

1 Laura Belous, 028132  
2 Florence Immigrant & Refugee Rights Project  
3 P.O. Box 86299  
4 Tucson, AZ 85754  
5 (520) 934-7257  
6 [lbelous@firrp.org](mailto:lbelous@firrp.org)  
7 *Attorney for Petitioner-Plaintiff*

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

O.C.G.,

Petitioner-Plaintiff,

v.

Fred Figueroa, et al.

Respondents-Defendants.

Case No.

**MOTION FOR  
TEMPORARY  
RESTRANING ORDER  
AND PRELIMINARY  
INJUNCTION**

## 1. INTRODUCTION

O.C.G., by and through undersigned counsel, hereby files this motion for a temporary restraining order and preliminary injunction to enjoin Respondents from detaining him in their custody and immediately release him. O.C.G. also seeks an immediate order enjoining Respondents from removing him to any third country without first providing him with constitutionally-compliant protections.

Petitioner O.C.G.<sup>1</sup> is a thirty-year-old gay man from Guatemala who remains detained by Immigration and Customs Enforcement (“ICE”) at the Eloy Detention Center despite the fact that the Department of Homeland Security (“DHS”) has no lawful country of removal available and that more than 180 days have lapsed since his removal order became final.

On February 19, 2025, an immigration judge granted him withholding of removal to Guatemala, the only country designated for removal. That order of removal became final the same day when neither party appealed. Yet, just two days later, DHS unlawfully deported O.C.G. to Mexico without notice or hearing, despite his repeated assertions of fear of harm in that country while in removal proceedings and the immigration judge's explicit statement that Mexico was not a designated removal country. Mexican authorities then forced O.C.G. to choose between indefinite detention in that country, where he had previously experienced rape and kidnapping, and Guatemala, where an immigration judge had already found that he would more likely than not be persecuted. O.C.G. chose

<sup>1</sup> A motion to proceed under pseudonym is forthcoming.

1 Guatemala, where he again lived in hiding in constant fear of persecution from February  
2 until late May.

3 Only after a federal court judge found that ICE violated the law when it removed  
4 O.C.G. to Mexico and ordered ICE to facilitate O.C.G.'s return to the U.S. through  
5 litigation in *D.V.D. v. DHS*, No. 25-10676-BEM (D. Mass.), did DHS return Petitioner to  
6 the United States on or about May 26, 2025. Since that time, he has remained detained in  
7 Eloy, Arizona. He has been in the physical and constructive custody of Respondents  
8 since May 2024 and more than six months have passed since his removal order became  
9 final.

12 Having already violated U.S. immigration law by removing Petitioner to Mexico  
13 unlawfully, DHS now continues to hold him indefinitely, despite no country being  
14 lawfully available for removal. Continued detention under these circumstances violates  
15 both the Immigration and Nationality Act and the Fifth Amendment's Due Process  
16 Clause. A temporary restraining order or preliminary injunction is necessary to prevent  
17 further irreparable harm incurred through illegal and indefinite detention and to ensure  
18 that Respondents do not again unlawfully remove O.C.G. to any other third country.  
21

22 **2. STATEMENT OF FACTS**  
23

24 O.C.G. is a 30-year-old native and citizen of Guatemala. In March 2024, he entered  
25 the United States without prior authorization to request asylum. He was denied an  
26 interview and swiftly removed to Guatemala. Fearing for his life, he reembarked on the  
27  
28

1 same trek to the U.S. just weeks later. While crossing through Mexico, he was raped and  
2 held hostage until a family member paid ransom.

3 In May 2024, O.C.G. reentered the United States and voiced a fear of return to  
4 Guatemala. He passed a threshold fear screening and was placed in withholding-only  
5 proceedings before an Immigration Judge in Eloy, Arizona.

6 During those proceedings, O.C.G. made clear that he feared persecution in Mexico as  
7 well as Guatemala. He was so concerned of a possible removal to Mexico that, when he  
8 was pro se, he asked the judge if removal to Mexico were possible. The Immigration  
9 Judge stated on the record: “we cannot send you back to Mexico, sir, because you’re a  
10 native of Guatemala.” Though counsel at the Florence Project, he later introduced  
11 detailed written and testimonial evidence of the violence he had experienced in Mexico.  
12 Government counsel likewise confirmed that Guatemala was the only designated country  
13 of removal.

