

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the Southern District of Texas

United States Courts Southern District of Texas FILED

AUG 18 2025

Nathan Ochener, Clerk of Court

AGUERO AVILA DIEGO ALEJANDRO

Petitioner

v.

KRISTI NOEM DHS HEAD PAM BONDI, ATTORNEY GENERAL TODD M. LYONS, ACTING ICE DIRECTOR

OTLA PEARSALE TX Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- 1. (a) Your full name: AGUERO AVILA DIEGO ALEJANDRO (b) Other names you have used: N/A
2. Place of confinement: (a) Name of institution: KARNES COUNTY IMMIGRATION PROCESSING CENTER (b) Address: 409 FM 1144 KARNES CITY, TX 78118
3. (c) Your identification number: [Redacted] Are you currently being held on orders [Redacted]
4. Are you currently: [X] Pretrial detainee (waiting for trial on criminal charges) [ ] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: (b) Docket number of criminal case: 25-097-CCCR-00043 (c) Date of sentencing:
[X] Being held on an immigration charge [ ] Other (explain): NOTICE TO APPEAR WITH INVALID/FORGED CHARGES

Decision or Action You Are Challenging

- 5. What are you challenging in this petition: [ ] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): IMMIGRATION DETENTION AND CHARGES IN THE NOTIOCE TO APPEAR  
DETAINER WAS IMPROVIDENTLY ISSUED

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: PEARSALL IMMIGRATION COURT

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
07/28/2025 JUDGE DENIED MOTION TO TERMINATE AND IMMEDIATE RELEASE DESPITE I HAVE SUBMIT  
ED AS ASKED BY THE JUDGE, EVIDENCE OF MY ASYLUM SINCE 2015 AS DERIVATIVE UNDER MY FATH  
ER'S ASYLUM

(d) Date of the decision or action: 07/28/2025

**Your Earlier Challenges of the Decision or Action**

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOARD OF IMMIGRATION APPEALS 08/12/2025

(2) Date of filing: 08/12/2025

(3) Docket number, case number, or opinion number:

(4) Result: NO ANSWER YET

(5) Date of result:

(6) Issues raised:

CHARGES IN THE NTA AND MY UNLAWFUL DETENTION, AND CHALLENGED THE FORGED  
FACTS AND MISAPPLICATION OF LAW/MISPRESNTTION BY JUDGE AND DHS OFFICIALS

(b) If you answered "No," explain why you did not appeal:

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES - DHS

(2) Date of filing: 08/05/2025

(3) Docket number, case number, or opinion number:

(4) Result: NO ANSWER

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOARD OF IMMIGRATION OF APPEAL

(2) Date of filing: 07/11/2025

(3) Docket number, case number, or opinion number:

(4) Result: REJECTED

(5) Date of result: 07/21/2025

(6) Issues raised:

I am pro se applicant when I filed my appeal I have addressed one order of the judge but also checked marked the bond box, since all my arguments belong to one proceedings and addressed in the BIA appeal how the judge misinterpreted my entire immigration history and how DHS weaponized it against me to keep me falsely imprisoned and not be able to decide upon my faith. Even if I would be willing to go to Canada immediately to seek protection considering Venezuela canceled my passport, annuled it meaning I am in imminent danger should I return, the judge said NO. Now I am not even allowed to seek prot in oth

(b) If you answered "No," explain why you did not file a third appeal:

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 06/12/2025
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

A(1) 342 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: 08/12/2025

(2) Case number: [REDACTED]

(3) Result: FILED

(4) Date of result:

(5) Issues raised: I have raised the issue with the BIA in a first filing on 07/11/2025 the BIA returned the filing for simply check marking the box for the bond as well. This was an admin error, the BIA appeal was referencin the denial of the judge to release me since the Notice to Appear has forged and false allegation against me. The bond is in nexus with the Notice to Appear. Since the Notice to Appear is invalid the DHS and the immigration judge has no jurisdiction over me.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

(a) Kind of petition, motion, or application: OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES - DHS

(b) Name of the authority, agency, or court:

(c) Date of filing: 08/05/2025

(d) Docket number, case number, or opinion number:

(e) Result: NO ANSWER

(f) Date of result:

(g) Issues raised:

REACHED OUT TO THE OFFICE OF THE PRESIDENT AND ALSO OTHER OFFICES BUT I WAS LEFT WITHOUT AN ANSWER

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: 14th Amendment US Constitution - DUE Process**

constitutional right to due process under the Fifth Amendment by refusing acknowledge challenge the false and y and misleading allegations in my Notice to Appear and by obstructing my ability to defend against the criminal acc usations used to justify my detention.

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO: At the time of my arrest, I was lawfully present in the United States: I was a derivative on my fat I was a derivative on my father's asylum application since childhood- IJ in its 07/282025 order said doesn't couNT I was covered by Temporary Protected Status (TPS) for Venezuela.**

Despite this, DHS detained me and issued a Notice to Appear (NTA) falsely claiming I had no pending asylum clai

(a) Supporting facts (Be brief. Do not cite cases or law.):

Notice of Appear issued by the DHS and rest of the prepared narratives of the DHS + Judge's chain of orders issued in abuse of powers and violation of judicial conduct

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE: DHS knowingly submitted inaccurate records and omitted my lawful status**

This constitutes a Brady violation as it misrepresents material facts and obstructs justice

(a) Supporting facts (Be brief. Do not cite cases or law.):

Notice of Appear issued by the DHS and rest of the prepared narratives of the DHS + Judge's chain of orders issued in abuse of powers and violation of judicial conduct

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

AO 242 (Rev 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**GROUND FOUR:** I submitted multiple motions and evidence, including requests for bond, U visa certification, a and review of DHS misconduct. DHS failed to respond, violating 8 C.F.R. § 1236.1(d) and Matter of Garcia-Flores, 17 I&N Dec. 325 (BIA 1980). Acknowledge my lawful presence Consider my U visa certification request under 8 C.F.R. § 214.14(c)(2)(i). Review DHS's conduct.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Notice of Appear issued by the DHS and rest of the prepared narratives of the DHS + Judge's chain of orders issued in abuse of powers and violation of judicial conduct

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: Issue a writ of habeas corpus and order my immediate release from ICE custody

Order DHS to correct the record and acknowledge my lawful presence.

Grant any other relief the Court deems just and proper.

Declare that my charges and detention violates the Constitution and federal law.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:  
08/13/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/13/2025

Dieso AGUERO

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

DAO 187 (Rev. 7/87) Exhibit and Witness List

# UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

Texas

AGUERO AVILA DIEGO ALEJANDRO

## EXHIBIT AND WITNESS LIST

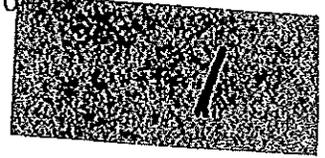
v.

KRISTI NOEM DHS HEAD PAM BONDI, ATTORNEY

Case Number:

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE(S)					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
				D		
1					PETITION BRIEF FOR WRIT OF HABEAS CORPUS P 1-13	
2					ORDER OF THE IJ 07/28/2025 P 14-15	
3					INTERLOCUTORY BRIEF TO THE BIA P 16-20	
4					SUPPLEMENT STATEMENT IN SUPPORT MTR 07/11/2025 P 21 - 33	
5					COPY OF USCIS NOTICE ASYLUM APPLICATION 09/2015 P 34-39	
6					USCIS NOTICE ASYLUM APPLICATION DIEGO AGUERO P 40-41	
7					USCIS NOTICE TPS VENEZUELA P 44	
8					VENEZUELAN PASSPORT FOR DIEGO ANNULED TRANSL. P 45-48	
9					CHRONICLES "PASSPORT REVOCATION IN VENEZUELA" P 49-53	
10					DIEGO'S EMPLOYER'S REFERENCE LETTER P 54-56	
11					HAMILTON PD CORRESPONDENCE DENYING RECORD P 57-58	
12					LAMPASAS PD CORRESPONDENCE DENYING RECORD P 58	
13					TDPS LETTER PUBLIC INFORMATION P 59-64	
14					HAMILTON COUNTY COMPLAINT CRIMINAL CASE 25D97CCR0043 P66-74	
15					WHITE HOUSE SUBMISSIO REGARDING UNJUST PROCEEDINGS P 75	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

AGUERO AVILA DIEGO ALEJANDRO A#  DETAINED ICE	) ) ) )	CAUSE NR. _____
KRISTI NOEM, DHS' HEAD PAM BONDI, ATTORNEY GENERAL TODD M. LYONS, ACTING ICE DIRECTOR OPLA PEARSALL TX	) ) ) )	

PETITION BRIEF FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

**Introduction**

I, Diego Aguero Avila, respectfully petition this Court for a *writ of habeas corpus* under 28 U.S.C. § 2241. I am currently detained by U.S. Immigration and Customs Enforcement (ICE) at the KARNES COUNTY IMMIGRATION PROCESSING CENTER. My detention is unlawful, prolonged, and violates my constitutional rights.

**Grounds for Relief**

**1. Unlawful Detention While Lawfully Present**

At the time of my arrest – 06/2025, I was lawfully present in the United States:

- I was a derivative on my father's asylum application since September 2015, and I remained protected under that status throughout my childhood.
- I was also covered by Temporary Protected Status (TPS) for Venezuela, a designation that provides lawful presence and protection from removal under INA § 244.

Despite this, DHS detained me and issued a **Notice to Appear (NTA)** falsely claiming that I had no pending asylum claim and no lawful status. This misrepresentation is not only factually incorrect—it is a violation of my **Fifth Amendment right to liberty and due process**.

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. DIIS's actions violated this protection in several ways:

- They **ignored my derivative asylum status**, which was on record and never terminated.
- They **failed to acknowledge my TPS designation**, which provides lawful presence and bars removal during its validity.
- They **issued an NTA based on fabricated grounds**, depriving me of a meaningful opportunity to contest removability.
- They **refused to respond to my filings**, including motions to terminate, bond requests, and evidence submissions.

This conduct amounts to **unlawful detention, procedural misconduct, and constitutional injury**. It also violates DIIS's own regulations under 8 C.F.R. § 208.14(e) and *Matter of Garcia-Flores*, 17 I&N Dec. 325 (BIA 1980), which require proper adjudication of asylum claims and lawful status before initiating removal.

