

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

<p><b>I. (a) PLAINTIFFS</b>                  Juan Carlos Garcia-Aleman</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>Manor</u>  <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b>                  Georgia Santos Laurent <u>13785 Research Blvd, Ste 125</u>                  SanLaurent Law Group <u>Austin, TX 78750</u>  <u>(512) 693-9343</u></p>	<p><b>DEFENDANTS</b>                  Bobby Thompson, Pamela J. Bondi, Miguel Vergara, Todd M. Lyons, Kristi Ngem</p> <p>County of Residence of First Listed Defendant <u>Frio County</u>  <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)                  Lacy McAndrew</p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;"><b>PTF</b></td> <td style="width:33%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;"><b>PTF</b></td> <td style="width:33%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(s))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability				<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury				<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice				<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise					<input type="checkbox"/> 850 Securities/Commodities/Exchange
					<input type="checkbox"/> 890 Other Statutory Actions
					<input type="checkbox"/> 891 Agricultural Acts
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 896 Arbitration
					<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
					<input type="checkbox"/> 950 Constitutionality of State Statutes

Click here for: Nature of Suit Code Descriptions.

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District *(specify)*

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
 28 U.S.C. § 2241

Brief description of cause:  
 Unlawful Detention of Alien Having Granted Relief

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** *(See Instructions):*

JUDGE Henry Bemporad/Judge Garcia

DOCKET NUMBER 1:25-CV-0886-OLG-HJB

DATE 10/29/2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>Juan Carlos Garcia-Aleman,</b>	§	
Petitioner,		§ No. 1:25-CV-0886-OLG-HJB
V.		§
<b>Pamela J. Bondi, Attorney General of the United States</b>		§
<b>Bobby Thompson, Warden, South Texas Ice Processing Center;</b>		§
<b>Miguel Vergara, Field Office Director, Ice San Antonio;</b>		§
<b>Todd M. Lyons, Acting Director, Ice;</b>		§
<b>Kristi Noem, Secretary, Department of Homeland Security.</b>		§

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

~~Designation as EMERGENCY is warranted. Each day of custody inflicts irreparable harm:~~

Petitioner’s physical liberty is restrained; health is disrupted; and the Government has threatened removal steps without affording the country-specific protections and procedures required by law. No adequate remedy exists absent immediate intervention. Petitioner therefore respectfully requests that the Court: (1) enjoin removal and any transfer from this Division pending resolution; (2) restore Petitioner to supervised release; (3) set the matter for an expedited hearing at the Court’s earliest availability; and (4) under Rule 65(c), waive security or set a nominal bond given the constitutional claims asserted against the Government. Petitioner has been held in ICE custody for 146 days—since June 5, 2025. Petitioner filed the Petition for Writ of Habeas Corpus on July 22, 2025.

Petitioner Juan Carlos Garcia-Aleman (“Petitioner”), through undersigned counsel, respectfully moves this Court for a temporary restraining order and preliminary injunction ordering Respondents to immediately release Petitioner from custody and restore Petitioner to the prior Order of Supervision. This Motion seeks emergency relief to halt an ongoing deprivation of liberty that violates federal regulations, exceeds statutory authority, and contravenes

constitutional guarantees of due process.

For over twelve years (2013–2025), Petitioner lived in Austin, Texas, under an Order of Supervision without incident—attending every government-mandated check-in and committing no crimes—after an Immigration Judge granted Withholding of Removal protection under 8 U.S.C. § 1231(b)(3) (which remains in force and bars removal to Mexico).

On June 5, 2025, Immigration and Customs Enforcement detained Petitioner at a scheduled office visit in San Antonio—without written notice of revocation, without the mandatory informal interview, without any individualized finding or signature by an official with delegated revocation authority—and has provided no country-specific reasonable-fear process for any third-country removal. See 8 C.F.R. §§ 241.4(l)(1)–(2), 241.13, 208.31, 1208.31(g), and 1241.8(e). These facts and the supporting record are set out in the habeas petition, which is incorporated here.

## **FACTUAL BACKGROUND**

Petitioner incorporates by reference all factual allegations set forth in the Petition for Writ of Habeas Corpus filed on July 22, 2025. In brief, Petitioner has resided in the United States since 2004; he is married to a U.S. citizen, is the father of two U.S. citizen children, and has a U.S. citizen brother. *See Exhibit 1*. Since being released to supervision in 2013, he has complied with all conditions and has no disqualifying criminal history.