14 On February 19, 2025, the Immigration Judge granted withholding of removal to  
15 Guatemala. Neither party appealed, and the order became final that day. Two days later,  
16 without notice, ICE officers placed O.C.G. on a bus to Mexico. He begged to call his  
17 attorney but was refused.

18 In subsequent litigation, DHS initially asserted that Petitioner had been given an  
19 opportunity to express fear of return to Mexico, but later conceded it could not identify  
20 any officer who had asked him about such fear. *See D.V.D. v. DHS*, No. 25-10676-BEM,  
21 Doc. 103 at 2 (D. Mass. Apr. 18, 2025). The district court found that “Defendants [ICE}  
22

1 admitted, hours before the scheduled deposition of the witness who could allegedly verify  
2 the facts included in the prior declaration made under oath, that, in fact, there was no  
3 such witness and therefore no reliable basis for the statements put forward by  
4 Defendants.” *Id.* at pp. 2. The district court credited O.C.G.’s testimony that he had not  
5 received notice or a meaningful opportunity to claim fear in Mexico and found that “at no  
6 point in this litigation have Defendants [ICE] put forth an account of O.C.G.’s removal  
7 that would comport with what this Court has found due process requires.” *Id.* at pp. 10.  
8

9 In Mexico, Petitioner was told he could either be detained indefinitely while  
10 attempting to apply for asylum in a country where he faced persecution or be deported to  
11 Guatemala, the very country from which an IJ had just ordered he could not be removed.  
12 He chose Guatemala.  
13

14 Petitioner remained in hiding in Guatemala until May 2025, when the federal court in  
15 *D.V.D.* ordered DHS to facilitate his return after finding that the removal to Mexico was  
16 illegal. *See D.V.D. v. DHS*, No. 25-10676-BEM, Doc. 132 (D. Mass. Apr. 18, 2025). He  
17 was returned to U.S. custody on or about May 26, 2025 and placed back inside the Eloy  
18 Detention Center. In July 2025, DHS conducted a screening regarding his fear of harm in  
19 Mexico, and on or about August 14, 2025, Petitioner passed that screening after making a  
20 *prima facie* showing that he would be subject to persecution in Mexico. At no time since  
21 May 2024 has Petitioner been outside the physical and constructive custody of  
22 Respondents. He remains detained in Eloy, Arizona, with no additional country of  
23 removal available to receive him. However, ICE continues to search for another country.  
24

1 On August 20, 2025 an ICE deportation officer wrote to O.C.G.’s counsel that “[h]e is  
2 currently detained due to having no status in the United States. Although he received  
3 positive fear to Mexico and withholding to Guatemala, we are able to find other countries  
4 to accept him.” O.C.G. has not received any notification of any other potential third  
5 country of removal and remains at risk of the same type of illegal removal that he  
6 incurred when removed to Mexico.

7

8

9 **3. LEGAL STANDARD**

10 O.C.G. is entitled to a temporary restraining order if he establishes that he is “likely to  
11 succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary  
12 relief, that the balance of equities tips in [his] favor, and that an injunction is in the public  
13 interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int’l*  
14 *Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that  
15 preliminary injunction and temporary restraining order standards are “substantially  
16 identical”). Even if O.C.G. does not show a likelihood of success on the merits, the Court  
17 may still grant a temporary restraining order if he raises “serious questions” as to the  
18 merits of his claims, the balance of hardships tips “sharply” in his favor, and the  
19 remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632  
20 F.3d 1127 (9th Cir. 2011). As set forth in more detail below, O.C.G. more than meets  
21 both standards.

## 4. ARGUMENT

**I. O.C.G. is Likely to Succeed on the Merits Because He Has Been Detained for More Than 180 Days After a Final Removal Order and Removal Is Not Reasonably Forseeable.**

The Ninth Circuit has made clear that indefinite detention of noncitizens without a significant likelihood of removal is unlawful. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006). Under *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001), detention is permissible only for a “period reasonably necessary to bring about removal.” Where, as here, no lawful country of removal exists, continued detention lacks statutory authority and violates due process for the reasons enumerated below.