### **Human Rights Violations and Request for Safe Relocation**

I, Diego Agucro Avila, have lost trust in the integrity of the U.S. immigration system. The Immigration Judge and DHS have refused to consider my lawful presence, ignored my evidence, and used unsubstantiated allegations to justify my detention. They have effectively **disposed of my life**, seeking to deport me to a country – Venezuela, where I face **CERTAIN death, persecution, and irreparable harm**.

I did not cause harm to this country, despite the government's false allegations. The criminal charge against me—**possession of less than 30 grams of marijuana**—was used against me without disclosure, without evidence, and without due process.

DHS, Texas Department of Public Safety despite FOIA/subpoena etc. has refused to produce the record or disclose the amount of marijuana, yet continues to label me a “*danger to the community*” without justification.

This conduct violates:

- **The Refugee Act of 1980 and Article 33(1) of the 1951 Refugee Convention**, which prohibit refoulement and guarantee protection for asylum seekers.
- **The Fifth Amendment**, which ensures due process and protection from arbitrary detention.
- **International human rights norms**, including the right to life, dignity, and freedom from torture or inhumane treatment.
- **Categorical approach principles.**

#### **Request for Relief:**

Given the systemic violations and the threat to my life, I respectfully ask this Court to:

- Order my **immediate release from ICE custody.**
- Recognize the **unlawfulness of my detention and the misconduct of DHS and the Immigration Judge.**
- Allow me to **seek safe relocation to Canada or a European country** where I may apply for asylum and live free from persecution.

I am not an enemy of this country. I am a human being seeking protection, dignity, and the chance to live without fear. I ask this Court to uphold the principles of justice and humanity that this nation claims to represent.

#### **Refusal to Remain in the United States Under DHS/EOIR Coercion and Fear of Forced Deportation**

I have lost trust in the U.S. immigration system. The Immigration Judge and DHS have refused to consider my lawful presence, ignored my evidence, and used false, unproven allegations

to justify my detention. They have treated me not as a human being seeking protection, but as a disposable target.

During my hearing, Immigration Judge Crossan Thomas told me that if I presented evidence showing I was a derivative on my father's asylum application from September 2015, I would be granted relief. I relied on this assurance and submitted the documentation. However, in the Judge's written order dated July 28, 2025, he reversed his position and stated:

*"Being a rider on an asylum application or filing a separate asylum application is not an entry into the United States nor is it permission to remain in the United States. Respondent can be charged as overstayed, and DIIS has used its prosecutorial discretion to charge Respondent as removable pursuant to the INA."*

This statement is legally incorrect and contradicts established immigration law. Under:

- INA § 208(b)(3)(C) and 8 C.F.R. § 208.3(a), a child listed as a derivative on a parent's asylum application is lawfully present while the application is pending.
- *Matter of A-M*, 23 I&N Dec. 737 (BIA 2005), affirms that derivative status must be adjudicated and cannot be dismissed arbitrarily.
- INA § 212(a)(9)(B)(iii)(I) provides that time spent in the U.S. as a derivative asylum applicant does **not count as unlawful presence**.

There is no provision in the INA that allows DHS or the Court to disregard derivative status and retroactively label a child as unlawfully present or overstayed. The Judge's reversal and DHS's prosecutorial discretion were used to fabricate removability and justify detention without legal basis.

This conduct violates:

- The Fifth Amendment right to due process
- The Administrative Procedure Act, 5 U.S.C. § 706(2)(A), prohibiting arbitrary and capricious agency action

- **Basic principles of fairness and reliance**, as I was misled by the Court and punished for presenting truthful evidence

I respectfully ask this Court to recognize that my detention and removal charges are based on a misstatement of law, judicial reversal, and abuse of discretion, and to grant immediate relief.

### **EMERGENCY REQUEST FOR STAY OF DEPORTATION TO VENEZUELA AND PERMISSION FOR VOLUNTARY DEPARTURE TO A SAFE THIRD COUNTRY**

I respectfully submit this emergency request to the Court to block my deportation to Venezuela and instead permit me to voluntarily depart to a safe third country—specifically Canada or a European nation—where I intend to seek asylum. If, for any legal reason under the laws of the United States, this Court determines that my stay cannot be granted to pursue lawful employment or protection. I respectfully request immediate authorization to depart to Canada, where I will seek refuge and protection consistent with international human rights norms.

**Jurisdiction** - This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of my detention and removal. The Supreme Court has affirmed that federal courts may intervene when removal would violate constitutional rights or international obligations. See *Boumediene v. Bush*, 553 U.S. 723 (2008); *Munaf v. Geren*, 553 U.S. 674 (2008).

Furthermore, the U.S. government cannot extend its jurisdiction to forcibly transfer individuals to foreign prisons or detention systems, nor can it compel removal to countries where the individual faces persecution or arbitrary detention. Doing so would violate the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA) and the Convention Against Torture, codified at 8 C.F.R. § 208.16–208.18.

**Basis for Relief** - I am currently detained and facing imminent deportation to Venezuela, a country where I fear for my life due to political persecution, instability, and lack of humanitarian protections. I have submitted evidence of my derivative asylum status under my father's application, and I was misled by Immigration Judge Crossan Thomas, who reversed his position and misrepresented the law in his July 28, 2025 order.

I am not seeking to evade immigration enforcement. I am asking for the opportunity to self-deport to Canada or Europe, where I will lawfully seek asylum. I have the financial means to do so and will provide proof of purchased travel arrangements. I am committed to complying with all conditions set by this Court.

Request - I respectfully ask this Court to:

1. Stay my deportation to Venezuela pending resolution of my habeas petition.
2. Permit me to voluntarily depart to Canada or a European country, where I will seek asylum.
3. Order DHS to refrain from obstructing my departure and to update my record to reflect voluntary departure.
4. Allow me to submit proof of travel arrangements within 7 days of this order.

I am not a threat to public safety. I am a young person seeking protection and dignity. I ask this Court to recognize my humanity and grant me the chance to pursue asylum in a country where I will not be treated as disposable.

#### **Fabrication and Misrepresentation by DHS. Fabrication of Records and Brady Violation by DHS**

DHS knowingly submitted inaccurate records and omitted my lawful status. This constitutes a Brady violation, as it misrepresents material facts and obstructs justice.

DHS knowingly submitted inaccurate records and omitted my lawful status in official immigration documents, including the Notice to Appear (NTA). These omissions and misrepresentations are not clerical errors—they are deliberate acts that obstruct justice and violate my constitutional rights.

- DHS falsely claimed I had no pending asylum claim, despite my derivative status since 2015 and TPS protection for Venezuela.
- DHS cited inapplicable statutes and executive orders that do not override statutory protections under the Immigration and Nationality Act (INA).

- DHS failed to disclose exculpatory evidence, including my lawful presence, TPS documentation, and asylum derivative status.

This conduct constitutes a *Brady violation*, as established in *Brady v. Maryland*, 373 U.S. 83 (1963), which prohibits the government from withholding material evidence favorable to the accused. In immigration proceedings, this principle applies when DHS conceals facts that would prevent detention or removal.

Moreover, DHS cannot and should not:

- **Forge false allegations** in official documents to justify detention.
- **Misrepresent facts or legal citations** to enforce executive orders that conflict with statutory and constitutional law.
- **Override due process protections** guaranteed under the Fifth Amendment.

The Immigration Judge relied on these flawed records and refused to allow me to challenge them, compounding the violation. This undermines the integrity of the proceedings and deprives me of a fair opportunity to defend myself.

I respectfully ask this Court to recognize that my detention is based on **fabricated grounds, concealed evidence, and unconstitutional enforcement practices**. These violations demand judicial intervention and immediate relief.

### **Judicial Misconduct and Denial of Legal Protections**

The Immigration Judge relied on **flawed and fabricated records** submitted by DHS and refused to allow me to challenge them, compounding the constitutional violation. During my hearing, the Judge stated in person that my derivative asylum claim under my father's application from September 2015 "does not count anymore," and that "the Judge can do whatever they want, and DHS as well." Order of 07/28/2025 reflects this approach.

This statement is not only legally incorrect—it is a **direct violation of judicial ethics, due process, and statutory protections** under the Immigration and Nationality Act (INA).

**Legal Violations:**

- INA § 208(b)(3)(C) protects derivative asylum status unless formally terminated.
- *Matter of A-M*, 23 I&N Dec. 737 (BIA 2005) affirms that derivative status must be adjudicated, not dismissed arbitrarily.
- 5 U.S.C. § 706(2)(A) prohibits agency action that is arbitrary, capricious, or contrary to law.
- 8 C.F.R. § 1003.10(b) requires Immigration Judges to exercise impartiality and apply the law—not personal discretion.

The Judge's refusal to acknowledge my lawful status, combined with DHS's fabrication of facts and misapplication of law, amounts to **systemic misconduct**. DHS cited **executive orders that are unconstitutional and inapplicable**, ignoring binding statutory protections and international obligations.

This conduct violates:

- The **Fifth Amendment** right to due process
- The **Administrative Procedure Act**
- The **Refugee Act of 1980**
- **Article 33(1)** of the 1951 Refugee Convention (non-refoulement)

I respectfully ask this Court to recognize that:

- My detention is based on **false allegations and unlawful judicial statements**
- The Immigration Judge and DHS have **obstructed justice and denied me a fair hearing**
- I am entitled to **termination of removal proceedings, release from custody, and the opportunity to seek asylum or protection in a safe third country**

**Failure to Respond to Motions and Evidence**

I submitted multiple motions and evidence, including requests for bond, U visa certification, and review of DHS misconduct. DHS failed to respond, violating 8 C.F.R. § 1236.1(d) and *Matter of Garcia-Flores*, 17 I&N Dec. 325 (BIA 1980).

### **DHS's Failure to Respond to Motions and Evidence**

I submitted multiple motions and supporting evidence while in detention, including:

- A request for bond under 8 C.F.R. § 1236.1(d)
- A U visa certification request under 8 C.F.R. § 214.14(c)(2)(i)
- A motion to review DHS misconduct, including fabricated records and Brady violations

Despite these filings, DHS failed to respond, acknowledge, or forward the motions to the Immigration Judge. This violates both procedural and constitutional protections.

