


FILED

JUL 14 2025

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

262 W. NUEVA STREET, #1-400  
SAN ANTONIO, TX 78207

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

SA 25CA0819 XR


Maria Glenda Tabora Arita  
[Rider:  Tabora]  
*Petitioners,*

v.

Kristi Noem, Secretary  
of the U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela  
Biondi, Attorney General of  
the United States; Todd Lyon, Director  
of the U.S.  
Immigration and Customs Enforcement  
(ICE);

*Respondents.*


Dist. Court Case No. \_\_\_\_\_

Immigration File: A 

PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C.  
§ 2241

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Petitioners Maria Glenda Tabora Arita and minor son   
Tabora [Rider] have been incarcerated since June 25, 2025. Petitioners' detention became  
unconstitutional on day one of their arrest, detention and incarceration. Petitioners  
appeared in court as scheduled on June 25, 2025. At the hearing, the court, pursuant to  
government's (DHS'), herein respondents', motion to dismiss on grounds of prosecutorial  
discretion, entered a dismissal of proceedings order. There was NO removal order entered  
against petitioners. See Exhibit I attached. As petitioners stepped out of the courtroom  
following their hearing, they were accosted and whisked away by masked people who did

not identify themselves or present a badge or warrant for their arrest especially given that petitioners were keeping each condition of their Own Recognizance (OR) release that was still in effect. Accordingly, to vindicate Petitioners' statutory and constitutional rights and to put an end to their unconstitutional and continued arbitrary arrest detention, this Court should grant the instant petition for a writ of habeas corpus. Absent an order from this Court, Petitioners will likely remain detained for many more months, if not years or sneakily and stealthily unlawfully removed from the US and deported to a country they are afraid of returning to.

2. Petitioners ask this Court to find that their arrest, continued and prolonged incarceration are unreasonable, arbitrary, unconstitutional and to order their immediate release and return to Los Angeles County, California from where they were abducted and unconstitutionally imprisoned.

### **JURISDICTION**

3. Petitioners are detained in civil immigration custody at South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017; Telephone: 830-378-6500 where they are staging and preparing to remove petitioners without notice, ANY TIME SOON. Petitioners have been detained since June 25, 2025. They have been arbitrarily arrested and denied release even though they have a prior OR release that remains in force and which terms and conditions they have complied fully with. Petitioners have no criminal arrests or convictions nor are they flight risks or dangers to society.

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### VENUE

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e), because respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to these claims occurred in this district, and no real property is involved in this action. The petitioners were residing in Bakersfield California, submitting to regular ICE inspection in California as scheduled and their relief applications including asylum applications being processed in the Immigration Court, Van Nuys, CA at the time of their abduction and arrest.

### PARTIES

7. Petitioners are natives and citizens of Honduras. They have **NO** removal orders against them. Instead, the deportation case against respondents was dismissed pursuant to prosecutorial dismissal motion by DHS. 9 CFR 1239.2(c); 239.2(a)(7). They were unlawfully abducted, seized, arrested since June 25, 2025. Petitioners have **NO** removal order against them. What is ICE doing? Petitioners, it has been determined, are in the custody and under the direct control, of respondents and their agents.

8. Respondent Kriti Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the


component agency responsible for Petitioner's detention. Respondent Noem is empowered to carry out any administrative order against Petitioners and is a legal custodian of Petitioners.

9. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA. DHS oversees ICE and the detention of noncitizens. DHS is a legal custodian of Petitioners.

10. Respondent Pamela Biondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and oversees the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

11. Respondent Todd Lyons is sued in his official capacity as the (Acting) Director of U.S. Immigration and Customs Enforcement (ICE). Respondent Lyons is a legal custodian of Petitioners and has authority to release them.