## A. DHS's Removal of Petitioner to Mexico Was Unlawful.

The government's lack of authority to detain O.C.G. is highlighted by its past unlawful conduct. Despite the immigration judge's explicit ruling that Guatemala was the only designated country of removal and assurances that he could not be removed there, and despite Petitioner's repeated documentation and testimony of harm in Mexico while in removal proceedings, ICE deported him to Mexico on February 21, 2025 without notice or legal process. In subsequent litigation, DHS admitted it could not identify any officer who inquired whether Petitioner had a fear of return to Mexico before effectuating the removal, and the district court found that ICE had not comported with required due process before effectuating the removal to Mexico. *D.V.D. v. DHS*, No. 25-10676-BEM, Doc. 103 at pp. 2, Doc. 132 at pp. 10. O.C.G.'s removal to Mexico violated the INA, basic due process, and the plain text of the immigration judge's order. *Id.* at Doc. 132

1 (finding that O.C.G.’s removal to Mexico was unlawful and requiring DHS to facilitate  
2 his return to the U.S.). The Ninth Circuit has emphasized that due process requires  
3 meaningful procedures when liberty is at stake. *Singh v. Holder*, 638 F.3d 1196, 1203  
4 (9th Cir. 2011). DHS’s past conduct here demonstrates a disregard for those procedures  
5 and underscores the lack of availability of any other country where O.C.G. could be  
6 removed, as well as the necessity of orders from this Court requiring notice and an  
7 opportunity to contest removal to any other third country.  
8

9

10 **B. Petitioner’s Continued Detention Lacks Lawful Basis.**

11

12 Because Guatemala is barred by withholding and DHS has no authority to remove  
13 Petitioner to Mexico or any other country without meaningful notice and an opportunity  
14 to contest removal, his removal is not reasonably foreseeable. In fact, removal to Mexico  
15 is even less likely because, on information and belief, Petitioner passed his fear screening  
16 to Mexico on or about August 14, 2025 after showing a prima facie case that he will  
17 suffer persecution in that country. In *Zadvydas v. Davis*, the United States Supreme Court  
18 held that 8 U.S.C. § 1231(a)(6) does not allow DHS to detain a noncitizen indefinitely  
19 while attempting to carry out removal. 533 U.S. 678, 689 (2001). Because of the “serious  
20 constitutional problem” posed by indefinite detention, DHS’s authority to detain  
21 noncitizens subject to final removal orders is limited to “a period reasonably necessary to  
22 bring about that alien’s removal from the United States.” *Id.* at 682. Where removal is “a  
23 remote possibility at best,” immigration detention lacks a reasonable relation to its  
24 purpose. *Id.* at 690. Likewise, now that more than 180 days have passed since O.C.G.’s  
25  
26  
27  
28

1 final removal order, “what counts as the “reasonably foreseeable future” conversely  
2 would have to shrink.” *Id.* at 701. The Supreme Court has held that Respondents are not  
3 free to hold O.C.G indefinitely as they fish for potential countries to accept him. Nor are  
4 they free to remove him without comporting with due process, as they already have done.  
5 Thus, his continued detention serves no purpose authorized by statute and violates both  
6 the Immigration and Nationality Act and the Fifth Amendment’s Due Process Clause.  
7 Petitioner seeks immediate release from custody.  
8

9

10 **II. O.C.G. is Likely to Succeed on the Merits of His Claim That He is Entitled  
11 to Constitutionally Adequate Procedures Prior to Any Third Country  
12 Removal.**

13 Finally, O.C.G. is likely to succeed on the merits of his claim that he must be  
14 provided with constitutionally adequate procedures—including notice and an opportunity  
15 to respond and apply for fear-based relief—prior to being removed to any third country.  
16 Under the INA, Respondents have a clear and non-discretionary duty to execute final  
17 orders of removal only to the designated country of removal. The statute explicitly states  
18 that a noncitizen “shall remove the [noncitizen] to the country the [noncitizen] . . .  
19 designates.” 8 U.S.C. § 1231(b)(2)(A)(ii) (emphasis added). And even where a noncitizen  
20 does not designate the country of removal, the statute further mandates that DHS “shall  
21 remove the alien to a country of which the alien is a subject, national, or citizen. *See id.* §  
22 1231(b)(2)(D); *see also Jama v. ICE*, 543 U.S. 335, 341 (2005).  
23  
24