#### **Legal Violations:**

- 8 C.F.R. § 1236.1(d) requires DHS to promptly review custody status and respond to bond requests.
- *Matter of Garcia-Flores*, 17 I&N Dec. 325 (BIA 1980), affirms that immigration authorities must consider all relevant evidence and cannot ignore material submissions.
- The Fifth Amendment guarantees a meaningful opportunity to be heard before being deprived of liberty.

DHS's silence and obstruction denied me access to relief, prevented judicial review, and undermined the fairness of my proceedings. The Immigration Judge, relying on DHS's inaction, refused to consider my motions or the evidence I submitted.

This pattern of neglect and concealment amounts to procedural misconduct, denial of due process, and unlawful detention. I respectfully ask this Court to recognize that my rights were violated and that I am entitled to immediate release and termination of removal proceedings.

#### **Denial of Access to Relief and Due Process**

The Immigration Judge refused to:

- Consider my U visa certification request under 8 C.F.R. § 214.14(c)(2)(i).
- Review DHS's conduct.

- Acknowledge my lawful presence under INA § 208(a) and INA § 212(a)(9)(B)(iii)(II).

This denial violates the **Refugee Act of 1980** and **Article 33(1)** of the 1951 Refugee Convention.

### **Prolonged Detention Without Justification**

I have been detained for an extended period without a threat assessment and my bond. This violates *Zadvydas v. Davis*, 533 U.S. 678 (2001), which prohibits indefinite detention without justification. I have been detained for an extended period without a lawful threat or danger assessment, in direct violation of 8 C.F.R. § 1236.1(c)(8), which requires the government to substantiate any claims of dangerousness with credible evidence. My bond was denied based on false and unproven allegations, and DHS failed to meet its burden under *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006), which mandates that such claims be supported by clear and convincing evidence. Despite repeated requests, DHS never provided the required documentation, and the immigration judge relied on these unsupported assertions, thereby violating both regulatory standards and my constitutional right to due process. This unlawful detention has caused irreparable harm and undermines the integrity of the proceedings.

### **Retaliatory Detention and Misuse of Criminal Allegations**

My detention by DHS was not only procedurally unlawful—it was retaliatory and obstructive. I was detained in a manner that:

- **Prevented me from attending a scheduled criminal court appearance related to a misdemeanor marijuana charge (less than 30 grams).**
- Despite repeated requests, Attorney General, DHS etc. refused to produce the criminal record, disclose the exact amount of marijuana, or provide any documentation supporting their allegations.
- Immigration Judges relied on **unsubstantiated claims and absent evidence** to label me a “danger to the community,” without reasonable cause or justification.

This conduct violates:

- **Due process under the Fifth Amendment**, which guarantees notice and an opportunity to be heard.
- *Brady v. Maryland*, 373 U.S. 83 (1963), which prohibits the government from withholding exculpatory evidence.
- *Matter of Gaitan*, 19 I&N Dec. 238 (BIA 1985), which requires that criminal allegations used in immigration proceedings be supported by reliable evidence.

### **Consequences of DHS Misconduct:**

- I was **denied access to my criminal court**, risking a default judgment and compounding legal harm.
- DHS used **fabricated or undisclosed allegations** to justify prolonged detention.
- The Immigration Judge accepted **unsupported claims** without requiring proof or disclosure.

This misuse of criminal allegations and obstruction of my legal rights reflects a broader pattern of misconduct and retaliation. I respectfully ask this Court to recognize that my detention is unlawful, retaliatory, and unsupported by evidence, and to order my immediate release and full review of all pending motions.

### **Prayer for Relief**

Wherefore, Petitioner respectfully requests that this Honorable Court:

1. **Issue a writ of habeas corpus** pursuant to 28 U.S.C. § 2241 and order Petitioner's immediate release from ICE custody.
2. **Declare that Petitioner's continued detention violates the U.S. Constitution**, including the Fifth Amendment, and applicable federal regulations, including 8 C.F.R. § 1236.1(c)(8).
3. **Order the Department of Homeland Security (DHS) to correct the official record** to reflect Petitioner's lawful presence and compliance with immigration procedures.
4. **Stay Petitioner's removal to Venezuela** pending final adjudication of this habeas petition, in light of country conditions and humanitarian concerns.

5. **Permit Petitioner to voluntarily depart to a safe third country**, in the alternative, specifically Canada or a European nation, where Petitioner intends to seek asylum consistent with international law.

Petitioner respectfully requests that this Court order the Department of Homeland Security (DHS) to refrain from obstructing Petitioner's voluntary departure and to update all relevant immigration records to reflect voluntary departure status, in accordance with humanitarian principles and applicable federal policies. Petitioner seeks to depart to a safe third country—specifically Canada or a European nation—to seek asylum, and does so without intent to evade lawful process. This request is made in good faith and in alignment with the spirit of Executive humanitarian discretion, including directives that prohibit punitive sanctions or adverse immigration consequences for individuals who pursue voluntary departure in lieu of removal. Petitioner further requests that DHS be directed to facilitate this departure without delay or retaliation, and to allow submission of travel documentation within seven (7) days of the Court's order.

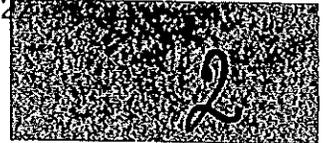
6. **Order DHS and/or EOIR to refrain from obstructing Petitioner's departure**, and to update all relevant records to reflect voluntary departure status.
7. **Allow Petitioner to submit proof of travel arrangements within seven (7) days** of the Court's order granting voluntary departure.
8. **Grant such other and further relief as the Court deems just and proper**, including costs and any equitable remedies necessary to prevent further harm.

Respectfully Submitted,

Diego AGUERO

Diego Agüero Avila

08/13/2025



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
PEARSALL IMMIGRATION COURT

Respondent Name:

AGUERO-AVILA, ALEJANDRO

To:

AGUERO-AVILA, ALEJANDRO  
KARNES CNTY IMM PROCESSING CTR  
KARNES, TX 78118

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

07/28/2025

ORDER OF THE IMMIGRATION JUDGE

Respondent  The Department of Homeland Security has filed the following motion in these proceedings:  
U Visa Certification Request and Formal Complaint Pursuant to 8 C.F.R. Section 214.14(c)

After considering the facts and circumstances, the motion is  granted  denied for the following reason(s):

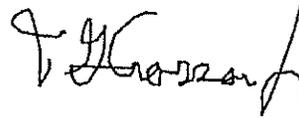
EOIR is not a law enforcement agency with U Visa Certification authority. That request must be made to a proper law enforcement agency. U Visa Petitions must be filed with USCIS pursuant to 8 C.F.R. Section 214 (c).

By Respondent filing the formal complaint concerning alleged criminal acts and abuses by DHS/ICE Officers, DHS is now on notice of the allegations. This Court has no authority to investigate the allegations. The Court has no authority to question DHS's use of prosecutorial discretion either in favor of or not favor of Respondent. EOIR has no authority to mandate DHS initiate any investigation into Respondent's allegations of criminal acts and abuses.

Being a rider on an asylum application or filing a separate asylum application is an entry into the United States nor is it permission to remain in the United States. Respondent can be charged as an overstay and DHS has used its prosecutorial discretion to charge Respondent as being removable pursuant to Section 237(a)(1)(B) of the Immigration and Nationality Act. The Court sustained the charge on 9 July 2025.

Respondent is scheduled to appear at a master calendar hearing on 31 July 2025 at 8:30 a.m. The Court will take up the application for relief filed in a separate motion to terminate. If Respondent wishes to continue with the application filed in that motion, the Court intends to schedule a final hearing on that application after Respondent affirms the information on the application.

Respondent's motion is DENIED.



Immigration Judge: CROSSAN, THOMAS 07/28/2025

Appeal: Department of Homeland Security:  waived  reserved  
 Respondent:  waived  reserved  
 Appeal Due: 08/27/2025

Certificate of Service

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

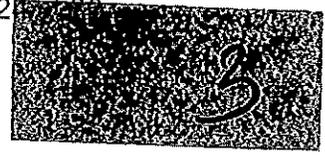
To: [ ] Noncitizen | [ M ] Noncitizen c/o custodial officer | [ ] Noncitizen's atty/rep. | [ E ] DHS

Respondent Name : AGUERO-AVILA, ALEJANDRO | A-Number



Riders:

Date: 07/29/2025 By: Johnson, Briana, Court Staff



DETAINED

AGUERO AVILA DIEGO ALEJANDRO  
19827 Heron Shadow Ct  
Richmond, TX 77407  
Respondent

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION OF APPEALS  
FALLS CHURCH, VA

In the Matter of:  
  
Respondent  
AGUERO AVILA DIEGO ALEJANDRO  
  
In Removal Proceedings

§  
§  
§  
§  
§  
§  
§  
§  
§  
§



Immigration Judge: Hon. Randall Fluke

Next hearing: 08/21/2025

Interlocutory Brief to the Board of Immigration Appeals

I. Introduction

My name is Diego Agucro Avila, and I respectfully submit this interlocutory brief to the Board of Immigration Appeals to challenge the Immigration Judge's July 28, 2025 order. I am a



*pro se* respondent doing my best to navigate a system that often feels stacked against me. I ask only for fairness, dignity, and a chance to be heard.

The Immigration Judge dismissed my filings and arguments without proper review, made legal errors, and denied me access to relief I may qualify for. I am not a lawyer, but I have tried to follow every rule and submit every document required. I ask the Board to consider the following points and protect my right to due process.

## II. My Asylum Application Was Lawfully Filed and Should Not Be Used Against Me

I came to the United States as a child, seeking protection through asylum. I was included as a derivative on my father's asylum application and remained under that protection until recently. On the day DHS detained me, I was also covered by Temporary Protected Status (TPS) for Venezuela. I was not unlawfully present then, and I am not unlawfully present now.

Despite this, DHS issued a Notice to Appear (NTA) and other federal documents that falsely stated I had no pending asylum claim since my entry as a minor. That is not true. DHS misrepresented my immigration history and ignored the protections I was lawfully under. I am not trying to evade the law—I am trying to survive.

The Immigration Judge said that filing an asylum application does not count as lawful presence. That is legally incorrect.

