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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Saul Amezcua-Penaloza,

Petitioner,

v.

John Cantu, Field Office Director of
Phoenix Office of Detention and
Removal, U.S. Immigration and
Customs Enforcement, U.S. Department
of Homeland Security, et al.

Respondents.

Case No.: 2:25-cv-02447-DJH-CDB

**RESPONSE TO PETITIONER'S
ALLEGATIONS IN
STATUS UPDATE (Doc. 16)**

INTRODUCTION

On August 5, 2025, this Court issued an Order (Doc. 14) granting Petitioner's Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 2). The Court ordered Petitioner released from the custody of United States Immigration and Customs Enforcement ("ICE"). Doc. 14. On August 6, 2025, ICE released Petitioner from immigration custody pursuant to an Order of Release on Recognizance. *See* Doc. 15, Exhibit A. On August 7, 2025, Respondents filed a status report indicating to the Court that Petitioner had been released. Doc. 15. On August 12, 2025, Petitioner filed a

1 status report making several allegations against Respondents about the circumstances
2 concerning his release from ICE custody. Doc. 16. On August 14, 2025, the Court
3 ordered Respondents to respond to the allegations in Petitioner's status report concerning
4 the circumstance of Petitioner's release from ICE custody.

5 **RESPONDENT'S RESPONSE TO PETITIONER'S ALLEGATION**

6 On August 6, 2025, Petitioner was released from DHS custody on an order of
7 recognizance with electronic monitoring via ankle bracelet with GPS monitoring. *See*
8 Exhibit A, Declaration of Deportation Officer Nellie Martinez ¶ 4. The Alternatives to
9 Detention Program at the ICE Phoenix Field Office is charged with supervising
10 Petitioner's release. *Id.* On August 6, 2025, the same date Petitioner was released from
11 custody, a Funds and Valuables Officer retrieved one cell phone and three visa cards
12 from Petitioner's personal property. *Id.* ¶ 5. Petitioner signed the Release/Accountability
13 Form, and his personal belongings were returned to his wife. *Id.* Also, upon his release,
14 Petitioner was provided with other items in his property not in Funds and Valuables. *Id.* ¶
15 7. These items were listed on the Detainee Personal Property Record and included
16 Petitioner's billfold, belt, pants, shoes, socks, T-shirt and 5 cards. *Id.* All of the personal
17 property items listed were returned to Petitioner upon his release from custody and he
18 signed for them. *Id.* Currently, Petitioner's work authorization card and Arizona driver's
19 license are being maintained in the Department of Homeland Security's administrative
20 file, pending resolution of Petitioner's ongoing removal proceedings before the Executive
21 Office for Immigration Review. *Id.* ¶ 6.

22 Respectfully submitted this 19th day of August, 2025.

23 TIMOTHY COURCHINE
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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