On June 28, 2013, an Immigration Judge granted Petitioner withholding of removal under the Convention Against Torture, which bars removal to Mexico. *See Exhibit 2*. Notwithstanding years of compliance, ICE detained Petitioner at a routine check-in on June 5, 2025, without identifying any individualized violation and without providing the country-specific procedures required before attempting any third-country removal. *ECF No. 7*. Detention cost Petitioner his job as a Mechatronics and Robotics Technician at Amazon; after an approved leave of absence

through September 7, 2025, he was forced to resign. *See Exhibit 3*. He was the household's sole wage earner. Beginning June 16, 2025, counsel submitted repeated written requests for release with supporting documentation; on June 30, 2025, ICE issued a one-paragraph denial that failed to address removal feasibility or compliance with required procedures. *See Exhibit 4*.

From the outset, the Government's handling of this case has been marked by delay and noncompliance with its own rules. On June 5, 2025, officers detained Mr. Garcia-Aleman at a routine check-in, stating only that "orders from above" required his arrest. *ECF No. 18*. No written revocation issued, no contemporaneous statement of reasons was provided, and no prompt informal interview occurred as required by 8 C.F.R. § 241.4(l).

Only on August 11, 2025—more than two months later, and only after habeas was filed on July 22, 2025—did ICE first generate papers purporting to justify detention, including a Notice of Decision to Continue Detention and an after-the-fact notice asserting, in conclusory terms, that removal would be "significantly likely in the reasonably foreseeable future." The Petitioner's counsel was only served with these notices after the evidentiary hearing. *See Exhibit 5*. ICE served counsel with a redacted OSUP (with page two—listing conditions—blacked out) and later produced a "Notice of Alien Informal Interview Upon Revocation of Order of Supervision" claiming an interview occurred on August 11, 2025, though no such interview took place and no papers were served on counsel despite an express request for attorney service. *See Exhibit 6*.

At the evidentiary hearing, ICE Supervisor Sergio Vasquez testified that his knowledge was limited to reviewing the file; he could not confirm that any informal interview actually occurred and pointed instead to a "change in posture" tied to a change in administration, rather than any change in circumstances contemplated by the regulation. *ECF No. 18, page 30*. Section 241.4(l)

does not permit revocation on the basis of a policy shift; it requires individualized reasons, timely notice, and a meaningful opportunity to respond.

Nor can ICE transform long-ago OSUP conditions into an evergreen basis for detention. Page two of Mr. Garcia-Aleman's OSUP required him, as a pre-release condition, to provide written copies of his requests to consulates for travel documents and any written responses. *Exhibit 7*. Before his 2013 release, he handwrote letters to three embassies, thereby complying. *ECF No. 18, page 62*. Because no country responded, he could not "provide responses" that did not exist—and nothing in the OSUP required him to resend such requests annually in perpetuity. For twelve years (2013–2025), ICE accepted his compliance, renewed supervision, and never alleged a violation.

#### **LEGAL STANDARD**

1. The purpose of a TRO is to preserve the status quo and prevent irreparable harm until the court makes a final decision on injunctive relief. To obtain a TRO, an applicant must establish four elements: (1) substantial likelihood of success on the merits; (2) substantial threat of irreparable harm; (3) the threatened injury outweighs any harm the order might cause the defendant; and (4) the injunction will not disserve the public interest.
2. A preliminary injunction is appropriate when: (1) the movant has shown a substantial likelihood of success on the merits; (2) there is a substantial threat that the movant will suffer irreparable harm if the injunction is denied; (3) the threatened injury to the movant outweighs the threatened harm to the opposing party; and (4) granting the injunction will not disserve the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012).

3. When the government is the opposing party, the third and fourth factors merge because “the Government’s interest in enforcing its laws is always substantial.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).
4. All four elements must be demonstrated to obtain injunctive relief. *Lahey*, 667 F.3d at 574.

## **ARGUMENT**

### **I. Likelihood of Success on the Merits**

5. Petitioner has a substantial—indeed overwhelming—likelihood of success on multiple independent grounds: (1) ICE violated mandatory procedural requirements for revoking supervised release; (2) Petitioner’s detention violates *Zadydas* because removal is not reasonably foreseeable; and (3) ICE exceeded its authority by attempting to nullify judicially granted withholding protection. Each ground independently warrants relief.