- Under 8 C.F.R. § 208.3(c)(2) and INA § 208(a), asylum applicants are considered to be in authorized stay while their application is pending.
- In *Matter of M-D-C-V-*, 28 I&N Dec. 18 (BIA 2020), the Board confirmed that asylum seekers remain in proceedings and cannot be charged with unlawful presence.
- INA § 212(a)(9)(B)(iii)(II) specifically exempts asylum applicants from accruing unlawful presence.

Expecting me to wait outside the United States while my asylum claim is processed is not just unrealistic—it's dangerous. It violates the Refugee Act of 1980 and the principle of non-

Δ//



refoulement under Article 33(1) of the 1951 Refugee Convention. I came here because I feared for my life. I did not come to break the law.

I respectfully ask the Board to recognize that I was lawfully present under both asylum and TPS at the time of my detention, and that DHS's misrepresentations should not be used to justify removal proceedings against me.

### III. The Judge Refused to Consider My U Visa Certification Request

I asked the Immigration Judge to certify my U visa petition. Judge said in its 07/11/2025 order that EOIR has no authority to do that. But that's not true.

- 8 C.F.R. § 214.14(e)(2)(i) allows judges to certify Form I-918 Supplement B if they investigate or evaluate qualifying criminal activity.
- The USCIS Policy Manual, Vol. 3, Part C, Ch. 2, confirms this.
- *Audubon Communities Management v. U.S. Dept. of Labor*, 2008 WL 1774584, supports judicial certification.
- *Matter of I-N-Y-*, 27 I&N Dec. 755 (BIA 2020), shows that judges can accommodate U visa efforts.

I cannot file my U visa without certification. The Judge refused to even consider it. That denial blocks me from seeking protection I may qualify for.

### III. The Judge Ignored DHS Misconduct and Refused to Review Their Actions

I submitted motions showing that DHS failed to respond, withheld evidence, and made false claims. The Judge said she had no authority to investigate DHS. That is incorrect.

- *Matter of Garcia-Flores*, 17 I&N Dec. 325 (BIA 1980), says judges must evaluate DHS conduct if it affects the case.
- *Matter of Sanchez-Herbert*, 26 I&N Dec. 43 (BIA 2012), confirms this.
- 8 C.F.R. § 1236.1(d) allows judges to review DHS custody decisions.

All



I deserve a fair chance to defend myself. Ignoring DHS misconduct violates my right to due process.

#### **VI. DHS Failed to Respond and Provided No Evidence That I Am a Threat**

- DHS ignored my motions.
- They claimed I was a threat but gave no evidence.
- The marijuana accusation is unverified, and they won't release the records.

I am not a danger to anyone. I work hard, I support my family, and I follow the law. DIIS must respond and prove their claims. If they can't, the charges should be dismissed.

#### **V. Request for Immediate Release from Detention**

I respectfully ask the Board of Immigration Appeals to immediately order my release from detention. I am not a danger to the community, I am not a flight risk, and I was lawfully present under both asylum and TPS protections at the time DIIS detained me.

The Board has the authority to take action on any case over which it has jurisdiction, including issuing orders related to custody and detention:

- Under 8 C.F.R. § 1003.1(b)(3), the BIA has jurisdiction to review decisions of Immigration Judges in bond and custody matters.
- The BIA Practice Manual, Chapter 1.4(a), confirms that the Board may review "some decisions pertaining to bond, parole, or detention" under 8 C.F.R. Part 1236, Subpart A.
- The Board may also act *sua sponte*—on its own motion—when justice requires it, especially in cases involving unlawful detention or procedural violations.

Given that DIIS misrepresented my immigration status, failed to respond to my filings, and has not provided any credible evidence that I pose a threat, I ask the Board to:

All



Immediately order my release from DHS custody pending resolution of my appeal, and instruct DHS to comply with all due process requirements.

I am not asking for leniency—I am asking for lawful treatment. I am asking to be free while I fight for my right to remain in the country I have called home since childhood.

### VI. What I'm Asking For

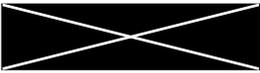
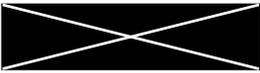
I respectfully ask the Board of Immigration Appeals to take immediate action to correct the errors and injustices in my case. Specifically, I ask the Board to:

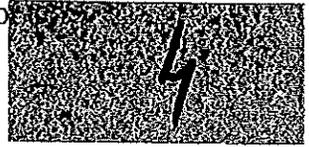
1. Reverse the Immigration Judge's July 28, 2025 order due to legal errors, misstatements of fact, and unfair treatment.
2. Review my full record, including all motions, exhibits, and declarations I submitted.
3. Order DHS to respond to my filings or dismiss the case for failure to prosecute.
4. Strike any claim that I pose a threat to the community, unless DHS can provide credible, admissible evidence.
5. Transfer my case to a different Immigration Judge if impartiality and fairness cannot be guaranteed.
6. Immediately order my release from detention, as I am not a flight risk, not a danger to the community, and was lawfully present under asylum and TPS at the time of my arrest.

I am not asking for special treatment. I am asking for justice. I am asking to be seen, heard, and treated with dignity. I have complied with every requirement, and I have fought to survive. Please allow me the chance to do so with fairness and freedom.

DIEGO AGUERO

Respectfully, Diego Agüero Avila 

 All 



DETAINED

DIEGO ALEJANDRO AGUERO-AVILA  
19827 Heron Shadow Ct  
Richmond, TX 77407  
Respondent

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
PEARSALL, TEXAS

In the Matter of:

Respondent  
AGUERO-AVILA, DIEGO ALEJANDRO  
In Removal Proceedings

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

A#



*Supplemental Statement in Support of Motion to Terminate  
July 11, 2025*

24



government of Venezuela under Nicolás Maduro has launched a sweeping and documented campaign of repression against people like me—scholars, journalists, and political critics—by canceling our passports, erasing our nationality, and blocking access to even basic documentation.

As reported by Aula Abierta in August 2024, and corroborated by multiple independent sources including Caracas Chronicles and JURIST, the Venezuelan regime has:

- Revoked passports of over 40 journalists, human rights advocates, professors, and LGBTQ+ leaders without explanation. My passport was also annulled. (see attached)
- Closed consulates abroad, making it impossible to renew travel documents or access basic civil services
- Prevented return with expired passports and denied re-entry unless holding dual nationality
- Used Simón Bolívar Airport as a site of detention, retaliation, and public humiliation for visible dissidents

This policy mirrors practices used in Nicaragua, where civil opponents are rendered stateless and punished for criticism. In my case, the act of dissent alone places me at risk. I am part of multiple Particular Social Groups (PSGs) defined by:

PSG Formulation	Visibility	Nexus to Harm
"Venezuelan dissidents subjected to passport revocation"	Public record, civic engagement	Political opinion
"Academics and intellectuals targeted post-election"	Online trace, published commentary	Anti-regime views
"Stateless critics denied documentation and safe return"	Document void, visible dissent	Perceived subversion
Venezuelan nationals who are abroad and unable to verify or renew their passports due to	This group meets all key PSG elements: <ul style="list-style-type: none"> <li>• Immutable characteristic: Their</li> </ul>	Without valid passports, individuals are barred from safe

<p>deliberate government blockage, resulting in statelessness, visibility, and vulnerability to surveillance and persecution.</p>	<p>identity as Venezuelan nationals abroad, blocked from passport renewal, is not changeable. It's tied to their origin and exile.</p> <ul style="list-style-type: none"> <li>• <b>Social distinction:</b> This population is clearly visible to society and state mechanisms, particularly due to their status as non-returning exiles whose citizenship rights are obstructed.</li> <li>• <b>Particularity:</b> Defined narrowly by technological and bureaucratic targeting—specifically those whose access to civic documentation is suppressed from abroad.</li> </ul>	<p>reentry, international mobility, and diplomatic protection.</p> <p><b>Protected Ground:</b> <i>Political Opinion</i>  <b>Government Actor:</b> Venezuelan regime via SAIME and national intelligence.  <b>Persecutory Act:</b> Blocking digital access to passport status from abroad, erasing civic identity, targeting visibility of exiled nationals.  <b>Nexus Claim:</b> The Venezuelan government's digital blockade is <i>not neutral</i>. It specifically targets:</p> <ul style="list-style-type: none"> <li>• Those abroad who have not returned;</li> <li>• Those perceived as opponents or dissidents;</li> <li>• Those whose refusal to re-enter reflects a moral, political, or ideological stance.</li> </ul> <p>In Diego's case—and others in the proposed PSG—the inability to access a passport is not a random glitch. It is state-sponsored retaliation tied to political opinion. The regime sees non-return as defiance. And the tech barrier is engineered to silence, monitor, and isolate.</p> <ul style="list-style-type: none"> <li>• <b>Imputed Opposition:</b> The simple act of remaining abroad, especially in the U.S., imputes political resistance. The nexus flows from perception—as adjudicators must recognize.</li> <li>• <b>Visibility Theory:</b> Those blocked from verifying documentation become socially visible as exiles. That visibility marks them for persecution</li> </ul>
---	---	---

24

		<p>based on status and suspected beliefs.</p> <ul style="list-style-type: none"> <li>• <b>Statelessness as Reprisal:</b> Passport denial weaponizes nationality crasure. Statelessness becomes both consequence and evidence of nexus: punishment for ideological non-alignment.</li> <li>• <b>Comparative Targeting:</b> Those inside Venezuela can check their status. Those outside, like Diego, are blocked. This shows differential treatment based on location, which flows from political opinion attributed to diaspora.</li> </ul>
--	--	---

These groups meet the legal standards under *Matter of W-G-R-* and *Matter of M-E-Y-G-*, being socially distinct, immutable, and persecuted precisely because of our identity and opinion.

Moreover, internal relocation is impossible. The regime controls identification systems, travel access, and surveillance infrastructure. Venezuelan consulates remain shuttered across Latin America and the U.S., and critics cannot receive new passports unless they return—a process designed to trigger detention and punishment.