#### **STATEMENT OF FACTS**

12. Petitioner is a 38-year-old native and citizen of Honduras. Co-petitioner  Tabora is a 10-year-old native and citizen of Honduras. Following their submission to border guards and subsequent arrest, they were processed and released OR into the US. They have since obeyed every inspection order and schedules, have filed for relief from deportation and were present in court as scheduled. They NEVER MISSED ONE Hearing or ICE inspection.

13. On June 25, 2025, both petitioners appeared, pro se, in court as scheduled. At the hearing, the Immigration Judge (IJ), pursuant to motion by the respondents on



grounds of prosecutorial discretion, granted said motion and entered order dismissing the removal/deportation hearing. As petitioners stepped out of the courtroom, they were immediately accosted and abducted by masked people and within hours flown out-of-State to detention in locations unknown and including ‘State: DC’ and currently Dilley, TX where they, up till time of this petition, remain detained in the South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017; Telephone: 830-378-6500. Petitioners **do NOT** have removal order against them nor was their Order of Release Own Recognizance issued on August 4, 2023, violated and/or rescinded by ICE.

#### **LEGAL FRAMEWORK**

14. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioners are not entitled to relief. If the Court issues an order to show cause, Respondents must file a response “within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed.” 28 U.S.C. § 2243 (emphasis added).

15. “It is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

16. This fundamental due process protection applies to all non-citizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible [non-citizens] are entitled to be free

from detention that is arbitrary or capricious.”). It also protects non-citizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

17. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of non-citizens during “the removal period,” which is defined as the 90-day period beginning on “the latest” of either “[t]he date the order of removal becomes administratively final”; “[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [non-citizen], the date of the court’s final order”; or “[i]f the [non-citizen] is detained or confined (except under an immigration process), the date the [non-citizen] is released from detention or confinement.”

18. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of non-citizens who have been ordered removed and are deemed to be a risk of flight or danger, the Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court held that “the statute, read in light of the Constitution’s demands, limits [a non-citizen’s] post-removal-period detention to a period reasonably necessary to bring about that [non-citizen’s] removal from the United States.” 533 U.S. at 689. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

19. In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained for longer than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that non-citizen’s due process right to liberty. 533 U.S. at 701. In this circumstance, if the non-citizen “provides good

reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*

20. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there be “adequate procedural protections” to ensure that the government’s asserted justification for a non-citizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a non-citizen based on any other justification.

21. The first justification of preventing flight, however, is “by definition . . . weak or nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive detention based on dangerousness” is permitted “only when limited to specially dangerous individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

22. Thus, under *Zadvydas*, “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699–700. If removal is reasonably foreseeable, “the habeas court should consider the risk

of the [noncitizen's] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period." *Id.* at 700.

23. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that "Congress previously doubted the constitutionality of detention for more than six months" and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of Fourth Amendment Right against Unlawful Search and Seizure; Violation of Fifth Amendment Right to Due Process**

24. Petitioners re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

25. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. The Fourth Amendment protects against Unlawful Search and Seizure.

26. Petitioners have been arbitrarily and capriciously and unconstitutionally abducted, arrested and detained since June 25, 2025. Petitioners HAVE NO REMOVAL ORDERS ENTERED AGAINST THEM. Absent a final order by a court against these petitioners whose applications are in process, respondents have NO authority whatsoever to arrest, detain or remove them. These petitioners have NOT violated any laws nor have they been convicted of any crimes. They are NOT violated the terms and conditions of their **existing** OR release, they have filed relief applications that are in process and they



are not flight risks nor dangers to society. See *Zadvydas*, 533 US at 690; *Demare*, 538 US at 528. Respondents cannot in their overzealousness flaunt the country's organizing and operating principles and guardrails otherwise known as Constitution. Due process rights coded in the Fourth and Fifth Amendments of the US Constitution MUST be protected at all times. No one or agency or entity can arbitrarily breach the constitution and this court MUST send a message that such conduct would be and is UNCONSTITUTIONAL every time. Without a constitution that is respected, there is NO country.

