

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEOVIGILDO HERNANDEZ LOPEZ,)	
)	
Plaintiff,)	
)	
v.)	No. 25 C 10145
)	
SAM OLSON, Chicago Field Office)	Judge Alonso
Director, U.S. IMMIGRATION AND)	
CUSTOMS ENFORCEMENT, et al.,)	
)	
Respondents.)	

JOINT INITIAL STATUS REPORT

I. Nature of the Case

- a. Petitioner is represented by Bethany Terese Hoffmann, Hoffmann Immigration Law LLC. Respondents are represented by Assistant United States Attorneys Craig A. Oswald and Joshua S. Press, U.S. Attorney's Office for the Northern District of Illinois.
- b. Petitioner asserts that this court has jurisdiction pursuant to:
 - Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause);
 - 28 U.S.C. § 1331 as it raises claims under the Constitution of the United States (federal question);
 - 28 U.S.C. § 1346(b) (federal defendant);
 - 28 U.S.C. § 2241 (habeas corpus);
 - 28 U.S.C. §§ 2201, 2202 (Declaratory Judgment Act); and
 - 28 U.S.C. § 1651, the All Writs Act.
- c. Petitioner brings this action to ascertain the basis of his detention by Respondents, in light of the fact that he has a pending derivative I-918A Petition for U-2 Nonimmigrant Status pending with U.S. Citizenship and Immigration Services ("USCIS").
- d. The principal legal issue is whether the Petitioner is properly detained by Respondents given his pending relief with USCIS. This petition with USCIS is the subject of a settlement agreement entered into in the U.S. District Court for the Eastern District of California (1:25-cv-00101-SKO) on March 27, 2025.
- e. The parties do not anticipate or demand a jury trial.

2. Pending Motions and Case Plan

- a. There are no pending motions at this time.
- b. Petitioner anticipates filing an amended petition for writ of habeas corpus no later than August 27, 2025.
- c. Respondents anticipate moving to dismiss this case under Federal Rules of Civil Procedure 12(b)(1) (lack of jurisdiction) no later than August 27, 2025. If petitioner amends his petition, his motion for a temporary restraining order will be rendered moot. *See, e.g., Miles v. Johnston*, No. 24-cv-1012, 2024 WL 5318973, at *6 (D. Minn. Dec. 18, 2024) (“Courts have concluded that where an amended complaint has been filed, an existing motion for preliminary injunction should be dismissed without prejudice.” (citing cases)); *Garcia v. Mid-Atlantic Mil. Fam. Cmty., LLC*, No. 20-cv-308, 2021 WL 1429474, at *3 (E.D. Va. Mar. 4, 2021).
- d. The parties do not anticipate discovery in this case.

3. Settlement and Referrals

- a. The parties have not engaged in settlement negotiations.
- b. The parties do not request a settlement conference at this time.
- c. The parties do not consent to proceed before the Magistrate Judge at this time.

Respectfully submitted,

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