#### ***ICE Violated Mandatory Procedural Requirements for Revoking Supervised Release***

6. The record shows a wholesale failure to comply with 8 C.F.R. §§ 241.4(l) and 241.13: no revocation signed by an official with proper delegated authority; no contemporaneous written notice stating that supervision was revoked or why; and no prompt informal interview at the time of return to custody affording Petitioner an opportunity to respond. Any belated paperwork is *post hoc* and cannot cure the initial violation.

7. The regulations require notification “of the reasons for revocation” and a prompt “informal interview” after return to custody. See § 241.4(l)(1)–(3). Simply reciting regulatory language is not enough—an agency must actually consider the required factors; “[s]tating that a factor was considered ... is not a substitute for considering it.” *Getty v. FSLIC*, 805 F.2d 1050, 1055 (D.C. Cir. 1986). Federal agencies are bound by their own rules, which have the force and effect of law; noncompliance renders decisions invalid. *Gulf States Mfrs., Inc. v. NLRB*, 579 F.2d 1298,

1308 (5th Cir. 1978); *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (*per curiam*); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

8. The Western District's order in *Puertas-Mendoza*<sup>1</sup> underscores why these failures are determinative and why detention here cannot stand. The court held that when removal is not reasonably foreseeable, continued detention is unauthorized, and a detainee need not wait out a rigid six-month clock where the record already shows no significant likelihood of removal in the reasonably foreseeable future.

9. In that case, the Court also emphasized that ICE's initial "explanation" arrived only weeks after detention began and was cursory—merely asserting foreseeability without evidentiary support—and that such *post-hoc* notices do not satisfy regulatory requirements to notify "upon" revocation and promptly conduct an informal interview affording a chance to respond. The same pattern is present here: years of lawful supervision following withholding/ of removal; no evidence that any third country will accept Petitioner; efforts to paper over an arrest with belated, conclusory forms; and an agency witness unable to attest that the required interview occurred while invoking an administrative "posture" change instead of a fact-based change in circumstances. Under *Puertas-Mendoza* and *Zadvydas*, this combination of regulatory noncompliance, conclusory reasoning, and the Government's longstanding inability to effect third-country removal establishes that Mr. Garcia-Aleman's continued detention is unlawful and that immediate injunctive relief is warranted.

***Detention Violates Zadvydas Because Removal Is Not Reasonably Foreseeable***

10. *Zadvydas v. Davis*, 533 U.S. 678 (2001), limits detention to the period reasonably necessary to accomplish removal; once removal is not reasonably foreseeable, detention is no longer

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<sup>1</sup> *Puertas-Mendoza v. Bondi et al*, No. 5:25-cv-00890 (W.D. Tex. filed 2025).

authorized. *Id.* at 699–701. The withholding/CAT order in Petitioner’s case bars removal to Mexico, and the Government has not identified any accepting third country despite twelve years of supervision. Courts recognize that the six-month “presumption” is not a bright line and does not bar earlier relief when the record shows removal is not reasonably likely. See *Ali v. DHS*, 451 F. Supp. 3d 703, 707 (S.D. Tex. 2020). In analogous cases, courts have granted habeas or ordered release where DHS failed to follow procedures or show a viable removal plan. See, e.g., *Villanueva v. Tate*, No. H-25-3364, 2025 WL 2774610 (S.D. Tex. Sept. 26, 2025). See also *Puertas-Mendoza v. Bondi et al*, No. 5:25-cv-00890 (W.D. Tex. filed 2025) - under this same exact scenario.

**II. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief**

11. Loss of physical liberty is irreparable harm per se. *Zadvydas*, 533 U.S. at 690. Each day of unlawful detention inflicts ongoing constitutional injury that cannot be remedied by damages. Detention has already cost Petitioner his Amazon position as a Mechatronics and Robotics Technician (with pending promotion and graduate sponsorship), eliminated the household’s sole income, and destabilized his family’s well-being; these harms are acute and compounding.

**III. The Balance of Hardships Tips Sharply in Petitioner’s Favor**

12. Petitioner faces the gravest harm—continued unlawful incarceration—while the Government faces, at most, administrative inconvenience in restoring the long-standing supervised-release status that safely functioned for twelve years. The Government has no legitimate interest in detention untethered to a foreseeable removal or procured in defiance of binding procedures.