If the United States cannot or will not offer protection, I respectfully request the opportunity to seek asylum in a third safe country. Refusing me asylum while also preventing my pursuit of safety elsewhere constitutes constructive refoulement, which is prohibited under:

- *Khouzam v. Ashcroft*, 361 F.3d 161 (2d Cir. 2004)
- *Matter of Pula*, 19 I&N Dec. 467 (BIA 1987)
- Article 3 of the CAT Treaty
- UNHCR Guidelines on Diplomatic Protection and Statelessness

25

My statement and the attached country condition reports should be incorporated into the record as amendments to my prior hearing, and administrative notice should be taken of Venezuela's active human rights violations. I am not asking for mercy—I am invoking the law that protects all lives from politically engineered erasure.

## Venezuela Blocks My Passport Status to Trap Me in Exile - PERSECUTION

I, Diego Alejandro Aguero Avila, affirm that the Venezuelan government has intentionally concealed and obstructed access to my passport information. This is not just inconvenience—it is persecution. It is a calculated tactic to render dissidents stateless and trapped.

The official government page that allows citizens to check passport status—SAIME (Servicio Administrativo de Identificación, Migración y Extranjería)—cannot be accessed from outside Venezuela. As soon as the page is searched from a foreign IP, especially from the United States, it is automatically blocked. The system detects external attempts and disables access. I and my parents have tried multiple times, including through private networks and proxies. The result is always the same: denial of access.

This means:

- I cannot verify the status of my passport renewal;
- I cannot initiate restoration of my travel documents;
- I cannot seek remedies through diplomatic channels;
- I am cut off from my own civic identity as a Venezuelan national.

This digital blockade is not a technical glitch—it is a form of punishment. The Venezuelan regime has weaponized bureaucracy and firewalls to erase its critics.

As stated in Aula Abierta's 2024 report, the cancellation of passports is part of a broader campaign of repression targeting both internal opponents and Venezuelans abroad. I am one of them. The fact that I am outside the country is enough to be considered hostile. The moment I attempt to check my status, the system confirms: *You have been blocked.*

26

This is not just symbolic—it's lethal. The inability to renew or confirm my passport is:

- A barrier to lawful reentry;
- A trigger for detention upon arrival;
- A denial of nationality protections under international law.

No one should be forced to return to a country that has locked the doors, erased the identity, and tagged the exile as subversive. I am not free to check on my passport. I am not free to renew it. I am not free to safely return. I am *blocked from all sides*—the digital wall is a mirror of the regime itself.

This is evidence of imminent danger, attack on my nationality. And no government acting in good faith can ignore it.

## My Lawful TPS Status and Timely Pursuit of Asylum

I, Diego Alejandro Agüero Avila, declare that at the time of my arrest on June 12, 2025, I was under active and lawful Temporary Protected Status (TPS) pursuant to §244 of the Immigration and Nationality Act. USCIS had granted my original TPS registration, valid from July 25, 2023 through March 10, 2024, and I timely re-registered on March 9, 2024. I received my Receipt Notice from USCIS on May 9, 2024, confirming my continued TPS eligibility.

This means that on the date of my arrest, I was:

- Under lawful TPS protection;
- Authorized to remain in the United States;
- Protected from removal;
- Eligible for employment authorization;
- Considered in lawful status for purposes of adjustment under INA §245.

This status is not discretionary—USCIS codified it. It includes an approved Form I-94 under TPS designation and carries the legal consequence that I could not lawfully be detained or removed without violating federal protections.

In addition, I affirm that I timely pursued asylum protection ever since my arrival to the United States. Through my father, Mr. Fredlyn Agüero (A# ) I was included in a

timely-filed Affirmative Asylum application, submitted between October 30, 2014 and September 21, 2015—within one year of our entry. This establishes:

- A legal footprint demonstrating our fear of return to Venezuela;
- Ongoing engagement with the asylum system;
- My eligibility to adjust or continue proceedings under derivative and individual claims.

Despite this, DHS has failed to acknowledge my TPS designation, my compliance with all re-registration and biometrics, and the presence of an earlier asylum record under my family's case. Their characterization of me as unlawfully present or ineligible for protection is not supported by the government's own records.

I respectfully ask the Court to:

1. Recognize that I was in lawful TPS status at the time of arrest;
2. Accept Exhibit B (TPS Approval and I-94) and Exhibit C (TPS Renewal Receipt) as record evidence;
3. Integrate my asylum record via my father's A-number into the current proceedings;
4. Terminate removal efforts on the basis that I am **not a deportable individual**, but a TPS holder with a pending and properly filed asylum claim.

These are not abstract requests—they reflect my lawful presence, my fight for safety, and the government's duty to honor its own protections. TPS is not a loophole. It is a lifeline. I am here, lawfully. I should not be treated like a fugitive for surviving.

I, **Diego Alejandro Agüero Avila**, affirm that on the date of my arrest—**June 12, 2025**—I was under active protection through Temporary Protected Status (TPS) as designated by USCIS.

I first registered under the 2023 TPS designation for Venezuela, receiving TPS-related documents valid through **March 10, 2024**. I timely re-registered on **March 9, 2024**, and USCIS issued me a Receipt Notice dated **May 9, 2024**, confirming renewal and a new expiration date of **October 2, 2026**.

Under the federal district court's order in *National TPS Alliance, et al. v. Kristi Noem*, No. 3:25-cv-01766 (N.D. Cal.), issued on **May 30, 2025**, TPS beneficiaries who received

documentation on or before February 5, 2025, with expiration dates of October 2, 2026, remain in lawful TPS status for the duration of the litigation.

That includes me. The U.S. Supreme Court may have issued a temporary stay, but the district court's protection order remains binding. I was—by law—in lawful status on the day ICE detained me.

## **My Arrest and the ICE Hold Were Unlawful**

### **I Was a TPS Holder Under Active Federal Protection — My Detention Was Unlawful**

I, Diego Alejandro Agüero Avila, affirm that on the date of my arrest—June 12, 2025—I remained under active protection through Temporary Protected Status (TPS) as defined by federal law and pending litigation.

My TPS renewal application was timely submitted under the 2023 designation, and on May 9, 2024, USCIS issued me a Receipt Notice (Form I-797) confirming receipt of my Form I-765 TPS re-registration. Though my last EAD expired on March 10, 2024, that Receipt Notice constituted an automatic extension of employment authorization for 540 days, pursuant to 8 C.F.R. § 274a.13(d) and the litigation-based protections ordered in *National TPS Alliance v. Kristi Noem*, No. 3:25-cv-01766.

### **I Was Still Covered — But ICE Refused to Recognize It**

Despite this lawful status:

- ICE issued an NTA alleging I was “unlawfully present”;
- Detained me without reviewing the receipt notice or EAD extension eligibility;
- Ignored clear federal guidance that pending TPS applications confer continuing protection and employment authorization under *Mejia v. Garland*, 68 F.4th 1250 (9th Cir. 2023);
- Made no inquiry into the facts of my case or the litigation shielding TPS holders.

29

The fact that my renewal was pending and supported by a receipt notice should have precluded any removal action. But ICE refused to apply the law or recognize the injunction's scope.

### **I Was a Minor at Entry — I Could Not Have Been “Unlawfully Present”**

I entered the U.S. as a child—federal law under INA §212(a)(9)(B) makes clear that unlawful presence cannot be accrued before age 18. My family filed an asylum claim within statutory limits, further precluding unlawful presence. To label me as having “unlawful presence since entry” is to criminalize childhood and ignore basic statutory protections.

### **What I Ask the Court to Recognize**

1. That my TPS status was pending and covered by auto-extension protections;
2. That ICE failed to assess my documentation, acting in procedural bad faith;
3. That any NTA issued on grounds of unlawful presence is invalid when unlawful presence could not have accrued;
4. That the record shows ICE detained me without legal basis, and that such detention violates due process and TPS law.

Federal protection was alive. The detention was not. And the error was not mine.

### **My Asylum Was Still Pending — DHS Hid This From the Court**

I, Diego Alejandro Aguero Avila, affirm that my immigration history includes a pending asylum application, filed affirmatively by my father, Fredlyn Aguero (A# 208-404-058), in September 2015. That application listed me as a child derivative, anchoring my claim to protection long before I reached adulthood.

This application remained unresolved for years. It was never denied, never withdrawn, and remains in USCIS,—eligible for appeal and amendment. My presence in the U.S. was never unlawful; it was legally shielded by that pending claim.

### **FOIA Evidence — DHS Knew and Concealed the Truth**

In April 2025, I submitted a Freedom of Information Act (FOIA) request, which confirmed:

- DHS had retrieved and reviewed my record;
- The asylum filing was visible and traceable;
- Yet ICE failed to acknowledge it, choosing instead to classify me as unlawfully present.

This deliberate omission constitutes more than error. It is suppression of exculpatory evidence, obstructing the court's ability to fairly assess my case.

### **Obstruction of Justice — Legal and Ethical Violation**

By concealing a pending asylum application from the record—and issuing a Notice to Appear (NTA) based on false allegations of unlawful entry and presence—DHS violated basic principles of justice.

This misconduct is actionable under:

- U visa eligibility criteria, based on obstruction of justice (8 C.F.R. § 214.14(a)(14));
- *Matter of E-F-H-L-*, 27 I&N Dec. 226 (BIA 2018), requiring EOIR to honor asylum claims for amendment before final adjudication;
- The constitutional right to procedural due process, which ICE ignored when it failed to include the asylum application in any analysis.

### **What I Ask the Court to Recognize**

1. That my asylum application remained pending and amendable when ICE detained me;
2. That ICE had reviewed my record but concealed that information from the court;
3. That this concealment qualifies as **obstruction**, meriting referral to the U visa program;
4. That proceedings based on false premises and omitted evidence are **constitutionally defective** and must be terminated.
5. Eligible for employment based AOS;
6. Eligible for U visa.

The truth was in the file. DHS chose silence. Now I speak, not just to defend myself—but to expose the silence that was used as a weapon.

### ***Government Harm and Policy Violations***

I also respectfully submit that the actions taken by DHS and ICE in my case do not merely affect me—they expose the federal government to institutional harm. By detaining without legal basis, concealing pending asylum records, and issuing NTAs rooted in false allegations, DHS is actively undermining its own operational integrity.

