted of any crimes, nor has Petitioner violated the terms of his order of supervision with ICE.

26. On June 18, 2025, Petitioner appeared for a scheduled check-in with ICE. Without warning, and without any explanation for the legal or factual basis of his detention, Petitioner was detained by ICE. Later that day, a family member was informed by an ICE officer that Petitioner had been taken into ICE custody and was given his personal belongings.

27. Prior to his unlawful detention, Petitioner was dutifully attending scheduled check-ins with ICE pursuant to his release on supervision. He now remains in detention in the Webb County Detention Center as of the time of filing this habeas corpus petition. *See* Ex. C (ICE Detainee Locator screenshot).

28. ICE has informed Petitioner that they would like to remove him to Mexico. But since Petitioner has no claim to legal immigration status in Mexico, then Mexico will promptly send him to El Salvador, where it has already been determined that he will face persecution. This chain refolement would violate the withholding of removal statute just as surely as if Respondents carried out the removal directly to El Salvador.

29. Respondents currently lack any factual or legal basis to detain Petitioner, since Respondents cannot establish that that Petitioner will likely be removed from the United States in the reasonably foreseeable future.

30. Petitioner has exhausted all administrative remedies. No further administrative remedies are available to Petitioner.

**FIRST CLAIM FOR RELIEF:
Violation of 8 U.S.C. § 1231(a)(6)**

31. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-30.

32. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have long since passed.

33. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.

**SECOND CLAIM FOR RELIEF:
Due Process/Detention**

34. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-30.

35. Petitioner's detention during the removal period is only constitutionally permissible under the Due Process Clause when there is a significant likelihood of removal in the reasonably foreseeable future. Respondents have rearrested and re-detained Petitioner on the assumption that Petitioner will be removable to Mexico but have no factual basis to believe that such third-country removal will ever become practicable and legally permissible.

36. Respondent continues to detain Petitioner without evidence that they will be able to remove him imminently, to El Salvador or to any other country.

37. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

**THIRD CLAIM FOR RELIEF:
Habeas Corpus, 28 U.S.C. § 2241**

38. Petitioner incorporates the foregoing paragraphs 1-30 by reference.

39. 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.

40. Respondents presently have no legal basis to detain Petitioner in immigration custody, and the writ of habeas corpus should issue.

**FOURTH CLAIM FOR RELIEF:
Procedural Due Process/Removal**

41. Petitioner incorporates the foregoing paragraphs 1-30 by reference.

42. Petitioner has a procedural due process right not to be removed to El Salvador, the country from which he had been granted withholding of removal, without an immigration judge first carrying out the procedures set forth in federal regulations.

43. In addition, as set forth above, Respondents intend to remove Petitioner to Mexico, which will in turn remove Petitioner back to El Salvador, without adequate notice and opportunity to be heard, thus violating his procedural due process rights under the Fifth Amendment to the U.S. Constitution.

**FIFTH CLAIM FOR RELIEF:
Violation of Government Regulations and Procedures/Removal**

44. Petitioner incorporates the foregoing paragraphs 1-30 by reference.

45. As set forth above, government regulations and procedures do not allow Petitioner to be removed to El Salvador, the country from which he had been granted withholding of removal, without an immigration judge first carrying out the procedures set forth in federal regulations.

46. In addition, As set forth above, government regulations and procedures do not allow Petitioner to be removed to Mexico, which will in turn remove Petitioner back to El Salvador,

without adequate notice and opportunity to seek protection from removal to Mexico under the withholding of removal statute and the Convention Against Torture.

**SIXTH CLAIM FOR RELIEF:
Violation of 8 C.F.R. § 241.4(l)**

47. Petitioner incorporates the foregoing paragraphs 1-30 by reference.

48. As set forth above, Respondents' actions in cancelling Petitioner's release on supervision and re-arresting Petitioner without any advance or contemporaneous explanation of the legal or factual basis for re-detention violated 8 C.F.R. § 241.4(l), a regulation designed to protect the due process rights of noncitizens like Petitioner.

49. This violation of required procedures also violated Petitioner's due process rights under the Fifth Amendment to the U.S. Constitution.

50. In arresting and re-detaining Petitioner, Respondents violated important substantive and procedural rules designed to protect his due process rights, and the writ of habeas corpus should issue.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;
- b) Preliminarily and permanently enjoining Respondents from removing Petitioner to El Salvador, unless and until his order of Withholding of Removal is terminated, including all appeals;
- c) Preliminarily and permanently enjoining Respondents from removing Petitioner to any other country without first providing him notice and offering him adequate opportunity

to apply for withholding of removal or protection under the Convention Against Torture as to that country, including all appeals;

- d) Issuing a writ of habeas corpus, and ordering that Petitioner be released from physical custody;
- e) Granting Petitioner his costs and reasonable attorney's fees under the Access to Justice Act; and
- f) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

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