

1 Maria E. Quiroga, NV State Attorney ID #13939
2 Samantha M. Meron, NV State Attorney ID #15782
3 QUIROGA LAW OFFICE, PLLC
4 7935 W. Sahara Ave, Ste #103
5 Las Vegas NV 89117
6 Tel: (702) 972-8348
7 *maria@quirogalawoffice.com*
8 *samatha@quirogalawoffice.com*
9 Attorneys for Petitioner

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

HUGO GIL CANDIDO-BOLANOS,

Petitioner,

v.

JOHN MATTOS, TODD M. LYONS and
KRISTI NOEM,

Respondents.

Case No. 2:25-cv-1359-RFB-EJY

**PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION AGAINST REMOVAL TO AN UNDESIGNATED
THIRD COUNTRY.**

I. INTRODUCTION

Petitioner seeks an emergency order enjoining Respondents from effectuating the removal of Petitioner to an undesignated third country, Mexico, without the opportunity for a ruling on his motion to reopen to the immigration court after a negative “third party screening” determination. **Respondents now intend to effectuate Petitioner’s removal to Mexico on or after Saturday, September 27, 2025.** However, in his underlying removal proceedings before the Executive Office of Immigration Review (EOIR), the immigration judge (IJ) did not designate Mexico as either a country of removal or an alternative country of removal.

Moreover, in a minute order dated July 26, 2025, this Court required Respondents to explicitly indicate whether Petitioner was to be removed to any country within 30 days. ECF No. 8. On September 19, 2025, Petitioner was notified by Respondents of their intent to remove to Mexico. Removal at this time is imminent.

Given that Respondents intend to remove Petitioner to Mexico without the opportunity for EOIR to rule on his motion to reopen, Petitioner asks this Court for an immediate order enjoining and restraining Respondents from attempting to effectuate Petitioner's removal to Mexico, or any other undesignated third country, unless and until adjudication on Petitioner's motion to reopen with the EOIR is final. *See Exhibit 1 (EOIR Motion to Reopen).*

Electronic filing is not available in Petitioner's case with EOIR and as a result, Petitioner must send the motion to reopen to EOIR by federal express on September 25, 2025, leaving little, if any, time for EOIR to reach a decision before Respondents intend to remove Petitioner on September 27, 2025.

II. STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

Petitioner, HUGO GIL CANDIDO BOLANOS, (Candido Bolanos) is a native and citizen of El Salvador who has lived in the United States for most of his life, having first entered the United States as a young teenager fleeing El Salvador due to targeted killings of relatives in his hometown. ECF No. 1 at ¶ 29.

Candido Bolanos attended high school in the United States, Candido Bolanos was convicted as a minor for a robbery-related charge stemming from a schoolyard incident in 1993 which led to his deportation at around age 18. *Id.* at ¶ 30. After being removed to El Salvador, Candido Bolanos had no family support. *Id.* In 1996 Candido Bolanos was arrested based solely on his tattoos. *Id.* In 2001 he was once again arrested on false kidnapping charges. *Id.* While in custody on the false charges, Candido Bolano was hung, beaten, and tortured by police while being told he would be killed. *Id.* With the assistance of a sympathetic guard, Candido Bolanos escaped prison and immediately fled El Salvador with his wife and children, reentering the United States in 2002. *Id.*

In 2007 Candido Bolanos was placed in removal proceedings and the Board of Immigration Appeals (BIA) granted deferral of removal under the Convention Against Torture (CAT), based on the clear likelihood of torture if returned to El Salvador. *Id.* at ¶ 31. This decision was formalized by the IJ on February 4, 2008, and Candido Bolanos deferral of removal to El Salvador under CAT remains in full force and effect. *Id.*

Following the grant of CAT protection, Candido Bolanos was eventually released from ICE custody after several months, being released in 2008 or early 2009. *Id.* at ¶ 32. In 2013 Candido Bolanos pled guilty to a federal RICO charge based on events dating back to 2004, and following an extensive investigation, pretrial motions and grand jury proceedings. *Id.* After serving