**IV. Granting the Injunction Serves the Public Interest**

13. The public interest is served when the Government complies with the Constitution and its own regulations. Supervised release worked here for years, conserving detention resources,

minimizing family hardship, and preserving community stability. There is no public interest in maintaining unlawful detention.

**PROPOSED INJUNCTIVE RELIEF**

Petitioner respectfully asks the Court to grant the following preliminary relief:

- Order immediate release to the prior Order of Supervision (or substantively equivalent conditions), consistent with 8 U.S.C. § 1231(a)(3).
- Declare that ICE's revocation and detention violated binding regulations—8 C.F.R. §§ 241.4(l), 241.13, and the country-specific protections in §§ 1208.31 & 1241.8(e)—and violated due process.
- Enjoin DHS from attempting third-country removal absent country-specific notice and the reasonable-fear process (including de novo IJ review upon request) mandated by 8 C.F.R. § 1208.31(g).
- Enjoin any transfer from this Division during the pendency of this case and require 48 hours' written notice to counsel before any attempted removal action.
- Set this matter for an expedited hearing at the Court's earliest availability and, under Rule 65(c), waive security or set a nominal bond.

**Respectfully submitted on October 29, 2025.**



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Attorney for Petitioner  
SanLaurent Law Group  
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FL Bar No. 0289377  
Admitted and Qualified to Practice as an Attorney in the Western District of Texas  
georgia@sanlaurentlaw.com  
512-693-9343

**INDEX OF EXHIBITS**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>1</b>	<b>Birth Certificates for the Petitioner’s Family &amp; Marriage Certificate</b>	<b>10</b>
<b>2</b>	<b>Immigration Judge’s order granting the Petitioner withholding of removal under the Convention Against Torture (CAT).</b>	<b>16</b>
<b>3</b>	<b>Email from Amazon, directing the Petitioner to resign from his job</b>	<b>18</b>
<b>4</b>	<b>Denial of Petitioner’s Counsel’s Requests for Release &amp; Post-custody Review</b>	<b>20</b>
<b>5</b>	<b>Petitioner’s Immigration History &amp; Timeline of Key Events</b>	<b>22</b>
<b>6</b>	<b>Notice of Alien Informal Interview Upon Revocation of Order of Supervision</b>	<b>23</b>
<b>7</b>	<b>Page 2 of Order of Supervision</b>	<b>27</b>
<b>8</b>	<b>Notice of Decision to Continue Detention</b>	<b>29</b>
<b>9</b>	<b>Notice to Alien of Interview for Review of Custody Status</b>	<b>33</b>

# **EXHIBIT 1**

01-03542-2019

*United in Marriage*

To any person authorized by the laws of the State of Texas to conduct marriage ceremonies in the State of Texas:

**STATE OF TEXAS**  
*County of Travis*

You are hereby authorized to celebrate the  
**Rites of Matrimony**  
 between

**JUAN CARLOS GARCIA-ALEMAN and JANETH CARBAJAL**

and make due return to the County Clerk of Travis County within thirty days after performing the marriage, certifying your action under this license.

Witness my official signature and Seal of  
 Office in Austin, Texas  
 On this 13th day of July 2019 at 2:41 PM  
 Dame/Deshirwan County-Clerk, Travis County, Texas

By: *[Signature]* Deputy  
 JUL 18 2019  
 Deputy-Recorder 01-03542-2019  
 of the Marriage Records of Travis County, Texas  
 Dana DeBeauvoir, County-Clerk  
 Deputy

I, Judge Randall Siegle, hereby certify  
 on the 13th day of July, 2019  
 in Travis County, Texas, I united in marriage  
 JUAN CARLOS GARCIA-ALEMAN and JANETH CARBAJAL  
 Signature of person performing ceremony JUDGE RANDALL SIEGLE  
 Justice of the Peace, Precinct 2, Travis County  
 Type or print name and title of person performing ceremony  
 Witnessed by (optional):



This license cannot be used prior to: 5/9/2019 2:42:00 PM and must be used before: 08/04/2019

# EXHIBIT 2

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03/19/2013 13:24

7132729054

MACIAS & ASSOCIATES

PAGE 02

IMMIGRATION COURT  
5520 GREENS ROAD  
HOUSTON, TX 77032

In the Matter of:

Case No:



GARCIA-ALEMAN, JUAN

Applicant

IN WITHHOLDING-ONLY PROCEEDINGS

On Behalf of the Applicant

On Behalf of the DHS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jan 28, 2013 and is issued solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

ORDER: It is hereby ordered that the applicant's request for:

1. Withholding of Removal under INA 241(b) (3) is:  
 Granted  
 Withdrawn  
 Denied

2. Withholding of Removal under the Convention Against Torture is:  
 Granted  
 Withdrawn  
 Denied

3. Deferral of Removal under the Convention Against Torture is granted.

Date: Jan 28, 2013

SAUL E. GREENSTEIN  
Immigration Judge

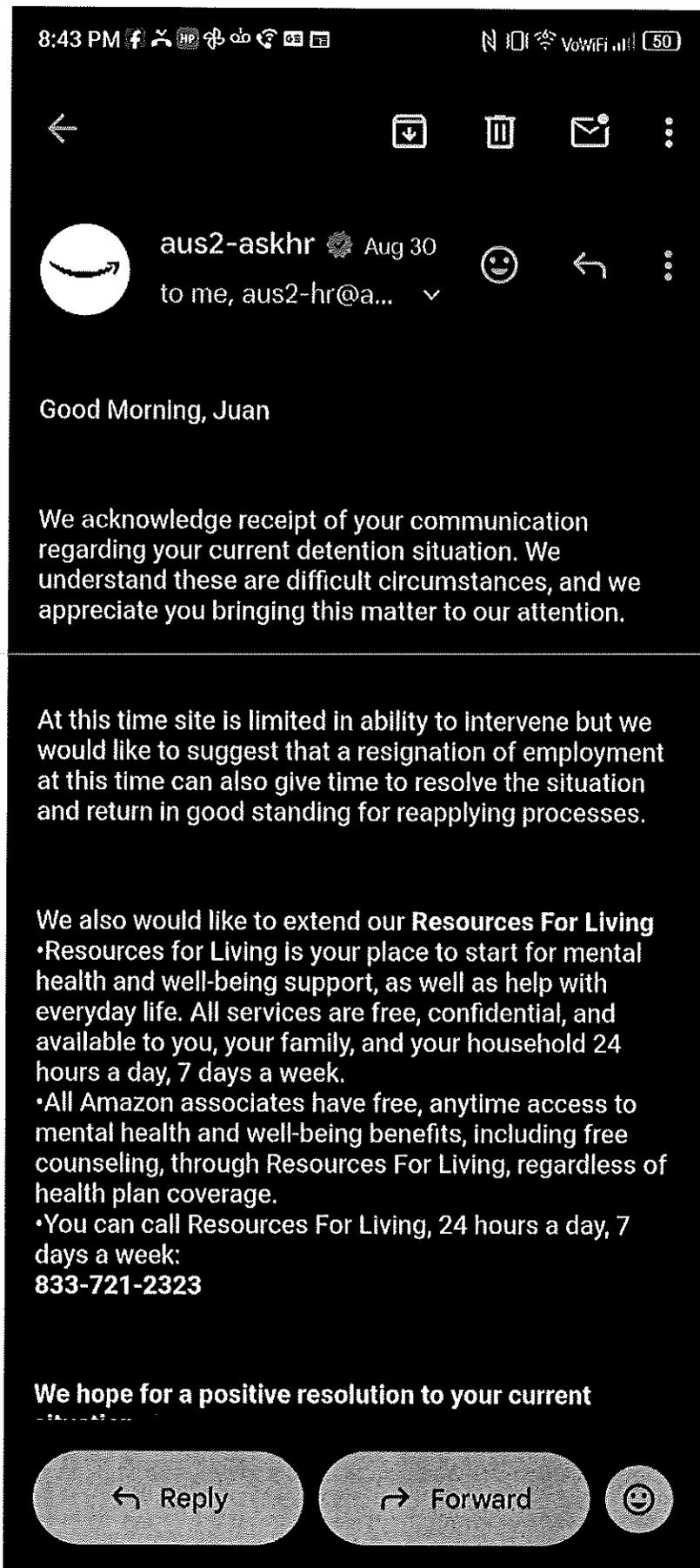
APPEAL: ~~NO~~ APPEAL by ICE  
APPEAL DUE BY: 2/27/13