27. Petitioners' unlawful and prolonged detention is also NOT likely to end in the reasonably foreseeable future absent an order of this court for their release NOW. Their relief applications are still being processed. Where, as here, removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. See *Zadvydas*, 533 U.S. at 690, 699–700. In taking its arbitrary action, is it respondents' plan to interfere with the court proceedings by removing petitioners while their case is still being processed and without a removal order by the court? That constitutes a violation of the due process clause of the constitution. Are respondents above the law and the constitution that they can march into any court or anywhere for that matter, pluck people and remove such persons without due process? That would mean that the respondents can willy-nilly strip any person, in this case petitioners, of their constitutional protections for purposes of effecting arbitrary, unconstitutional and unauthorized removal. Respondent's authority is triggered only after a court has issued removal order. Here, as Exhibit 1 clearly shows, there is NO removal order against these petitioners.

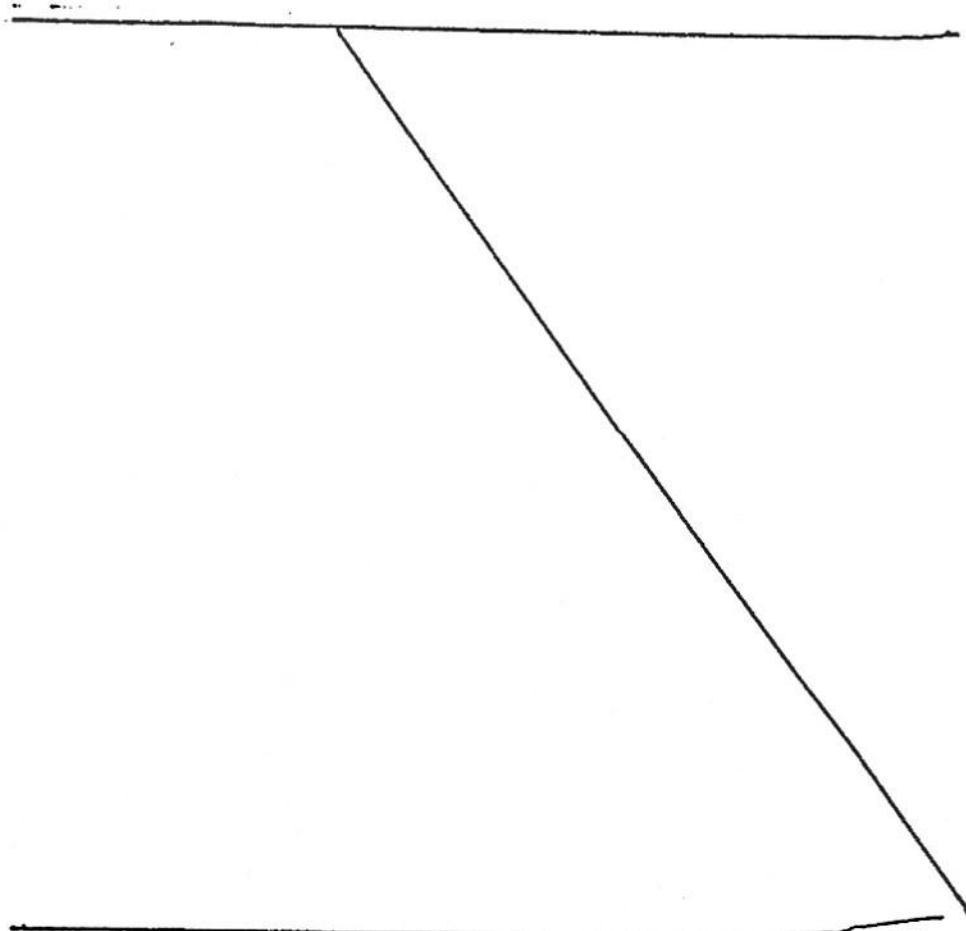
28. For these reasons, Petitioners' ongoing arbitrary, prolonged

unconstitutional detention violates the Fourth Amendment clause against Unlawful Searches and Seizures and Due Process Clause of the Fifth Amendment. Respondents MUST therefore be ordered, HERE and NOW, to release petitioners from unlawful custody and to returned them to Los Angeles County, California where they resided and were processing their case/applications until they were unlawfully arrested, detained and transported around the country against their will by respondents. Respondents' witnesses also reside in California.