25 As the Supreme Court has explained, such language “generally indicates a  
26 command that admits of no discretion on the part of the person instructed to carry out the  
27  
28

1 directive,” *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 661  
2 (2007) (quoting *Ass'n of Civilian Technicians v. Fed. Labor Relations Auth.*, 22 F.3d  
3 1150, 1153 (D.C. Cir. 1994)); see also *Black's Law Dictionary* (11th ed. 2019).

4 Accordingly, any imminent third country removal fails to comport with the statutory  
5 obligations set forth by Congress in the INA and is unlawful.

7 Moreover, prior to any third country removal, ICE must provide O.C.G. with  
8 sufficient notice and an opportunity to respond and apply for fear-based relief as to that  
9 country, in compliance with the INA, due process, and the binding international treaty:  
10 The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
11 Punishment. Currently, DHS has a policy of removing or seeking to remove individuals  
12 to third countries without first providing constitutionally adequate notice of third country  
13 removal, or any meaningful opportunity to contest that removal if the individual has a  
14 fear of persecution or torture in that country. *D.V.D. et al. v. Dep't of Homeland Security*,  
15 606 U. S. \_\_\_\_ at 5 (2025) (Sotomayor, J., dissenting). Instead, the policy squarely  
16 violates the INA because it does not take into account, or even mention, an individual's  
17 designated country of removal—thereby fully contravening the statutory instruction that  
18 DHS must only remove an individual to the designated country of removal. U.S.C. §  
19 1231(b)(2)(A)(ii). Further, the policy plainly violates the United States' obligations under  
20 the Convention Against Torture and principles of due process because it allows DHS to  
21 provide individuals with no notice whatsoever prior to removal to a third country, so long  
22 as that country has provided “assurances” that deportees from the United States “will not  
23

24

25

26

27

28

1 be persecuted or tortured.” *Id.* If, in turn, the country has not provided such an assurance,  
2 then DHS officers must simply inform an individual of removal to that third country, but  
3 are not required to inform them of their rights to apply for protection from removal to that  
4 country under the Convention Against Torture. *Id.* Rather, noncitizens instead must  
5 already be aware of their rights under this binding international treaty, and must  
6 affirmatively state a fear of removal to that country in order to receive a fear-based  
7 interview to screen for their eligibility for protection under the Convention Against  
8 Torture. *Id.*

11 Clearly, this policy violates the Convention Against Torture, which instructs that  
12 the United States cannot remove individuals to countries where they will face torture,  
13 because the policy allows DHS to swiftly remove noncitizens to countries where they  
14 very well may face torture if those countries simply provide the United States with  
15 “assurances” that deportees will not be tortured. *Id.* Moreover, the policy puts the onus of  
16 individuals to be aware of their rights under the Convention Against Torture—which is a  
17 treaty that binds the United States government—instead of ensuring that DHS officials  
18 make individuals aware of their rights, which would more squarely comport with DHS’s  
19 obligations under the treaty not to remove individuals to countries where they face  
20 torture. *Id.* For similar reasons, the policy also violates principles of due process, because  
21 it does not provide individuals with notice or any meaningful opportunity to apply for  
22 fear-based relief. *Id.* Again, the policy allows individuals to be removed to third countries  
23 without any notice or an opportunity to be heard if that country merely promises that  
24  
25  
26  
27  
28