CERTIFICATE OF SERVICE  
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)  
TO:  ALIEN  ALIEN a/o Custodial Officer  ALIEN'S ATT/REP  DHS  
DATE: 28, JANUARY 2013 BY: COURT STAFF T. YOUNG  
Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

05

# **EXHIBIT 3**

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# **EXHIBIT 4**

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*Enforcement and Removal Operations*

U.S. Department of Homeland Security  
San Antonio Field Office  
1777 N.E. Loop 410, Suite 1500  
San Antonio, TX 78217



U.S. Immigration  
and Customs  
Enforcement

JUN 30 2025

Georgia Santos  
P.O. Box 459  
Cedar, TX 78630  
abogadageorgia@gmail.com

RE: Request for release for GARCIA, Aleman, Juan A 

Dear Ms. Santos,

The San Antonio Field Office, Enforcement and Removal Operations, received your request for release on behalf of your client.

I have reviewed your client's case and the correspondence submitted. Based upon the documentation received, I find the totality of circumstances do not support the favorable exercise of discretion. Accordingly, the request for release will not be approved.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Subia".

Daniel Subia  
Assistant Field Office Director  
South Texas ICE Processing Center

# **EXHIBIT 5**

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**Immigration History/Timeline of Key Events  
Juan Carlos Garcia Aleman**

**08/19/2006** – Immigration Judge James Nugent issued an order of removal against Mr. Garcia-Aleman.

**06/28/2013** – Immigration Judge Saul Greenstein granted withholding of removal under the Convention Against Torture (CAT).

**03/07/2013** – ICE placed Mr. Garcia-Aleman on an Order of Supervision (OSUP). Before release, ICE required him to handwrite three letters to three countries asking them to accept him as a resident. After compliance, he was released and consistently followed all supervision conditions.

**2013–2025** – Mr. Garcia-Aleman fully complied with OSUP requirements, reported regularly in San Antonio, TX, and maintained a clean record (no arrests, no tickets).

**06/05/2025** – Mr. Garcia-Aleman was taken into ICE custody after a regular ICE check in. At that time, he was told that the officers had orders from above to detain him. No other explanation was given.

**From 06/16/2025 - 07/20/2025** - Petitioner's counsel sent numerous requests for release and post-custody review requests to ICE.

**06/30/2025** - ICE sent by email a Denial of Petitioner's Counsel's Requests for Release.

**07/22/2025** – Filed Petition for Writ of Habeas Corpus.

**08/11/2025** – ICE informed Petitioner that an informal interview would be conducted. Petitioner requested that all papers be served on his lawyer. No papers were served and no interview took place. On the same date, Federal Respondents filed their Response to the Habeas Petition, attaching a redacted copy of the OSUP (second page completely blacked out).

**08/14/2025** – Petitioner filed Reply to Federal Respondents' Response to Writ of Habeas Corpus.

**10/15/2025** – Petitioner filed a Memorandum of Law with exhibits and relevant case law.

**10/17/2025** – Evidentiary hearing conducted before Magistrate Judge Henry J. Bemporad. At the hearing, counsel was served with a **NOTICE OF DECISION TO CONTINUE DETENTION**, the second page of OSUP (showing conditions), and a **NOTICE OF AN "ALIEN INFORMAL INTERVIEW UPON REVOCATION OF ORDER OF SUPERVISION"** signed by Officer Mark Gonzalez, claiming an interview was conducted on 08/11/2025 (though none occurred).

**10/20/2025** – ICE emailed counsel a **NOTICE OF DECISION TO CONTINUE DETENTION**, alleging significant risk to public safety and flight risk—without evidence, facts, change in circumstances, or removal plan. In a separate email, ICE sent a **NOTICE TO ALIEN OF INTERVIEW FOR REVIEW OF CUSTODY STATUS**, scheduling an interview for **11/19/2025 at 11:00 a.m.** at the South Texas ICE Processing Center in Pearsall, TX, to review his possible release.