**COUNT TWO**  
**Violation of 8 U.S.C. § 1226, INA 236; 1226(a); 1227**

V

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29. Petitioner re-alleges and incorporates by reference all the paragraphs above as though fully set forth herein.

30. Petitioners are NOT in the class of aliens identified in Immigration and Nationality Act at 8 U.S.C. § 1227, et seq. or 8 USC 1226' INA 236.

Petitioners are not subject to mandatory detention authorized by 8 USC 1226(a).

The petitioners should be released from detention given that ICE has NO authority to arrest them without warrant or to remove them without a removal order from the Immigration Judge. All efforts to get the deportation officer assigned to petitioners to see reason and to understand the unlawfulness of what respondents are doing and to release petitioners failed. See attached Exhibit 2 - email string showing exchanged missives. Respondents insist, without evidence, that they have a 'removal order' which they are going to execute. Petitioners, seeing how unreasonable respondents are, move this court to grant this motion and order respondents to produce petitioners and to **IMMEDIATELY** release them from custody and return them to Los Angeles, California from where they were accosted, seized, stealthily flown out first to undisclosed location(s), then to 'State: DC' then some other unknown location(s) and now to Dilley, TX in what appears to be respondents' efforts to keep the petitioners' locations unknown to the distress of their family and witnesses in California in their effort to stealthily and unlawfully remove them.

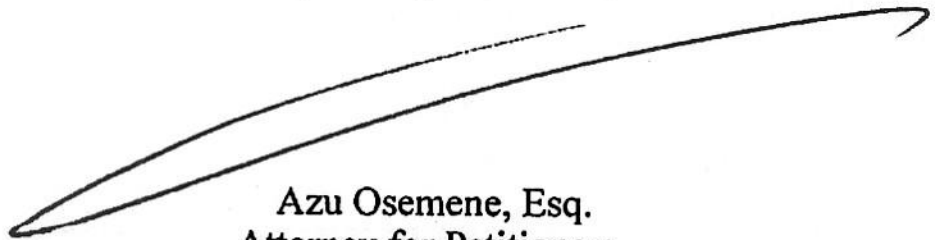
31. Further, petitioners have filed Motion for Stay concurrently with this petition to ensure petitioners are not clandestinely and unlawfully removed while this petition is before this court.

**PRAYER FOR RELIEF**

Wherefore, Petitioners respectfully request this Court to grant the following:


- (1) Assume jurisdiction over this matter;
- (2) Declare petitioners' arrest and on-going detention unconstitutional;
- (3) Declare that Petitioners' on-going, prolonged detention violates the Fourth Amendment and Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);
- (4) Issue a Writ of Habeas Corpus ordering Respondents **to release Petitioners from custody immediately and to return them to California;**
- (5) Award Petitioners' attorneys fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, consisting of a long, sweeping horizontal line with a small upward curve at the end, and a shorter, curved line underneath it.

Azu Osemene, Esq.  
Attorney for Petitioners



maria g tabora arita  
File #: A   
CertificateP2roof of Service

### CERTIFICATE/PROOF OF SERVICE

The within document, Petition for Habeas Corpus; Order was on this day served by regular mail, postage prepaid, on the following:

5. Office of the Asst Chief Counsel, DHS, 6230 Van Nuys Blvd, #1011, Van Nuys, CA 91401.
6. Secretary Noem, US Dept. of Homeland Security, 2707 Martin Luther King, Jr Ave SE, Washington, DC 20528-0525
7. Director Lyons, Immigration Citizenship and Enforcement, 500 12<sup>th</sup> Street SW, Washington, DC 20536
8. Pamela Biondi, US Attorney General, 950 Pennsylvania Ave, NW, Washington, DC 20530-0001

[-/] Electronically filed. No proof of service required.