1 approximately 5 years in federal custody, Candido Bolanos was released and had no further contact
2 with the criminal justice system since that time. *Id.*

3 Candido Bolanos complied with an Order of Supervision issued by Immigration Customs
4 and Enforcement (ICE) from 2017 to 2024. *Id.* at ¶ 33. Candido Bolanos checked in with ICE
5 annually without incident until 2024. *Id.* However, prior to his scheduled check-in on July 30, 2025,
6 Candido Bolanos was detained by ICE on July 22, 2025. *Id.*

7 On Friday, July 25, 2025, Petitioner filed a Petition for Habeas Corpus with this Court (ECF
8 No. 1) and a Motion for Temporary Restraining Order (ECF No. 2). These filings were prompted
9 by DHS serving Candido Bolanos with a Notice of Revocation of Supervised release stating he
10 would be removed to El Salvador. ECF No. 2 at p. 4. On July 26, 2025, the Court ordered the parties
11 to submit a copy of the February 4, 2008, IJ Order as well as the July 24, 2025, Notice of
12 Revocation, and ordered Respondents to enter their appearance and submit briefing no later than
13 July 27, 2025. ECF No. 4.

14 Respondents then filed a corrected Notice of Revocation of Release removing reference to
15 removal to El Salvador. ECF No. 6. And although the Respondents themselves initiated this
16 revocation, in their response filed July 27, 2025, the Respondents claimed that “Despite
17 undersigned counsel’s best efforts, some questions remain unresolved, given the short time that has
18 elapsed since the Court issued the Order, and thus undersigned counsel’s fact-finding is ongoing”.
19 ECF No. 9 at p. 1.

20 On July 26, 2025, this Court issued a minute order requiring Respondents to explicitly
21 indicate whether Candido Bolano was currently scheduled for removal **to any country** within the
22 next 30 days, including the country to which he is to be removed. ECF No. 8.
23

1 On July 28, 2025, following the completion of Respondents filings per ECF No. 4 and No.
2 8., this Court issued the Minute Order at ECF No. 11, as follows:

3 MINUTE ORDER IN CHAMBERS of the Honorable Richard F. Boulware, II, on
4 7/28/2025.

5 On July 25, 2025, Petitioner Hugo Gil Candido-Bolanos filed a [ECF 2] Motion for
6 a Temporary Restraining Order to prevent Respondents from removing him to El
7 Salvador, in violation of the Convention Against Torture and the Due Process Clause
8 of the Fifth Amendment. In the [ECF 6] amended Notice of Revocation of Release,
9 [ECF 9] Response to the Court's [ECF 4] Minute Order, and [ECF 10] Declaration,
10 Respondents provide that Mr. Candido-Bolanos will NOT be removed to El
11 Salvador. Therefore, Petitioner's [ECF 2] Motion is DENIED without prejudice as
12 moot.

13 To the extent that Petitioner is concerned about his ability to challenge his removal
14 to a third country, should one be identified, such a claim is not yet ripe, because
15 Respondents have not identified such a third country. The Court notes that if
16 Respondents do identify a third country, they must provide Petitioner with the
17 opportunity to challenge his removal to that country. The Ninth Circuit has held that
18 last minute orders of removal to a country may violate due process if a noncitizen is
19 not provided an opportunity to address his fear of persecution in that country. See
20 Andriasiyan v. I.N.S., 180 F.3d 1033, 1041 (9th Cir. 1999); Najjar v. Lynch, 630 Fed.
21 App'x. 724 (9th Cir. 2016). Therefore, "[a] noncitizen must be given sufficient notice
22 of a country of deportation that, given his capacities and circumstances, he would
23 have a reasonable opportunity to raise and pursue his claim for withholding of
24 deportation." Aden v. Nielsen, 409 F. Supp. 3d 998, 1009 (W.D. Wash. 2019);
25 Ortega v. Kaiser, No. 25-CV-05259-JST, 2025 WL 1771438, at *3 (N.D. Cal. 2025)
("[T]here are no countries to which Ortega could currently be removed without his
first being afforded notice and opportunity to be heard on a fear-based claim as to
that country, as the Fifth Amendment Due Process Clause requires.").