1 deportees will not face torture there, and if individuals are otherwise unaware of their  
2 right to seek fear-based relief. *Id.* The U.S. District Court for the District of  
3 Massachusetts previously issued a nationwide preliminary injunction blocking such third  
4 country removals without notice and a meaningful opportunity to apply for relief under  
5 the Convention Against Torture. *D.V.D., et al. v. U.S. Department of Homeland Security,*  
6 *et al.*, No. 25-10676-BEM (D. Mass. Apr. 18, 2025). The U.S. Supreme Court has since  
7 granted the government's motion to stay the injunction on June 23, 2025, just before the  
8 Court published *Trump v. Casa*, No. 24A884 (June 27, 2025) limiting nationwide  
9 injunctions. *See D.V.D. et al., v. Dep't of Homeland Security*, 606 U. S. \_\_\_\_ (2025).  
10 Thus, the Supreme Court's order, which is accompanied only by a dissent and not by an  
11 opinion, signals only disagreement with the nature, and not the substance, of the  
12 nationwide preliminary injunction. This is made clear by the Court's decision in *Trump v.*  
13 *J.G.G.*, 604 U.S. \_\_\_\_ (2025), where the Court explained that the putative class plaintiffs  
14 there had to seek relief in individual habeas actions (as opposed to injunctive relief in a  
15 class action) against the implementation of Proclamation No. 10903 related to the use of  
16 the Alien Enemies Act to remove noncitizens to a third country. Regardless, ICE appears  
17 to be emboldened and intent to implement its campaign to send noncitizens to far corners  
18 of the planet—places they have absolutely no connection to whatsoever—in violation of  
19 individuals' due process rights. This is not a theoretical possibility in the instant case:  
20 ICE has already illegally removed O.C.G. to Mexico once, and per its communication  
21 with FIRRP counsel on August 20, “He is currently detained due to having no status in  
22  
23  
24  
25  
26  
27  
28

1 the United States. Although he received positive fear to Mexico and withholding to  
2 Guatemala, **we are able to find other countries to accept him.”** (emphasis added).  
3 O.C.G’s removal to a third country would violate his due process rights unless he is first  
4 provided with sufficient notice and a meaningful opportunity to apply for protection  
5 under the Convention Against Torture. Intervention by this Court is necessary to protect  
6 those rights.

7

8

9 **III. Petitioner Faces Irreparable Harm.**

10 The Ninth Circuit has repeatedly held that the deprivation of constitutional rights  
11 constitutes irreparable harm. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012);  
12 *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013). Petitioner has already  
13 been subjected to unlawful removal once, and remains confined in violation of his  
14 statutory and constitutional rights. Each additional day of detention compounds the harm  
15 and prolongs the unlawful deprivation of liberty. He reports that in detention, he endures  
16 jeers and insults because of his sexual identity from other detainees, who have called him  
17 “faggot” and “missy.” The psychological impact of being redetained after his unlawful  
18 removal has also caused him to suffer from an inability to sleep, a lack of appetite, and  
19 recurrence of gastritis.

20 Detainees in ICE custody are held in “prison-like conditions.” *Preap v. Johnson*,  
21 831 F.3d 1193, 1195 (9th Cir. 2016). As the Supreme Court has explained, “[t]he time  
22 spent in jail awaiting trial has a detrimental impact on the individual. It often means loss  
23 of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514,  
24

1 532-33 (1972); *accord Nat'l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365,  
2 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in “concrete terms the  
3 irreparable harms imposed on anyone subject to immigration detention” including  
4 “subpar medical and psychiatric care in ICE detention facilities, the economic burdens  
5 imposed on detainees and their families as a result of detention, and the collateral harms  
6 to children of detainees whose parents are detained.” *Hernandez*, 872 F.3d at 995. The  
7 government itself has documented alarmingly poor conditions in ICE detention centers.  
8

9 *See, e.g.*, DHS, Office of Inspector General (OIG), Summary of Unannounced  
10 Inspections of ICE Facilities Conducted in Fiscal Years 2020- 2023 (2024) (reporting  
11 violations of environmental health and safety standards; staffing shortages affecting the  
12 level of care detainees received for suicide watch, and detainees being held in  
13 administrative segregation in unauthorized restraints, without being allowed time outside  
14 their cell, and with no documentation that they were provided health care or three meals a  
15 day).<sup>2</sup>

16 **IV. The Balance of Equities and Public Interest Favor Petitioner.**

17 The government has no legitimate interest in detaining Petitioner indefinitely  
18 when no possibility of removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 690. The  
19 equities weigh sharply in Petitioner’s favor, and the public interest is always served by  
20 ensuring constitutional protections are respected. *Melendres*, 695 F.3d at 1002.