DATED: July 7, 2025



\_\_\_\_\_/s/\_\_\_\_\_  
E. Sanchez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO, TX 78207

Us DISTRICT COURT CASE #.

**SA 25 CA 0819 XR**

In the Matter of: Maria Glenda Tabora Arita and [REDACTED] Tabora  
A Numbers: A [REDACTED] and [REDACTED]

ORDER OF THE COURT

Upon consideration of the Petitioners' Petition for Habeas Corpus

it is HEREBY ORDERED that the Petition be ☐ GRANTED ☐ DENIED because:

- ☐ Good Cause appearing and court is persuaded
- ☐ The Respondents do not oppose the Petition.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The Petitioners are ordered Released immediately and returned to California

☐ Attorney's fees in sum of \$ \_\_\_\_\_ plus costs in the sum of \$  
awarded Petitioners' counsel

☐ Other:

Date: \_\_\_\_\_

\_\_\_\_\_  
US District Judge

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service  
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Date: \_\_\_\_\_ By: Court Staff \_\_\_\_\_



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
LOS ANGELES - VAN NUYS BOULEVARD  
IMMIGRATION COURT

Respondent Name:

TABORA ARITA, MARIA GLENDA

To:

TABORA ARITA, MARIA GLENDA

BAKERSFIELD, CA

A-Number:

[REDACTED]

Riders:

[REDACTED]

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/25/2025

ORDER ON MOTION TO DISMISS

☐ The Respondent ☐ the Department of Homeland Security ☐ the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c). The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is ☐ opposed ☐ unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

- ☒ Granted without prejudice  
☐ Denied

Further explanation:

The Department of Homeland Security (DHS) has moved to dismiss proceedings without prejudice pursuant to 8 C.F.R. §§ 1239.2(c), 239.2(a)(7).

Once jurisdiction vests with the Immigration Court, DHS may move for dismissal only for certain specified reasons, including where the “[c]ircumstances of the case have changed after the notice to appear was issued to such an extent that continuation is no longer in the best interest of the government.” 8 C.F.R. §§ 239.2(a)(7), (c), 1239.2(c); see also Matter of S-O-G- & F-D-B-, 27 I&N Dec. 462, 465–66 (AG 2018); Matter of W-B-C-, 24 I&N Dec. 118, 122 (BIA 2007). The language of 8 C.F.R. §§ 239.2 and 1239.2 “marks a clear boundary between the time prior to commencement of proceedings, where a [DHS] officer has decisive power to cancel proceedings, and the time following commencement, where the . . . officer merely has the privilege to move for dismissal of proceedings.” Matter of G-N-C-, 22 I&N Dec. 281, 284 (BIA 1998). “By this distinction, the regulation presumably contemplates not just the automatic grant of a motion to [dismiss], but an informed adjudication by the Immigration

Exhibit 1

Exh 1  
a



Judge or this Board based on an evaluation of the factors underlying the [DHS'] motion." Id.

DHS's exercise of prosecutorial discretion is one that an Immigration Judge may not review, revisit, or reconsider. See *Matter of J-A-B- & I-J-V-A-*, 27 I&N Dec. 168, 172 (BIA 2017) (citing *Matter of W-Y-U-*, 27 I&N Dec. 17, 19 (BIA 2017)); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503 (BIA 1980). DHS has broad discretion to determine when continuation is not in the best interest of the government. See 8 C.F.R. § 239.2(c); *Matters of Jaso & Ayala*, 27 I&N Dec. 557, 558 (BIA 2019). Here, it was DHS that issued the Notice to Appear, which placed Respondent in immigration proceedings, thereby signaling that it had an interest in seeking to remove Respondent from the United States. See 8 C.F.R. § 239.1(a); however, it is now also DHS that now essentially has indicated that circumstances had changed – circumstances that this Court has no jurisdiction to review – such that continuation of this case is no longer in its best interests. See 8 C.F.R. §§ 239.2(c)(7), 1239.2(c); see also *G-N-C-*, 22 I&N Dec. at 284; *Matter of Yazdani*, 17 I&N Dec. 626, 630 (BIA 1981).