# EXHIBIT 6

ALIEN INFORMAL INTERVIEW  
UPON REVOCATION OF ORDER OF SUPERVISION UNDER  
8 C.F.R. § 241.4(l); 8 C.F.R. § 241.13(l)

STATEMENT OF Garcia Aleman, Juan [Detainee]

A File # [REDACTED]

Detention Location South Texas ICE Processing Center

INTERVIEWING ICE OFFICER: Mark Gonzales, Deportation Officer, STIPC  
[Print Name, Title & Duty Station]

On 08/11/2025, I conducted an initial informal interview of the detainee listed above in order to afford the alien an opportunity to respond to the reasons for revocation of his or her order of supervision stated in the notification letter. At the interview, the alien made the following oral response regarding the reasons for revocation:

*Subject stated that any paperwork can be provided to his attorney. Subject provided attorney name and phone number.*

*Georgia Santos Laurent (512) 693-9343*

The detainee [did] did not provide a written statement. The detainee [did] did not provide any documents. Any documents provided are attached.

  
Signature of Interviewing Officer

FOR INTERNAL USE ONLY

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**FOR INTERNAL USE ONLY**

# **EXHIBIT 7**

Department of Homeland Security  
Immigration and Custom Enforcement

**Order of Supervision-Addendum**

File No: ~~XXXXXXXXXX~~  
Date: March 7, 2013

Name: GARCIA-Aleman, Juan Carlos

- That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide the INS with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide the INS with written proof of such within 30 days. You must provide the INS with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the INS with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Supervision.
- That you report to any parole or probation officer as required within 5 business days and provide the INS with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.
- That you provide the INS with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide the INS with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will/may result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.

# EXHIBIT 8

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*Enforcement and Removal Operations*

U.S. Department of Homeland Security  
San Antonio Field Office  
1777 NE Loop 410, Suite 1500  
San Antonio, Texas 78217



**U.S. Immigration  
and Customs  
Enforcement**

GARCIA-Aleman, J  
South Texas ICE Processing Center  
566 Veterans Drive  
Pearsall, TX 78061

A# 

### **Decision to Continue Detention**

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

- Pose a significant risk to public safety
- Pose a significant risk of flight pending your removal from the United States.

ICE has made such determination based upon that you are under a final order of removal. ICE expects to encounter no delay in effecting your removal. You will remain in ICE custody pending removal from the United States.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12<sup>th</sup>

[www.ice.gov](http://www.ice.gov)

**Decision to Continue Detention**

GARCIA-Aleman, J A# [REDACTED]

Page 2

Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.

To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any, will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may be in person or through a video teleconference. If ERO needs to change the date of the interview, ERO will provide notice to you and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any.

You may be accompanied during the interview by a person of your choice, subject to security requirements at the detention facility, as long as this person is able to attend the interview at the scheduled time.

You may submit any additional documentation in English you wish to be considered in support of your release at the time of the interview or via mail service up to five business days prior to the scheduled time of your interview to the following address:

**South Texas ICE Processing Center (STIPC)  
566 Veterans Drive  
Pearsall, Texas 78061**

Such documentation should contain a cover letter indicating that the material is submitted in support of your Post Order Custody Review personal interview. An attorney or other person may submit materials on your behalf.

You are required to complete the below information.

I do \_\_\_\_\_ do not \_\_\_\_\_ want a personal interview.

If you do want an interview, please check the appropriate box(es) below:

Check this box if you need an interpreter for your interview.  
Language/Dialect: \_\_\_\_\_

I will be assisted at this interview by a representative of my own choosing.

Name: \_\_\_\_\_

If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

**Decision to Continue Detention**

GARCIA-Aleman, J A# [REDACTED]  
Page 3

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.

**DANIEL J SUBIA** Digitally signed by DANIEL J SUBIA  
Date: 2025.10.16 20:47:21 -05'00'

(A) Deputy Field Office Director, Daniel Subia \_\_\_\_\_ Date \_\_\_\_\_

**PROOF OF SERVICE**

(Officer to complete both (a) and (b) below.)

(a) I G. Tristen, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Name of ICE Officer Title  
certify that I served GARCIA-Aleman, Juan with a copy of  
Name of detainee  
this document at STIPC on 10/17/25, at 0941.  
Institution Date Time

(b) I certify that I served the custodian G. Tristen, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Name of Official  
DO, at STIPC, on  
Title Institution  
10/17/25 with a copy of this document.  
Date

Detainee Signature: Refused to sign Date: \_\_\_\_\_

( ) cc: Attorney of Record or Designated Representative  
( x ) cc: A-File

# EXHIBIT 9

U.S. Department of Homeland Security  
San Antonio Field Office  
1777 N.E. Loop 410, Suite 1500  
San Antonio, TX 78217



**U.S. Immigration  
and Customs  
Enforcement**

Garcia Aleman, Juan



South Texas ICE Processing Center

**Notice to Alien of Interview for Review of Custody Status**

U.S. Immigration and Customs Enforcement (ICE) periodically reviews the custody status of detained aliens who have final orders of removal, deportation, or exclusion. You are required to cooperate with ICE in effecting your removal from the United States.