These actions violate government-wide waste reduction policies under the Directive on Government Efficiency (DOGE), by allocating resources to detention and prosecution of individuals who are lawfully present or actively seeking protection. The consequences include:

- Unnecessary litigation costs,
- Improper use of enforcement budgets,
- Violation of evidence retention standards,
- And long-term financial liability to victims who may pursue damages under the Federal Tort Claims Act or civil rights statutes.

I have followed the law, submitted valid documentation, and made good faith efforts to engage with the system. The government's failure to review or acknowledge this not only harms me—it places itself in a posture of vulnerability, contradiction, and waste.

I respectfully ask this Court to terminate my proceedings, not only in defense of truth, but in prevention of further systemic damage.

Respectfully submitted,

---

Diego Alejandro Agüero Avila

In the Matter of:

Respondent  
AGUERO-AVILA, DIEGO ALEJANDRO  
In Removal Proceedings

§  
§  
§  
§  
§  
§  
§  
§

A#



TABLE OF CONTENTS		
	<i>Supplemental Statement in Support of Motion to Terminate July 11, 2025</i>	1-12
A	USCIS Notice reflecting legal status/authorized status from 11/30/2014 – present	13-17
B	USCIS Receipt Notice 589 MGL2531148170	18-19
C	TPS Renewal USCIS Notice + TPS approval 07/25/2023-03/10/2024	20-22
D	Articles on Passport Revocation Annulment by the Venezuelan Government	23-38
E	Diego Agüero's Annulled Venezuelan Passport # 051901343	39-41

For the reasons explained above, USCIS has found that you are not eligible for asylum status in the United States.

You can provide rebuttal to this notice in support of your request. You have sixteen (16) days (6 days total for mail included) from the date of this notice to submit such rebuttal or new evidence. Failure to respond to this notice within this allotted time may result in the denial of your request for asylum.

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A#

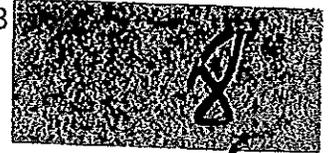


Rebuttal—ZHN# 1033

Sincerely,

For Brian D. Hemming  
Asylum Office Director  
Houston Asylum Office





Passport Management	Applying for a passport for a child or teenager for the first time			
[[Icons Illegible]]			Documents	
Data holder SAIME			Passport Annulled	
First name Diego	Second Name Alejandro	Identity card 	Number of the document 	
1 <sup>st</sup> Surname Aguero	2 <sup>nd</sup> Surname Avila	Date of birth 	Date of emission/issuance	15/11/2011
Gender: Male	Marital status Single	Age: 25 yrs old		
Last order				
You have not completed any processing, click on the New Application button to start the passport application inquiry [Icon Button: New request]				

45

[Icon Illegible] Documents

[Icons Illegible]

Passport Annulled

Document number 

Date of issue: 15/11/2011

Expiration date: 14/11/2016

### Certificate of Translation

*Adela Maria Visan*, the undersigned, hereby certify that I am fluent in the Spanish and English language and competent to translate this document provided.

I have not seen the original document in person, nor do I have any previous knowledge of the contents of the translated document or its authenticity.

The translation is formulated according to a digital copy. According to the best of my knowledge and abilities, the foregoing is a true and accurate translation done pursuant to 8 CFR § 1003.33 from Spanish to English of the:

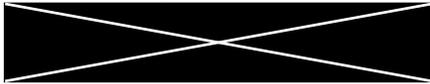
Passport Status for:

Document number 05019003256756

Executed pursuant to 28 U.S.C. § 1746

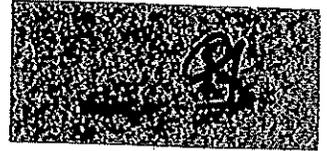
*Adela M Visan*  
Adela M Visan  
Senior Paralegal

Date 07/28/20



Total of translated pages: 2

*Handwritten initials*



CHRONICLES



Politics

# Passport Revocations in Venezuela: Low-Cost Post-Electoral Repression

Since the presidential election, an undetermined number of people found their passports annulled, sometimes when trying to leave Venezuela. Among them are journalists and activists

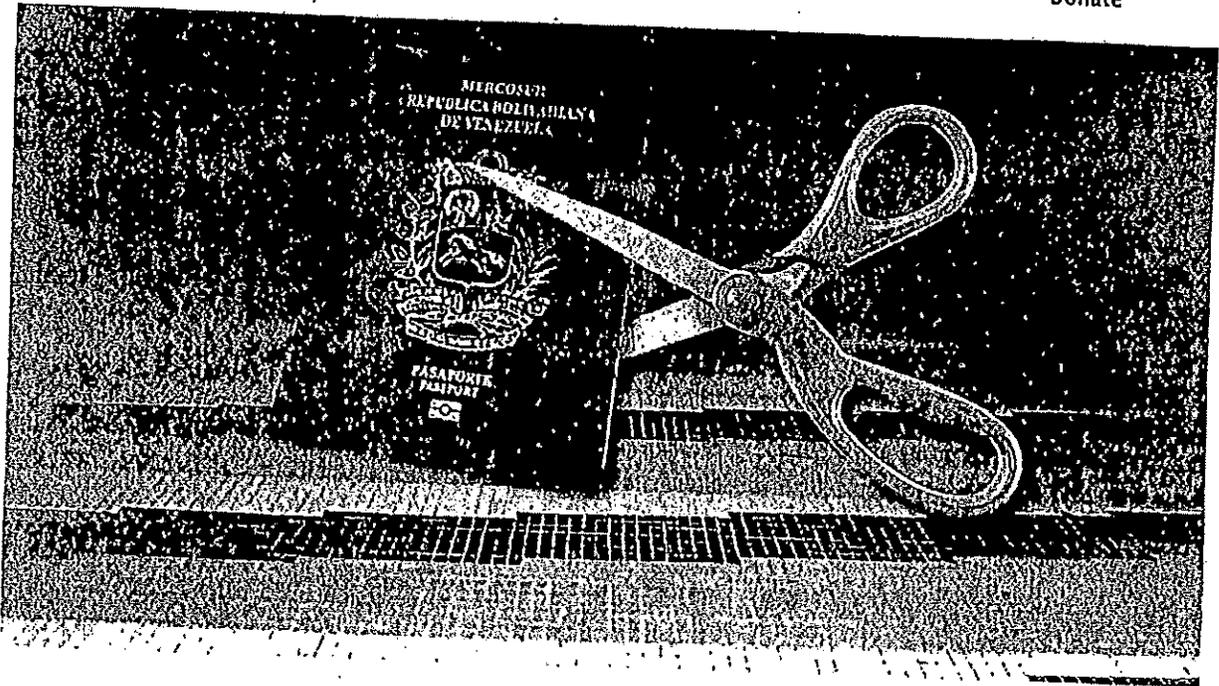
Rafael Uzcátegui September 26, 2024



Leer en Español

88  
49

Donate



Following the presidential elections of July 28, repression included a massive cancellation of passports. Although the documents' suppression has affected members of political parties and social organizations, it has also harmed people of different profiles, including migrants who have been outside the country for years and without any known public activity. This has been an effective, low-cost control mechanism, both in political and logistical terms.

According to the report

a joint documentation effort by different Venezuelan NGOs, the cancellation of passports would have massiveness as the main pattern of application, being part of the so-called "soft methods" applied by the Venezuelan authorities denounced by the United Nations Independent Fact-Finding Mission.

In September 2023, UN experts released describing the repression by Nicolás Maduro's government as a combination of "hard" and "soft" mechanisms that are part of "an oppressive state apparatus that has been used to varying degrees, depending on the nature of social dissent and the perception of its

50



Donate

frightening messages on institutional social media accounts, the approval of regulations restricting rights, and the cancellation of identity documents.

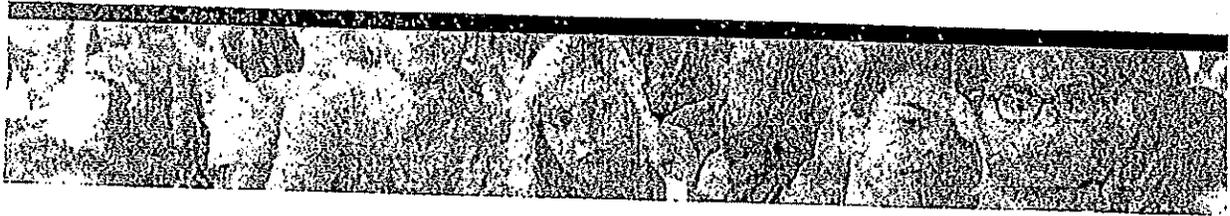
## Who's the target

With no official notification, dozens of journalists, activists, NGO members and political activists –and sometimes their relatives– discovered since the election through the (identity service) SAIME website, or when trying to leave the country, that their passports have been canceled in the digital platform managed by the authorities.

The NGO Laboratorio de Paz continues to collect testimonies from people who, when trying to travel through Maiquetía International Airport, are informed at the immigration point that their passport has been canceled. "In some cases, their document has been confiscated," adds a member of the NGO. The possibility of political motivation is not ruled out: "Among the masses there are lists of people to be punished for their political activities. In these cases it can be the prelude to greater reprisals."

