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11 IN THE UNITED STATES DISTRICT COURT

12
13 IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 JOSE CRUZ CORONA RIOS,



15
16 Petitioner,

17
18 vs.

19 U.S. Department of Homeland Security;
20 Kristi Noem, Secretary of U.S.
21 Department of Homeland Security, In
22 Her Official Capacity; Pamela Bondi,
23 U.S. Attorney General, In Her Official
24 Capacity; Todd M. Lyons, Acting
25 Director of U.S. Immigration and
26 Enforcement Operation, and Christopher
J. Larose, Senior Warden at Otay Mesa
ICE Detention Center.

27 Respondents.
28

Case No.: 25-cv-01796-JES-DEB

PETITIONER'S STATUS REPORT

1 The Petitioner, through the undersigned counsel, respectfully provides the Court
2 with the following developments in this case.
3

4 Petitioner, Jose Cruz Corona Rios, remains in immigration detention at the Otay
5 Mesa Detention Center. On October 7, 2025, during his hearing at the Otay Mesa
6 Immigration Court, Immigration Judge Paula Dixon stated her intention to re-grant
7 the Petitioner Withholding of Removal under the Convention Against Torture.
8 Counsel representing the Department of Homeland Security reserved the right to
9 appeal.
10
11

12 On October 8, 2025, Judge Dixon issued her written decision and the addendum
13 of law (See Attached Exhibit 1), officially granting the Petitioner Withholding
14 under the Convention Against Torture. Judge Dixon's order indicated that DHS
15 reserved appeal, and the Petitioner waived appeal.
16
17

18 The due date of DHS' appeal to the Board of Immigration Appeals ("BIA") is
19 November 7, 2025. While it is the BIA's goal to complete reviews for detained
20 cases within 180 days, such reviews can, in practice, take up to a year.
21

22 Consequently, the Respondent remains in prolonged and indefinite detention.
23

24 Dated this 22nd day of October 2025.

25 S/ Curtis Lee Morrison
26 Curtis Lee Morrison, Esq. (CA BN 321106)
27 Attorney for Petitioner
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s/ Jimmy Namgyal

Jimmy Namgyal, OSB#121246

Attorney for Petitioner.

EXHIBIT

1



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

CORONA RIOS, JOSE CRUZ

To:

Namgyal, Phuntsok Jimmy
15350 SW Sequoia Pkwy
suite 105
Portland, OR 97224

A-Number:



Riders:

In Removal Proceedings
Initiated by the Department of Homeland Security

Date:

10/08/2025

ORDER OF THE IMMIGRATION JUDGE

This matter is again before the Court after the Court granted reopening on the respondent's motion. On June 24, 2025, the respondent submitted his motion, which the Court promptly granted to permit the respondent an opportunity to assert any fear of removal to the country or countries to which the Department intended to remove the respondent. (Resp't Emergency Mot. to Reopen Based on DHS's Intent to Deport Resp't to a Nondesignated, Third Country Without an Opportunity to Contest Removal Based on His Fear of Persecution & Torture & Emergency Mot. to Stay Removal Pending Adjudication of Resp't's Fear-Based Claims, June 24, 2025; Order of the Immigration Judge, June 25, 2025.) The Department of Homeland Security has repeatedly indicated since reopening that it has not yet received confirmation from any third country willing to accept the respondent, so the parties sought the Court's reissuance of its decision on the respondent's application for relief under the Convention Against Torture. Accordingly, the Court scheduled this matter for issuance of an oral decision on October 16, 2025. Upon further review of the Record, the Court has determined that issuance of another oral decision is unnecessary.

On April 21, 2025, the Court issued an oral decision articulating its reasoning for granting the respondent's application for withholding of removal under the Convention Against Torture. (See Order of the Immigration Judge, Apr. 21, 2025.) Both parties waived their rights to appeal the Court's decision, and in accordance with that waiver, neither party sought appeal. Although the Department has reserved its right to appeal the Court's decision, the Court notes that the Department waived its right to appeal the Court's decision in April. At a hearing on September 3, 2025, the Department initially indicated that it would waive its right to appeal the Court's decision if the Court reissued its decision to grant the respondent withholding of removal under the Convention Against Torture. It was only upon the respondent's indication that he would reserve his right to appeal the Court's decision that the Department indicated its intention to do the same. The respondent has since waived his right to appeal the Court's decision. (Resp't Written Response to the Court Order, Sept. 17, 2025, at 3.)

PETITIONER'S STATUS REPORT - 5

The Court hereby incorporates, by reference, all the findings of fact and analysis articulated in

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its April 21, 2025 oral decision, which is meant to be read alongside the Court's Addendum of
Law. Upon finding that the respondent met his burden to show his eligibility for withholding of
removal from Mexico under the Convention Against Torture, the Court will reissue its decision
granting such relief.

Order:

IT IS ORDERED that the respondent be removed to MEXICO.

IT IS FURTHER ORDERED that the respondent's application for withholding of removal
under the Convention Against Torture be GRANTED.