In determining whether you may be recommended for release, ICE will consider whether there is a significant likelihood of your removal in the reasonably foreseeable future, and whether you pose a danger to the community or pose a risk of flight.

You will be interviewed for this purpose and you are scheduled to appear for this interview on: 11/19/2025 at: 1100 hours, at South Texas ICE Processing Center, Pearsall, Texas  
(Date) (Time) (Location)

to discuss whether or not you will be recommended for release. If you wish for additional time to prepare for the interview, you may request that the interview date be postponed. If the hearing is rescheduled at your request, you waive the right to have the interview prior to the date that jurisdiction over your custody status shifts to the Enforcement and Removal Operations Removal Division under 8 C.F.R. § 241.4(c)(2).

In determining whether you may be released, ICE may consider, but is not limited to considering the following:

1. Whether your removal is significantly likely in the reasonably foreseeable future;
2. Criminal convictions and criminal conduct;
3. Other criminal history and immigration history;
4. Sentence(s) imposed and time actually served;
5. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
6. Probation history;
7. Disciplinary problems while incarcerated;
8. Evidence of rehabilitative effort or recidivism;
9. Equities in the United States;
10. Cooperation in obtaining your travel document; and
11. Any available mental health reports.

You are required to complete the information on the following page. You will be notified of the decision in your case when the custody review has been concluded.

Garcia Aleman, Juan

A ~~XXXXXXXXXX~~

I do  do not \_\_\_\_\_ want a personal interview.

If you want an interview, please check the appropriate box(es) below:

Check this box if you need an interpreter for your interview.  
Language/Dialect: \_\_\_\_\_

I will be assisted at this interview by a representative of my own choosing.

Name: Georgia Santos

I understand I must notify this person of the time and place of my interview. The representative must be at least 18 years of age.

You may submit any additional documentation you wish to be considered in support of your release at the time of your interview. English translations must be provided pursuant to 8 C.F.R. § 103.2(b)(3).

Signature of Respondent: Subject Refused To Sign

**PROOF OF SERVICE**

(Officer to complete both (a) and (b) below.)

(a) I Robert Taylor, Deportation Officer,  
Name of ICE Officer Title  
certify that I served Garcia Aleman, Juan with a copy of  
Name of detainee  
this document at South Texas ICE Processing Center, Pearsall, Texas on 10/20/2025, at 11:08.  
Institution Date Time

(b) I certify that I served the custodian Robert Taylor JR,  
Name of Official  
Deportation Officer, at the South Texas ICE Processing Center, on  
Title Institution  
10/20/2025 with a copy of this document.  
Date

- cc: Attorney of Record or Designated Representative
- cc: A-File

**VERIFICATION OF COUNSEL**

I, Georgia Santos Laurent, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

October 29, 2025.



Georgia Santos Laurent  
Attorney for Petitioner  
SanLaurent Law Group  
13785 Research Blvd, Suite 125  
Austin, TX  
FL Bar No. 0289377  
Admitted and Qualified to Practice as an Attorney in the Western District of Texas  
georgia@sanlaurentlaw.com  
512-693-9343

**CERTIFICATE OF SERVICE**

I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF system, which will send notice to all registered counsel of record.

October 29, 2025.



Georgia Santos Laurent  
Attorney for Petitioner  
SanLaurent Law Group  
13785 Research Blvd, Suite 125  
Austin, TX  
FL Bar No. 0289377  
Admitted and Qualified to Practice as an Attorney in the Western District of Texas  
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**CERTIFICATE REGARDING CONFERENCE (IMPRACTICABILITY STATEMENT)**

**CERTIFICATE REGARDING CONFERENCE (L.R. CV-7(I))**

Undersigned counsel states that a conference under Local Rule CV-7(i) is impracticable. This motion seeks emergency relief concerning Petitioner's ongoing detention and potential removal; immediate filing is necessary to prevent irreparable harm.

October 29, 2025.



Georgia Santos Laurent  
Attorney for Petitioner  
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