The joint report prepared by the organizations includes several testimonies from people affected by the cancellation of their passports. Journalist Melanio Escobar stands out, because he asked to be identified in the report by name. In 2019, Escobar tried to obtain a new passport. When he attended his appointment, he realized that his situation was irregular: "They transferred me to another official who also could not process [the request] and they called the manager of that office (...). The official entered the data and, the truth is, her face changed. She promised to give me another appointment, she gave me a paper certifying that they were committed, that they would call me soon for an appointment in the next seven days, a situation that never happened." The director of the NGO Redes Ayuda tried, without luck, to resolve his situation institutionally: "I was able to speak with

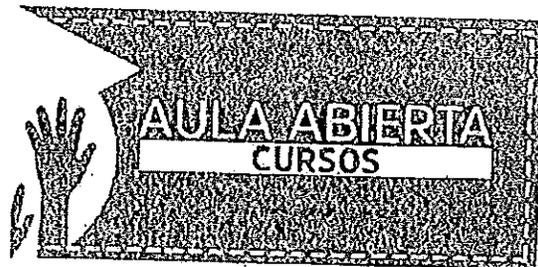
51



NOTICIAS

20

Cancellation or  
retention of  
passports and  
restrictions on  
freedom of  
circulation  
against  
Venezuelans



52

PORTAL DE INFORMACIÓN CIENTÍFICA - 8  
AGOSTO, 2024

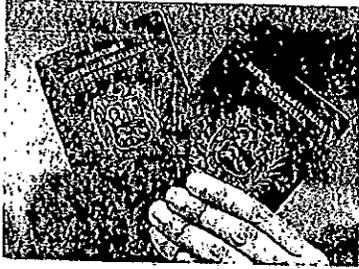
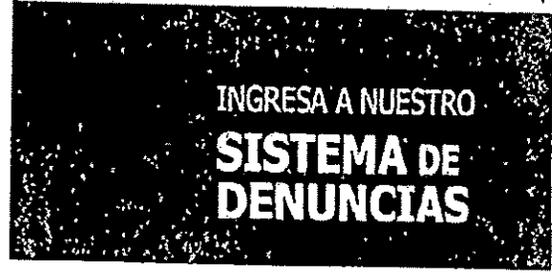


Foto: RRSS

SHARE



*By Prensa Aula Abierta-.  
Maduro's government is  
now implementing a new  
repressive practice, the  
cancellation or revocation  
of passports to politicians  
who oppose the  
government and critical  
thinking scholars both:  
inside and outside  
Venezuela, as done in  
Nicaragua in recent years.*

The Government of Nicolás Maduro has adopted and perpetuated a series of repressive practices that critically limit fundamental freedoms in Venezuela.

These practices have worsened since July 28, 2024, in the presidential elections' context. Among the repressive measures

AULA ABIERTA EN INSTAGRAM

 aulaabiertala  
5,619 followers



View more on Instagram

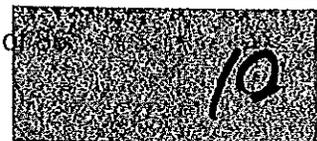
18 likes

aulaabiertala

Usa nuestro Sistema de denuncias y documenta violacion a tus derechos  
Somos #AulaEnAccion

Add a comment...

Handwritten signature or initials.



**TECH·WIND<sup>®</sup>**  
SERVICES

June 20, 2025

To Whom It May Concern:

RE: Diego A. Aguero

It is with great pleasure that I write this letter of recommendation for Diego Aguero, a Level II Wind Technician at Tech Wind Services. Since joining our team on March 17, 2025, Diego has proven himself to be an exceptional and valued member of our workforce.

From day one, Diego has demonstrated a high level of professionalism, dedication, and technical expertise, particularly in the area of blade work. His knowledge and hands-on skills with blades have been instrumental in the successful completion of numerous projects. Diego consistently approaches each assignment with precision and care, ensuring that all blade inspections, repairs, and maintenance procedures meet or exceed industry standards. His attention to detail and commitment to quality are truly commendable. He continually adds value to the team.

In addition to his technical strengths, Diego is a responsible, productive and dependable team member. He takes initiative, follows through on tasks, and can always be counted on to deliver excellent work in a timely manner. His reliability contributes significantly to the success and smooth operation of our team.

Beyond his technical abilities, Diego stands out as a true team player. He is always willing to assist his colleagues, share his knowledge, and support the overall success of the team. His positive attitude, strong work ethic, and willingness to go above and beyond is commendable.

Diego has quickly become a tremendous asset to Tech Wind Services, and I am confident he will continue to excel in any future role he pursues. I recommend him without reservation.

TECH WIND SERVICES - Technical Office  
465 Industrial Blvd Suite 300 - McKinney 75069 (TX)

54



Sincerely,

A handwritten signature in black ink that reads "Kathryn Sims".

Kathryn Sims, HR Professional  
[Kathryn.sims@techwindservices.com](mailto:Kathryn.sims@techwindservices.com)  
Office: 469-905-444

TECH WIND SERVICES - Technical Office  
465 Industrial Blvd Suite 300 – McKinney 75069 (TX)

65

**TECH·WIND<sup>®</sup>**  
SERVICES

June 20, 2025

To Whom it May Concern:  
RE: Diego A. Aguero

Diego A. Aguero was scheduled to attend the GE LOTO Essentials Maintenance Training in Niskayuna, NY, from June 23-27, 2025. This is a highly specialized and limited-access course, with only a select number of employees invited to participate and receive certification. Securing a spot in this training is both competitive and crucial for supporting our operational needs.

As a Wind Technician Level II, this certification is essential to Diego's role and professional development. It equips him with the advanced safety procedures required to perform lockout/tagout on GE turbines, a skill set that is increasingly in demand across our projects. GE LOTO-certified technicians are vital to our success, and Diego's participation directly contributes to project readiness, compliance, and safety standards.

We were looking forward to Diego bringing this valuable expertise back to the team and continuing to grow within Tech Wind Services as he is a committed part of the team. His development and this certification are key to both his success and the success of the company.

Thank you,



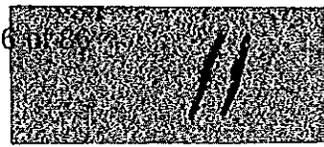
Kathryn Sims, HR Professional

Office: 469-905-4444

[Kathryn.sims@techwindservices.com](mailto:Kathryn.sims@techwindservices.com)

TECH WIND SERVICES - Technical Office

465 Industrial Blvd Suite 300 - McKinney 75069 (TX)



From: Hannah Powers h.powers@hamiltoncountytexas.org  
Subject: Offense/Arrest Records Request  
Date: June 27, 2025 at 6:59 AM  
To: fredlynaguero@gmail.com

Good morning,

I received a request for arrest/offense records for Aguero Avila Diego in reference to the case for Possession of Marijuana.

After full review of the request, our agency is unable to comply since this offense was not a case filed by our office. The agency in question is The Texas Department of Public Safety because a State Trooper is the officer that arrested the individual. Please contact TX DPS for more information on how to obtain the necessary records.

Thank you,



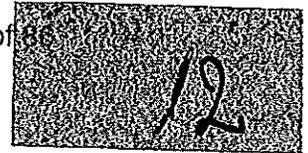
Hannah Powers

Admin Assistant  
Hamilton County  
Sheriff's Office

1108 S. Rice St.  
Hamilton, TX 76531  
Phone: (254) 386-8120  
Admin. Fax: (254) 386-8762

This Email contains confidential information that is legally privileged. The information herewith is intended only for the recipient named above. If you have received this E-mail in error, please immediately notify the Hamilton County Sheriff's Department. The disclosure, copying, distribution, or the taking of any action in reliance on the contents of this E-mail is strictly prohibited.

*[Handwritten signature]*



From: Kelli Sanguinet ksanguinet@cityoflampasas.com  
Subject: RE: Urgent Records Request – Certified Copy of Criminal Records for Guero Diego Alejandro (A 208404061) TX C 25 3282347  
Date: June 19, 2025 at 8:51 AM  
To: Fredlyn Aguero fredlynaguero@gmail.com  
Cc: diego Aguero diegoalkun21@gmail.com, gaiaedoc@gmail.com, Jody Cummings jcummings@cityoflampasas.com

Mr. Aguero,

I have searched our records for "Avilo Diego Aguero" and have found no records of arrest, nor involvement in our computer system. You stated that you were arrested by Officer Y. Rees with HP Lampasas. I am assuming that is going to be a Highway Patrol with Texas Department of Public Safety. I have never heard of an Officer Y. Rees.

You also stated that a ticket was "paid within your office", however, this office does not take any payments for citations. The ticket was not paid in our office.

My suggestion would be to double check the arresting officer and possibly reach out the Hamilton County Sheriff's Office or Hamilton Police Department to see if they have any records of your arrest. If you have a copy of the citation you received that you could forward to me, I might be able to better point you in the right direction.

At this time, this request is considered closed.

Thank you,

Kelli Sanguinet  
Communications Supervisor / Records Clerk  
Lampasas Police Department  
301 E 4<sup>th</sup> Street  
Lampasas, TX 76550  
512.556.3644 (ext 212)

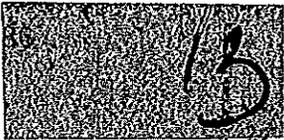
From: Fredlyn Aguero <fredlynaguero@gmail.com>  
Sent: Wednesday, June 18, 2025 2:09 PM  
To: Kelli Sanguinet <ksanguinet@cityoflampasas.com>  
Cc: diego Aguero <diegoalkun21@gmail.com>; gaiaedoc@gmail.com  
Subject: Urgent Records Request – Certified Copy of Criminal Records for Guero Diego Alejandro (A 208404061) TX C 25 3282347

**Caution: This email originated from outside of the City's organization. Do not click links, nor open attachments unless you recognize the sender and know the content is safe.**

Dear Clerk Sanguinet,

I am writing to formally request an immediately certified copy of my criminal records related to case TX C 25 3282347, specifically detailing the exact quantity of marijuana found in my possession.

I am currently detained at the Karnes County Immigration Processing Center, and these records are urgently required for legal proceedings. On June 16, 2025, Chief Cummings referred me to your office, stating that no records could be found under my name (see attached correspondence). However, I am providing attached documentation that:



# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001  
512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



06/25/2025

Diego Alejandro Aguero  
19827 Heron Shadow Court  
Richmond TX 77407

RE: Public Information Request for Reference # P013010-061925

Dear Diego Alejandro Aguero:

The Texas Department of Public Safety (DPS) received your above-referenced request on June 19, 2025. We provided basic arrest information on June 20, 2025. We then received your second request for the same records on June 24, 2025. We have located records responsive to your request; however, we believe these records may be excepted from required public disclosure at this time. We are seeking a ruling from the Office of the Attorney General (OAG) with respect to disclosure of these records, and a copy of our request letter is enclosed. You will be notified directly by OAG when a ruling is issued.

If you have any questions regarding this request, please submit them in writing via email to [publicrecords@dps.texas.gov](mailto:publicrecords@dps.texas.gov). Thank you.

