

United States District Court
Western District of Texas
San Antonio Division

Jose Luis Alvarez Martinez,
Petitioner,

v.

Kristi Noem, Secretary of United States
Department of Homeland Security et. al.,
Respondents.

No. 5:25-cv-01007-JKP-ESC

Joint Status Report

1. The parties conferred and having filed their responses respectfully request this Court consider and issue a decision on Petitioner's amended petition.
2. 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.
3. 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.
4. On September 4, 2025, Respondents filed a second motion to recalendar Petitioner's removal proceedings. On September 5, 2025, Petitioner filed an opposition to Respondents' motion. On September 19, 2025, the Immigration Judge denied the Respondent's second motion to recalendar. Thus, removal proceedings remain administratively closed at this time.
5. On September 19, 2025, Respondents filed an emergency motion for discretionary stay under 8 C.F.R. § 1003.19(i)(1) before the Board of Immigration Appeals (BIA).

Petitioner filed an opposition on the same date.

6. That same afternoon, the Respondents withdrew their automatic stay under 8 C.F.R. § 1003.19(i)(2) (Form EOIR-43).
7. On September 22, 2025, the BIA granted the Respondents' discretionary stay.
8. On September 26, 2025, Petitioner filed an Amended Complaint. The Respondents answered on October 8, 2025. Petitioner replied on October 15, 2025.
9. On September 30, 2025, the U.S. Citizenship & Immigration Services (USCIS) approved the Petitioner's VAWA I-360 petition.
10. On October 8, 2025, the BIA sustained DHS's bond appeal and vacated the immigration judge's July 15, 2025, and August 4, 2025, bond memorandum and order granted Petitioner release on bond.
11. On October 8, 2025, Petitioner moved to recalendar and terminate his removal proceedings so that he may pursue adjustment of status before USCIS based on his approved VAWA I-360. On October 22, 2025, the immigration judge granted the motion to terminate.
12. As of the time of this filing, Petitioner remains detained at the Rio Grande Processing Center in Laredo, Texas. On October 31, 2025, ICE informed undersigned Federal Respondents' attorney, Petitioner will be released from ICE custody. Undersigned Federal Respondents' attorney will provide an advisal to the Court once Petitioner is released.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Anne Marie Cordova
Anne Marie Cordova
Special Assistant United States Attorney
Texas Bar No. 24073789
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7100
(210)384-7118
anne.marie.cordova@usdoj.gov

Attorneys for Federal Respondents

/s/Lance Curtright*
Lance Curtright
Texas Bar No. 24032109
Lance@dmcausa.com

/s/ Kathrine Russell*
Kathrine Russell
Texas Bar No. 24070538
Kat.Russell@dmcausa.com

/s/Alejandra Martinez*
Alejandra Martinez
Texas Bar No. 24096346
Alejandra.Martinez@dmcausa.com

De Mott, Curtright, & Armendariz, LLP
8023 Vantage Dr., Suite 800
San Antonio, Texas 78230
(210) 590-1844
(210) 212-2116 (fax)

Attorneys for Petitioner

signed with permission