Further, the Court finds that, while the [ECF 2] Motion concerned his imminent
removal to El Salvador, the [ECF 1] Petition also raised a due process claim
regarding Mr. Candido-Bolanos' ongoing detention. IT IS HEREBY ORDERED
that Respondents shall file a Response to these claims in the [ECF 1] Petition by
August 10, 2025.

Following receipt of Respondent's response to the petition, the Court ordered further
briefing. See ECF No. 12 (Response) and No. 13 (Order).

On September 4, 2025, the Petitioner (not the Respondent as ordered) filed notice with the
Court of the Respondent's intent to remove Candido Bolanos to a third country. ECF No. 18.

1 On September 17, 2025, the Court granted the petition for habeas corpus and ordered
2 Petitioner's release no later than September 18, 2025, subject to supervision pursuant to 8 U.S.C. §
3 1231(a)(3). ECF 19. The same date, the Court issued the following minute order (ECF 20):

4 Before the Court is Petitioner Hug [sic] Gil Candido Bolano's [sic] Notice of
5 Removal to a Third Country and Request for Relief. In this notice, Counsel for
6 Petitioner informs the Court that Immigration and Customs Enforcement intends to
7 remove Mr. Candido Bolanos to Mexico. At this point, it is unclear whether
8 Petitioner is being afforded any procedural protections regarding his potential
9 removal to Mexico.

10 In a previous order, this Court clarified that Respondents "must provide Petitioner
11 with the opportunity to challenge his removal to [a third] country" if and when they
12 identify one. See ECF No. 11; see also Andriasian v. I.N.S. 180 F.3d 1033, 1041 (9th
13 Cir. 1999); Su Hwa She v. Holder, 629 F.3d 958, 965 ("It follows that a failure to
14 provide notice and, upon request, stay removal or reopen [a] case for adjudication
15 of [Petitioner's][deferral of removal] application as to [the proposed country of
16 removal]...would constitute a due process violation."); Najjar v. Lynch, 630
17 Fed.Appx. 724 (9th Cir. 2016).

18 Respondents have now proposed Mexico as a country of removal, thereby triggering
19 Petitioner's procedural due process rights. Seeing that Respondents were recently
20 poised to remove him to El Salvador in violation of the Convention Against Torture,
21 these procedural safeguards are of paramount importance here.

22 IT IS THEREFORE ORDERED that Respondents provide a status update by
23 September 19, 2025, explicitly indicating whether Petitioner is currently scheduled
24 for removal to Mexico and, if so, the exact date and time of his scheduled removal.

25 IT IS FURTHER ORDERED that Respondents' status also indicate whether
26 Petitioner is currently scheduled for a hearing where he can challenge his removal
27 to Mexico and, if so, the exact date and time of his hearing.

28 On September 19, 2025, Respondents confirmed Candido Bolanos' release from custody.
29 ECF No. 21. Concurrently, Respondents also stated that on that date Candido Bolanos was not
30 scheduled for removal to Mexico, but that he was referred for screening pursuant to 8 USC §
31 1231(b)(3).

The same day, Petitioner notified the Court that Candido Bolanos attended a “third party screening” interview and submitted a copy of the “Third Party Screening” notice dated September 12, 2025, which asserts Candido Bolanos did not establish it is more likely than not he would be persecuted or tortured in Mexico. ECF No. 23.

The same day, Respondents filed a Response to ECF No. 20 as well as a Declaration of Tyler C. Adams, Supervisory Deportation Officer for DHS. ECF No. 24 and 24-1. In his declaration, Officer Adams asserts that Candido Bolanos was provided with full screening for protection under 8 U.S.C. § 1231(b)(3) and the Convention Against Torture but then states that Candido was issued a negative “third country screening.” ECF No. 24-1, ¶ 5, 8.