Cordially,

*Jodie Clopton*  
Jodie Clopton  
Legal Assistant

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5806 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001  
512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



06/25/2025

Via EFile

Attorney General of Texas  
Open Records Division  
PO Box 12548  
Austin, Texas 78711-2548

RE: Public Information Request for (P013010-061925)

DATE REQUEST FOR INFORMATION P013010-061925 RECEIVED:	06/19/2025
DATE RESPONSE USING PREVIOUS DETERMINATION SENT;	06/20/2025
DATE SECOND REQUEST FOR INFORMATION RECEIVED;	06/24/2025
DATE REQUEST FOR RULING SUBMITTED TO ATTORNEY GENERAL:	06/25/2025

Dear Open Records Division:

The Department of Public Safety (DPS) received the above-referenced request from Diego Alejandro Agüero on June 19, 2025. DPS provided Mr. Agüero a response within five business days on June 20, 2025, and relied on the previous determination based on Government Code 552.108 issued to DPS. DPS received a second request for the same information on June 24, 2025. Pursuant to OR2017-17508, DPS is now requesting a ruling from your office as we believe some or all of the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code. Accordingly, we are requesting a ruling regarding the release of these records.

A copy of the basic arrest information has been provided to the requestor. As a result of the above-referenced incident, there is an open and active criminal investigation and criminal charges are pending against one or more individuals. Thus, DPS believes the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code, which states:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
  - (1) release of the information would interfere with the detection, investigation, or prosecution of crime.

Because this is an ongoing criminal case, the release of potential evidence would interfere with the investigation and prosecution of this case. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 184-85 (Tex. Civ. App.—Houston [14th Dist.] 1975), writ ref'd n.r.e., 536 S.W.2d

559 (Tex. 1976) (per curiam). Consequently, we believe the responsive records are excepted from required public disclosure at least until the criminal investigation is complete and any related charges are resolved.

Please find enclosed the request from Diego Alejandro Agüero, the notice of our request for a ruling sent to the requestor, and a representative sample of the responsive records we wish to except from required disclosure. Please feel free to contact me if you have any questions.

Sincerely,

*Jodie Clopton*  
Jodie Clopton  
Legal Assistant

Enclosure(s)

cc: Diego Alejandro Agüero  
VIA Web

61



Gaia EDOC <gaiaedoc@gmail.com>

Fwd: Public Information :: P013010-061925

1 message

Fredlyn Aguero <fredlynaguero@gmail.com>  
To: gaiaedoc@gmail.com

Fri, Jun 27, 2025 at 8:52 AM

Sent from my iPhone

Begin forwarded message:

From: Texas DPS Records <txdps@govqa.us>  
Date: June 25, 2025 at 1:07:31 PM CDT  
To: fredlynaguero@gmail.com  
Subject: Public Information :: P013010-061925

Attachments:

Letter\_for\_requestor.pdf

--- Please respond above this line ---



Texas Department  
of Public Safety

RE: PUBLIC RECORDS REQUEST of June 19, 2025., Reference # P013010-061925.

Dear Diego Alejandro Aguero,

The Texas Department of Public Safety received a public information request from you on June 19, 2025. Your request mentioned:

"To whom it may concern,

I am requesting complete criminal record related to Ticket # TX C 25 3282347. Currently I am in ICE Custody and I will need a certified copy of my record sent immediately to this email fredlynaguero@gmail.com. It is imperative the record to reflect the exact amount of the marijuana found on me.

Complete name: Aguero Avila Diego Alejandro



- Venezuela

Any fees involved with the certified copies, please let me know.

I appreciate your time and consideration dedicated to this matter. I am attaching herewith the ticket and my IDs.

ed

Sincerely,  
Aguero Diego"

This also pertains to P013251-062425; which has been closed as a duplicate request.

DPS has located records responsive to your request; however, we believe these records may be excepted from required public disclosure at this time. DPS is seeking a ruling from the Office of the Attorney General (OAG) with respect to disclosure of these records, and a copy of our request letter is attached. You will be notified directly by the OAG when a ruling is issued.

If you have any questions or need additional information, please submit your response through this portal.

Sincerely,

Jodie Clopton  
Legal Assistant  
OGC

---

To monitor the progress or update this request please log into the Public Information Center

Powered by  
**GovQA**

14

Rachel Lamb Gesolin  
Hamilton County Clerk  
102 N. Rice Street, Suite 107  
Hamilton, Texas 76531  
254-386-1204

DIEGO A. AGUERO AVILA  
19827 Heron Shadow CT  
Richmond TX 77404

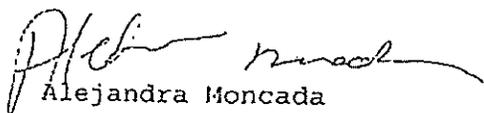
Cause No. 25-097-CCCR-00043

THE STATE OF TEXAS  
VS.  
DIEGO A. AGUERO AVILA

You are hereby notified that the above styled and numbered cause has been filed in the County Court of Hamilton, Hamilton County, Texas. You will receive another notice with a court date.

If there are any questions, please call the telephone number above.

Respectfully,

  
Alejandra Moncada  
Hamilton County Chief Deputy Clerk

64

CAUSE NO. 25-097-CCCR-00013

COMPLAINT ALLEGING POSSESSION OF MARIHUANA  
LESS THAN 2 OUNCES  
CLASS B MISDEMEANOR

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

I, Nestor Reyes, being duly sworn by the undersigned authority, do state that upon my oath that I have personal knowledge, and I charge that heretofore, and before the making and filing of this Complaint, DIEGO A. AGUERO AYLLA, Defendant, on or about June 12, 2025, in the County of Hamilton, State of Texas, did then and there intentionally or knowingly possess a usable quantity of marijuana, to wit: in an amount less than two (2) ounces.

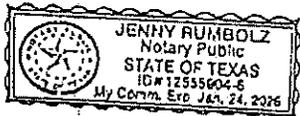
PROBABLE CAUSE

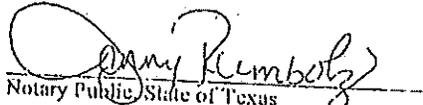
My belief of the foregoing is based upon my experience and training as a certified peace officer of the State of Texas and my investigation of the incident, which is the basis for this complaint.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

  
Nestor Reyes, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY Nestor Reyes, a credible person, this 3rd day of July, A. D. 2025.

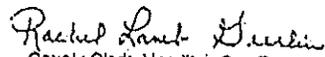


  
Notary Public, State of Texas

FILED FOR RECORD

at \_\_\_\_\_ o'clock \_\_\_\_\_ M

JUL 07 2025

  
County Clerk, Hamilton Co., Texas

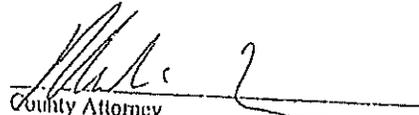
CAUSE NO. 25-097-CCCR-00043

POSSESSION OF MARIHUANA LESS THAN 2 OUNCES INFORMATION  
CLASS B MISDEMEANOR

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

I, Mark C. Henkes, County Attorney of Hamilton County, State of Texas, on affidavit of Nestor Reyes, a competent and credible person, herewith filed in the County Court of Hamilton County, Texas, do present in and to said court, that on or about June 12, 2025, and before the making and filing of this information, in the DIEGO A. AGUERO AVILA, Defendant, did then and there intentionally or knowingly possess a usable quantity of marijuana, to wit: in an amount less than two (2) ounces,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

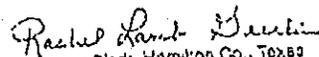
  
County Attorney  
Hamilton County, Texas

DOB: 2/8/2000

DL#: 44247578

FILED FOR RECORD  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M

JUL 07 2025

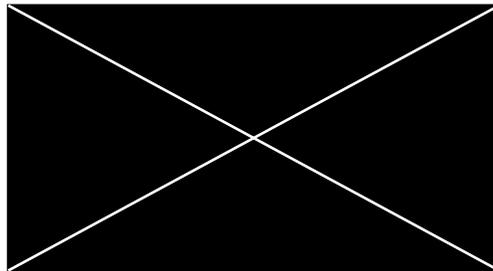
  
County Clerk, Hamilton Co., Texas

66

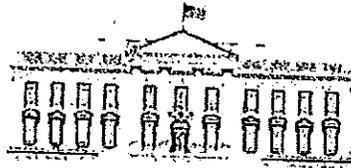


**Texas DPS**  
**GENERAL OFFENSE HARDCOPY**  
**(Marijuana)**  
**GO# TX 2025-955154**

*HarL*



# Response to your message (Intranet Quorum IMA00)



## THE WHITE HOUSE

WASHINGTON

August 7, 2025

Thank you for taking the time to write and share your story with President Donald J. Trump. After careful review, we have provided the appropriate federal government agency with a copy of your letter for possible assistance or further action.

For additional information about Federal government services, please visit [www.EISA.gov](http://www.EISA.gov) or call [1-800-FED-INFO](tel:1-800-FED-INFO).

Sincerely,

The Office of Presidential Correspondence

75

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Plaintiff(s),	§	
	§	
<i>versus</i>	§	
	§	CIVIL ACTION NO. _____
Defendant(s).	§	

NOTICE AND ACKNOWLEDGMENT FOR SERVICE BY MAIL

TO DEFENDANT: KRISTI NOEM DHS HEAD PAM BONDI, ATTORNEY GENERAL TODD M. LYONS, ACTING ICE DIRECTOR  
(Name and Address)

The summons and complaint are served under Rule 4(c)(2)(C)(ii) of the Federal Rules of Civil Procedure. You must sign and date the acknowledgment below and return one copy of it to the sender within 20 days. If you received the papers for a corporation, unincorporated association, partnership, or other entity (including another person), you must indicate under your signature your relationship to it.

If you *do not* return the completed form to the sender within 20 days, you may be required to pay the expenses of serving a summons and complaint in another way under the law.

If you *do* return the completed form, you must answer the complaint within 20 days. If you fail to file an answer, a judgment will be taken against you for the relief demanded in the complaint.

I declare, under the penalty of perjury, that this notice and acknowledgment will have been mailed on 08/14/2025

Dieso AGUERO  
Signature of Plaintiff

08/13/2025  
Date of Signature

ACKNOWLEDGMENT OF RECEIPT

I declare, under penalty of perjury, that I received a copy of the summons and complaint in this matter on \_\_\_\_\_ at \_\_\_\_\_  
(date) (location)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Typed

\_\_\_\_\_  
Relationship or Authority

76