IT IS FURTHER ORDERED that the hearing scheduled for October 16, 2025 at 2:30 p.m. be
VACATED.



Immigration Judge: DIXON, PAULA 10/08/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 11/10/2025

Certificate of Service

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Respondent Name : CORONA RIOS, JOSE CRUZ | A-Number : 

Riders:

Date: 10/09/2025 By: Alilin, Vanessa, Court Staff

**Standard Language Addendum:
Withholding of Removal under the Convention Against Torture**

The following statements of law are hereby incorporated into the Immigration Judge’s oral decision. These statements are not the sole legal basis for the decision and are meant to be read in conjunction with any law cited in the oral decision itself.

III.B. Withholding of Removal Under the CAT

An applicant for withholding of removal under the CAT bears the burden of proving that it is “more likely than not that he would be tortured if removed to the proposed country of removal.” See *Azanor v. Ashcroft*, 364 F.3d 1013, 1018 (9th Cir. 2004); 8 C.F.R. § 1208.16(c)(2). In other words, the respondent must meet a “clear probability” standard. *Zhang v. Ashcroft*, 388 F.3d 713, 721-22 (9th Cir. 2004). An applicant need not demonstrate that he “will” be tortured in the proposed country of removal, but only that there is a chance “greater than fifty percent that he will be tortured.” *Hamoui v. Ashcroft*, 389 F.3d 821, 827 (9th Cir. 2004).

Torture is defined as the intentional infliction of severe physical or mental pain or suffering based on discrimination of any kind, or for the purpose of obtaining information or a confession, or to punish for an act or suspected act, or to intimidate or coerce any person or third party. 8 C.F.R. § 1208.18(a)(1); *Villegas v. Mukasey*, 523 F.3d 984 (9th Cir. 2008) (construing the intent requirement under 8 C.F.R. § 1208.18(a)(5) to require a showing that the government actor “specifically intended” to torture the respondent by “inflict[ing] severe physical or mental pain or suffering”); see also *Matter of J-E-*, 23 I&N Dec. 291, 298 (BIA 2002). “Torture is an extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment that do not amount to torture.” 8 C.F.R. § 1208.18(a)(2).

The pain and suffering associated with torture must be inflicted with the consent, acquiescence of, or at the instigation of a public official or other person acting in an official capacity. 8 C.F.R. § 1208.18(a)(1). A public official “acquiesces” in acts of torture by a private party when he or she is previously aware of activity constituting torture and breaches his or her legal responsibility to intervene to prevent such activity because they are unable or unwilling to oppose it. 8 C.F.R. § 1208.18(a)(7); *Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2014). The acquiescence standard is met where the record demonstrates that public officials at any level—even if not at the federal level—would acquiesce in torture the petitioner is likely to suffer. *Madrigal v. Holder*, 716 F.3d 499, 509-10 (9th Cir. 2013). Evidence showing widespread corruption of public officials can be highly probative on this point. *Quiroz Parada v. Sessions*, 902 F.3d 901, 916 (9th Cir. 2018).

In assessing whether it is more likely than not that an applicant will be tortured in the proposed country of removal, the court may consider: evidence of past torture inflicted upon the applicant; evidence that the applicant could relocate to a part of the country of removal where she is not likely to be tortured; evidence of gross, flagrant, or mass violations of human rights within the country of removal; and other relevant information in the country of removal. 8 C.F.R. § 1208.16(c)(3); see also *Maldonado v. Lynch*, 786 F.3d 1155, 1162-64 (9th Cir. 2015) (en banc)

(explaining that no one factor under 8 C.F.R. § 1208.16(c)(3) is determinative). The credible testimony of an applicant may be sufficient without corroboration to sustain his burden under the CAT, and evidence of country conditions “can play a decisive role in determining eligibility.” *Zhang*, 388 F.3d at 721; 8 C.F.R. § 1208.16(c)(2). However, an applicant cannot meet his burden to establish eligibility for protection under the CAT based on an inconclusive record or by stringing together a series of suppositions, unless the evidence shows that each step in the hypothetical chain of events is more likely than not to occur. *Matter of J-E-*, 23 I&N Dec. 291, 303 (BIA 2002); *Matter of J-F-F-*, 23 I&N Dec. 912, 917-918 (A.G. 2006). The applicant must show “specific grounds” indicating that he would be personally at risk. *J-E-*, 23 I&N Dec. at 303; *see also Dhital v. Mukasey*, 532 F.3d 1044, 1051 (9th Cir. 2008) (holding that “the petitioner must demonstrate that he would be subject to a particularized threat of torture”).

CERTIFICATE OF SERVICE

It is hereby certifying that:

On October 22, 2025, I Jimmy Namgyal, served the Petitioner's Status Report and Exhibits to the counsel of Respondent at the following address via First Class Mail with Postage Prepaid deposited in a mailbox in Lake Oswego, Oregon.

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I declare under penalty of perjury that the foregoing is true and correct.

s/ Jimmy Namgyal
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