III. LEGAL STANDARD

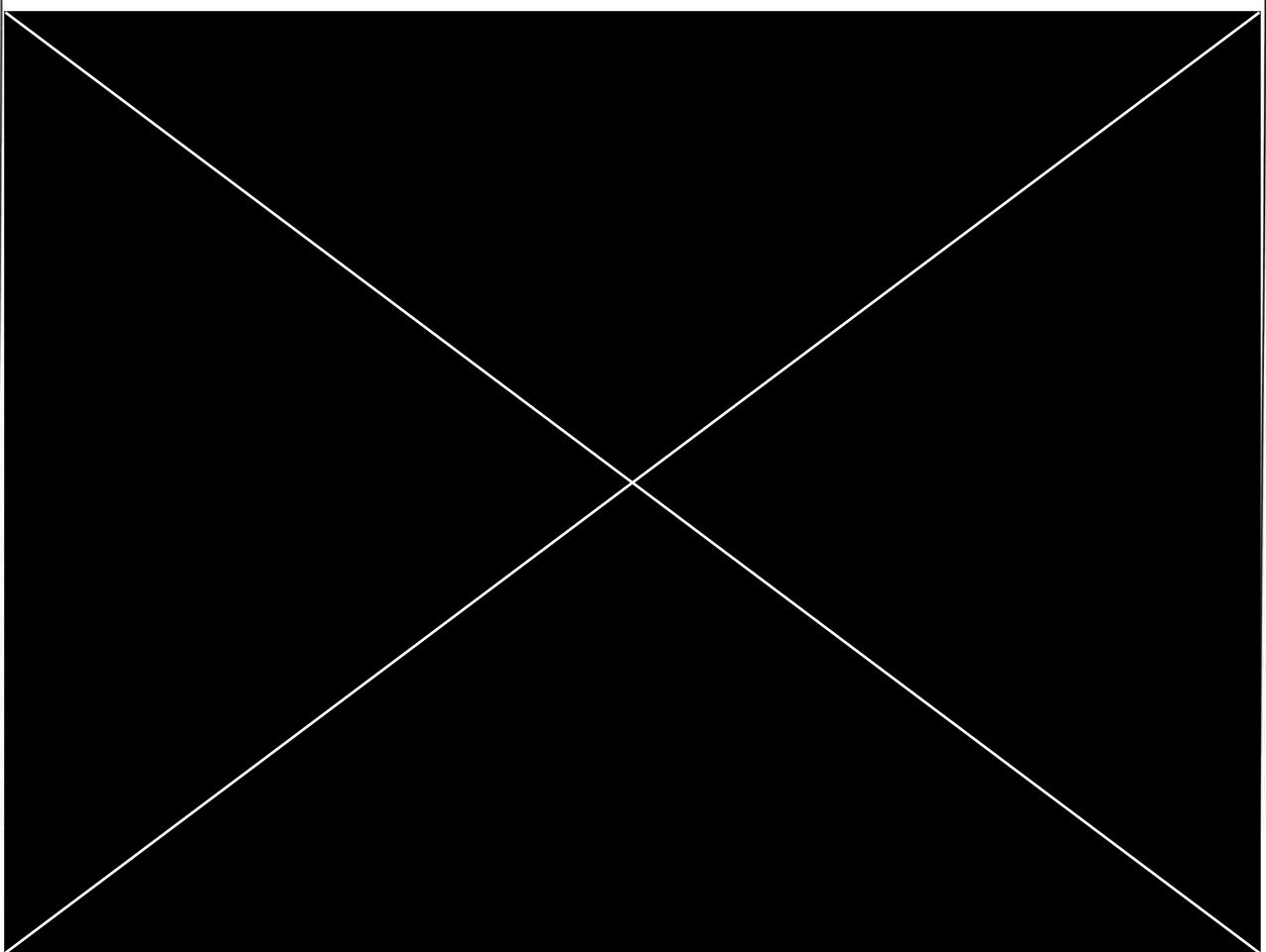
To obtain a Temporary Restraining Order, the petitioner must demonstrate four essential elements: first, there must be a likelihood of success on the merits of the underlying claim. This requires showing that the petitioner has a valid legal claim that is supported by the facts. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Second, the petitioner must establish a likelihood of irreparable harm in the absence of the requested relief. This means that the harm must be immediate and cannot be adequately remedied through monetary damages. *See Rodriguez v. Robbins*, 715 F.3d 1127, 1135 (9th Cir. 2013) (holding that irreparable harm is presumed when constitutional rights are at stake). Third, the balance of equities must tip in favor of the petitioner, indicating that the harm the petitioner would suffer outweighs any potential harm to the respondent from granting the Temporary Restraining Order. *See Rosemere Neighborhood Ass'n v. U.S. Army Corps of Engineers*, 450 F.3d 978, 983 (9th Cir. 2006). Finally, the issuance of the Temporary Restraining Order must be in the public interest, which entails considering the broader implications for the community and the enforcement of constitutional rights. Courts have consistently