The Court notes that "due process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976) (internal quotations and citation omitted). Rather, "identification of the specific dictates of due process generally requires consideration of . . . "[f]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest . . . ." Id. at 335.

Respondents do not have a due process right to the continuation of removal proceedings to pursue discretionary relief before the Court within a specified period of time. See *Jaso & Ayala*, 27 I&N Dec. at 558–59 (citing *Mendez-Garcia v. Lynch*, 840 F.3d 655, 664–65 (9th Cir. 2016)). Because "discretionary relief is a privilege created by Congress, denial of such relief cannot violate a substantive interest protected by the Due Process clause." *Munoz v. Ashcroft*, 339 F.3d 950, 954 (9th Cir. 2003). As dismissing the charge of removability against Respondents means the Court is not issuing a final removal order, Respondents no longer have the same interest in having their case resolved on the merits. See *Alcala v. Holder*, 563 F.3d 1009, 1013 (9th Cir. 2009) (holding an order dismissing removal proceedings is not a final order of removal); see also *W-Y-U-*, 27 I&N Dec. at 20 n.6 ("If the DHS had sought termination of the proceedings, which it chose not to do, this case would present a different question. If the proceedings were terminated, the charges against the respondent would be dismissed. He would therefore not have the same interest in having his case resolved on the merits."); *Ching v. Mayorkas*, 725 F.3d 1149, 1155 (9th Cir. 2013) (" 'To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. . . . He must, instead, have a legitimate claim of entitlement to it.' Bd. Of Regents of State Colls v. Roth, 408 U.S. 564, 577 [] (1972)."). The Court is unaware of any statutory or regulatory right to the commencement or continuation of removal proceedings under the circumstances of this case. Cf. 8 C.F.R. §§ 208.14(c); 1208.14(c).

Furthermore, the respondents' interest in pursuing a claim of fear of return, if any, is not foreclosed by dismissal of these proceedings. Respondents in expedited removal proceedings pursuant to INA § 235(b)(1) who claim a fear of persecution or torture receives a credible fear



review by USCIS. See 8 C.F.R. § 208.30. A negative review finding is reviewable by the Court and the respondents become subject to the expedited removal orders of the immigration officer only after the Court affirms the finding. See 8 C.F.R. § 1208.30(g)(2). If the Court disagrees with the negative credible fear determination, then the immigration officer's determination is vacated and returned to DHS for further proceedings consistent with 8 C.F.R. § 1208.2(a)(1)(ii), where the respondents may pursue asylum and related relief. See 8 C.F.R. § 1208.30(g)(2)(iv)(B).

Therefore, after having considered all the relevant factors in opposition, the Court grants DHS's motion to dismiss without prejudice. See G-N-C-, 22 I&N Dec. at 284 (requiring the Court to consider the respondent's position on a motion to dismiss).

Appeal Rights: Both Parties have the right to appeal the decision in this case. Any appeal is due at the Board of Immigration Appeals within thirty (30) calendar days of service of this decision. 8 C.F.R. § 1003.38.

IT IS SO ORDERED.



Immigration Judge: CHON, HYE 06/25/2025

#### Certificate of Service

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To: ☐ P ] Noncitizen | ☐ ] Noncitizen c/o custodial officer | ☐ ] Noncitizen's atty/rep. | ☐ E ] DHS

Respondent Name : TABORA ARITA, MARIA GLENDA | A-Number : 

Riders:



Date: 06/25/2025 By: MARTINEZ, JOSE, Court Staff