21  
22  
23  
24  
25  
26  
27  
28 

---

<sup>2</sup> Available at <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf> (last accessed Aug. 21, 2025).

1       The government cannot suffer harm from an injunction that prevents it from  
2 engaging in an unlawful practice. *See Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983)  
3 (“[T]he INS cannot reasonably assert that it is harmed in any legally cognizable sense by  
4 being enjoined from constitutional violations.”). Therefore, the government cannot allege  
5 harm arising from a temporary restraining order or preliminary injunction ordering it to  
6 comply with the Constitution. Further, any burden imposed by requiring the DHS to  
7 release O.C.G. from unlawful custody is both *de minimis* and clearly outweighed by the  
8 substantial harm he is suffering in detention. *See Lopez v. Heckler*, 713 F.2d 1432, 1437  
9 (9th Cir. 1983) (“Society’s interest lies on the side of affording fair procedures to all  
10 persons, even though the expenditure of governmental funds is required.”).  
11

12       A temporary restraining order is in the public interest because “it would not be  
13 equitable or in the public’s interest to allow [a party] . . . to violate the requirements of  
14 federal law, especially when there are no adequate remedies available.” *Ariz. Dream Act*  
15 *Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (quoting *Valle del Sol Inc. v.*  
16 *Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)). If a temporary restraining order is not  
17 entered, the government would effectively be granted permission to detain O.C.G. in  
18 violation of the requirements of Due Process. “The public interest and the balance of the  
19 equities favor ‘prevent[ing] the violation of a party’s constitutional rights.’” *Ariz. Dream*  
20 *Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002); *see also Hernandez*,  
21 872 F.3d at 996 (“The public interest benefits from an injunction that ensures that  
22 individuals are not deprived of their liberty and held in immigration detention because of  
23

24       individuals are not deprived of their liberty and held in immigration detention because of  
25

26       individuals are not deprived of their liberty and held in immigration detention because of  
27

28       individuals are not deprived of their liberty and held in immigration detention because of

1 bonds established by a likely unconstitutional process."); *cf. Preminger v. Principi*, 422  
2 F.3d 815, 826 (9th Cir. 2005) ("Generally, public interest concerns are implicated when a  
3 constitutional right has been violated, because all citizens have a stake in upholding the  
4 Constitution."). Therefore, the public interest overwhelmingly favors entering a  
5 temporary restraining order and preliminary injunction.

7

8 **5. CONCLUSION**

9 For the foregoing reasons, Petitioner respectfully requests that this Court issue a  
10 Temporary Restraining Order:

12 1. Directing Respondents to immediately release Petitioner;

13 2. Enjoining Respondents from removing Petitioner to any third country without first  
14 providing him with constitutionally-compliant procedures including:

15 a. Written notice to Petitioner and counsel of the third country to which he  
16 may be removed, in a language that Petitioner can understand, provided at  
17 least 21 days before any such removal;

18 b. A meaningful opportunity for Petitioner to raise a fear of return for  
19 eligibility for protection under the Convention Against Torture, including a  
20 reasonable fear interview before a DHS office; and

21 3. Grant such other relief as the Court deems just and proper.

Respectfully submitted this 22<sup>nd</sup> day of August, 2025

/s/ Laura Belous

Laura Belous, AZ Bar No. 028132  
Florence Immigrant &  
Refugee Rights Project  
P.O. Box 86299  
Tucson, AZ 85754  
(520) 934-7257  
lbelous@firrp.org  
Attorney for Plaintiff

## Certificate of Service

I hereby certify that on the date below, I electronically transmitted the attached documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing on all CM/ECF registrants.

I further certify that on the date below, I served the attached document by first class mail on the following persons not registered in the CM/ECF system:

John E. Cantu, Field Office Director  
Phoenix Field Office, U.S. Immigration and Customs Enforcement  
2035 N. Central Avenue  
Phoenix, AZ 85004

Fred Figueroa, Warden  
Eloy Detention Center  
1705 E. Hanna Rd.  
Eloy, AZ 85131

s/ Laura Belous  
August 22, 2025  
Laura Belous