1 recognized these standards, emphasizing that the protection of constitutional rights is a paramount
2 concern. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008); *Elrod v. Burns*,
3 427 U.S. 347 (1976) (noting that the loss of constitutional freedoms for even minimal periods
4 constitutes irreparable injury).

5 **1. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS**

6 Candido Bolano's history in El Salvador and Mexico does not fit neatly into statutory and
7 regulatory scheme for third country removals, and due to the complexity of his case a full
8 factfinding hearing is required to address the likelihood of persecution and torture in Mexico.

9 Here, Candido Bolano lived in Mexico for a few months in 2001 after escaping El Salvador.
10 See Exhibit 1, Tab B, page 13. During that time in Mexico, 

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 

In view of Candido Bolanos' sworn statement describing his persecution in Mexico, "Due process and this court's precedent require a minimum degree of clarity in dispositive reasoning and in treatment of a properly raised argument." *Su Hwa She v. Holder*, 629 F.3d 958, 963 (9th Cir. 2010), superseded by statute on other grounds as stated in *Ming Dai v. Sessions*, 884 F.3d 858, 867 n.8 (9th Cir. 2018).

Moreover, to Petitioner's knowledge¹, Mexico was never designated as a country of removal in his underlying removal proceedings with the EOIR. Thus, Petitioner was not given the opportunity to present evidence and develop the record for his fear-based claim due to his negative experiences in Mexico.

Although Petitioner's order of deferment of removal to El Salvador under CAT occurred many years ago, the sudden decision by Respondent to instead remove him to Mexico is akin to the last-minute designation which occurred in *Andriasan v. I.N.S.* 180 F.3d 1033 (9th Cir. 1999) (Last minute designation of Armenia as country of deportation violated due process); see also, *Kossov v.*

¹ As of this writing, Petitioner's counsel has not reviewed his administrative file with EOIR. Upon being designated attorneys of record in the EOIR proceedings, Petitioner's counsel will immediately seek copies of the record.

1 INS, 132 F.3d 405, 408-09 (7th Cir. 1998), (designating a country of deportation at the beginning of
2 an asylum hearing is insufficient notice).

3 Thus, procedural due process requires that Candido Bolanos be afforded the opportunity to
4 present evidence and an opportunity for a full factfinding hearing regarding his fear-based claim
5 regarding his previous experiences in Mexico.

6 **2. PETITIONER FACES IRREPARABLE HARM WITHOUT A TEMPORARY
7 RESTRAINING ORDER**

8 The second factor requires a showing that Candido Bolanos will suffer irreparable harm in
9 the absence of temporary injunctive relief. Irreparable harm exists where a party faces immediate
10 and significant injury that cannot be remedied through monetary damages. As the Ninth Circuit has
11 long recognized, “... that the deprivation of constitutional rights ‘unquestionably constitute
12 irreparable injury.’ *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v.*
13 *Burns*, 427 U.S. 347, 373 (1976)).

