

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

Jose Luis Alvarez Martinez

Petitioner,

Kristi Noem, Secretary of Homeland  
Security; Todd M. Lyons, Acting Director  
of Immigration and Customs  
Enforcement; Miguel Vergara San  
Antonio Field Office Director; Rose  
Thompson, Warden of Karnes County  
Immigration Processing Center

Respondents.

**Civil Case No. 5:25-cv-01007**

**JOINT STATUS REPORT**

1. On August 21, 2025, the Petitioner filed a motion for temporary restraining order arguing that his detention pursuant to the automatic stay under 8 C.F.R. § 1003.19(i)(2) was unlawful and would result in immediate and irreparable harm.
2. On September 8, 2025, the Court granted the Petitioner's motion but stayed the vacation of the automatic stay until September 22, 2025. The Court's order was stayed, in part, to allow the Respondents to seek a discretionary stay. The Court also ordered the parties to submit a joint status report every Friday, beginning September 12, 2025.
3. At the time of this filing, the Respondents have not yet filed a motion for a discretionary stay under 8 C.F.R. § 1003.19(i)(1).
4. On or about September 10, 2025, the Petitioner was transferred to Rio Grande Processing Center in Laredo, Texas. The parties agree that this transfer does not affect the Court's jurisdiction.

5. The Federal Respondents desire to notify the Court about the Board of Immigration Appeals' (BIA) recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (Sep. 5, 2025) in which the BIA found that noncitizens who enter the country without being admitted are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The Petitioner does not believe *Yajure* is relevant to the Court's finding that the automatic stay under 8 C.F.R. § 1003.19(i)(2) is unconstitutional and is not relevant to this habeas proceeding.

Respectfully submitted,

/s/Lance Curtright

Lance Curtright

Texas Bar No. 24032109

De Mott, Curtright, & Armendariz, LLP

8023 Vantage Dr., Suite 800

San Antonio, Texas 78230

(210) 590-1844

(210) 212-2116 (fax)

Lance@dmcausa.com

/s/Alejandra Martinez

Alejandra Martinez

Texas Bar No. 24096346

De Mott, Curtright, & Armendariz, LLP

8023 Vantage Dr., Suite 800

San Antonio, Texas 78230

(210) 590-1844

(210) 212-2116 (fax)

Alejandra.Martinez@dmcausa.com

Attorneys for Plaintiff

Justin R. Simmons

United States Attorney

By: /s/Lacy L. McAndrew

Lacy L. McAndrew

Assistant United States Attorney

601 NW Loop 410, Suite 600

San Antonio, Texas 78216-5597

Florida Bar No. 45507

Tel. (210) 384-7325

Fax. (210) 384-7312  
[lacy.mcandrew@usdoj.gov](mailto:lacy.mcandrew@usdoj.gov)

Attorneys for Defendants

\*signed with permission

### **CERTIFICATE OF SERVICE**

I certify that on today's date, September 12, 2025, I electronically filed the above reply by using the Court's CM/ECF system which will automatically send a notice of electronic filing to Defendants' counsel.

/s/ Lance Curtright  
Lance Curtright