14 Here, Candido Bolanos faces imminent removal to Mexico, a country in which he
15 [REDACTED]
16 [REDACTED] Moreover, harassment and
17 threats restarted when Candido Bolanos was detained in ICE custody in July 2025. Indeed,
18 Supreme Court has recognized that “[t]he removal of an alien may cause irreparable harm,”
19 especially where the individual has raised claims involving potential torture or persecution. *Nken*
20 *v. Holder*, 556 U.S. 418, 435 (2009).

22 Candido Bolanos is entitled to notice and a meaningful opportunity to be heard and has met
23 his burden of demonstrating immediate and irreparable harm supporting enjoining his removal to
24 Mexico or any other undesignated third country.

3. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A GRANT

The final two factors also weigh heavily in favor of enjoining Candido Bolanos' removal to Mexico, an undesignated third country.

As discussed above and included in Candido Bolanos' sworn declaration submitted with his motion to reopen to EOIR, he faces irreparable and life-threatening harm if he is removed to Mexico. Of grave concern is [REDACTED]

 See Exhibit 1, Tab B, pp. 13-14.

Thus far, the pleadings and records on file in this matter show that Candido Bolanos has lived a quiet life with his family in the United States, free from contact with law enforcement since 2015. Now, ten years later he is suddenly faced with removal to Mexico – a country where he experienced persecution [REDACTED]. Therefore, the balance of equities favors a full adjudication of Candido Bolanos' fear-based claims concerning removal to Mexico.

Finally, it is well established that public interest is served when the federal government adheres to the rule of law and respects constitutional protections. See *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“public interest concerns are implicated when a constitutional right has been violated because all citizens have a stake in upholding the Constitution.”). Adherence to due process reinforces public confidence in the fairness and legitimacy of our legal system, particularly when weighing life or death matters.

11

11

11

1 Thus, the balance of equities and public interests clearly favor Candido Bolanos and support
2 his request for injunctive relief.

3 Respectfully submitted this 25th day of September 2025.

4 QUIROGA LAW OFFICE, PLLC

5 /s/ Maria E. Quiroga
6 Maria E. Quiroga, NV ID #13939

7 /s/ Samantha Meron
8 Samantha Meron, NV ID ##15782

9 7935 W Sahara Ave
10 Suite #103
11 Las Vegas, NV 89117
Tel: (702) 972-8348
Maria@QuirogaLawOffice.com

12 *Attorneys for the Petitioner*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7-4(a)(3)

1. I certify that in accordance with Local Rule 7-4(a)(3), that on September 25, 2025, I contacted Respondents' counsel's office, and spoke to Deputy Chief Counsel, Maya S. Timis, to notify Respondents that Petitioner intends to seek an order enjoining his removal to Mexico pending adjudication of his motion to reopen before EOIR and a Motion to Stay Removal. I also inquired whether Respondents would join in a stipulated order enjoining Petitioner's removal. At this time, no agreement has been reached.
2. This communication was an attempt to resolve the issues raised in this motion, but the parties were unable to reach a resolution.
3. We request judicial assistance as removal of Petitioner to Mexico (undesignated third country) is imminent. Per Respondents' filing on September 19, 2025, Respondents notified the court that removal would take place on or after September 27, 2025. ECF No. 24 at 2, ¶ 4.
4. There is not sufficient time to bring the CAT claim before the Immigration Court for a ruling on the Motion to Reopen or a Motion to Stay Removal.
5. The office address is:
Quiroga Law Office, PLLC
7935 W Sahara Ave. Suite 103
Las Vegas, NV 89117
702-608-8591
6. Cell phone numbers for counsel of record are as follows:
Maria E. Quiroga- 702-972-8348
Samantha Meron 702-467-0712
7. I declare that all the information provided is true and correct to the best of my knowledge and belief.

/s/ Maria E. Quiroga
Maria E. Quiroga
Attorney for Petitioner