

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Antonio Adrian CASTILLO and Juan Jose Leon LOZA on behalf of themselves as individuals and on behalf of others similarly situated,

Plaintiffs,

v.

Mary DE ANDRA-YBARRA, Field Office Director, El Paso Field Office, Dora CASTRO, Warden of Otero Processing Center; Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General; Sircce OWEN, Acting Director, EOIR; OTERO IMMIGRATION COURT; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR);

Defendants.

Case No. **2:25-cv-01074-JB-JFR**

NAMED PLAINTIFFS' AMENDED EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

PLAINTIFFS' AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, Antonio Adrian Castillo (“Mr. Castillo”) and Juan Jose Leon Loza (“Mr. Loza”) respectfully move this Honorable Court for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b) enjoining Defendants from proceedings with Named Plaintiffs’ removal proceedings.

1. Plaintiffs filed this action on October 29, 2025, alleging violations under the Due Process Class, Administrative Procedure Act, the Immigration and Nationality Act and filing for Habeas Corpus for the named Plaintiffs’.
2. After the action had been filed, Plaintiffs’ counsel received notice that Mr. Castillo’s final removal hearing had been reassigned to a new Immigration Judge. The new hearing was also rescheduled to a sooner date for November 5, 2025, and allotted a timeslot of 30 minutes.
3. Mr. Castillo’s final removal hearing was previously scheduled for November 12, 2025.

4. Counsel has not been assigned to the Defendants. However, Plaintiffs' counsel contacted Ryan Posey, an Assistant United States Attorney for the District of New Mexico in Albuquerque, New Mexico. Plaintiffs' counsel contacted Mr. Posey via email and subsequently held a brief telephone conference to discuss Case No. 2:25-cv-01074-JB-JFR. During the call, Mr. Posey stated he would refer Plaintiffs' request for postponement of the immigration proceeding to the Department of Homeland Security ("DHS"), but that he could take no substantive position on DHS's behalf at this time.
5. On November 4, 2025, the Immigration Judge in Mr. Castillo's case granted a continuance in the matter for November 17, 2025, between 8:30AM to 12:30PM.
6. A temporary restraining order is appropriate in that:
 - a. Plaintiffs are likely to succeed on the merits of their claim.
 - b. Unless Defendant's conduct is enjoined and Plaintiffs' are granted requested relief, Plaintiff will be irreparably injured in that they will continue to be deprived of their physical liberty unconstitutionally.
 - c. Mr. Castillo will continue to be detained while having already be granted a Bond order from an immigration judge. If Mr. Castillo's final individual hearing is not enjoined, he will have to proceed to a final removal hearing. Whether he succeeds on the merits of his relief from removal or gets ordered removed, he will have to wait for the 30-day appeal period should any party decide to pursue appellate review before the Board of Immigration Appeals. Even in a pending appeal, Mr. Castillo will continue to be detained.
 - d. After Mr. Castillo has a final order of removal, he will be subject to detention under a different statute of the Immigration and Nationality Act. At that point, his physical liberty will be deprived without proper adjudication of his claims in this lawsuit.
 - e. If Mr. Loza's removal proceedings are not enjoined, he will continue to be detained causing his family to suffer the economic consequences associated. He will not be able to financially support his children who are in college. His absence will also affect his employs who depend on him to continue making his two businesses operable so that they can maintain their own families.
 - f. After Mr. Loza has a final order of removal, he will be subject to detention under a different statute of the Immigration and Nationality Act. At that point, his physical liberty will be deprived without proper adjudication of his claims in this lawsuit.
7. This action was filed October 29, 2025, and Defendant's attorney has not been assigned.
8. The factual and legal basis in support of Plaintiffs' requests herein are further set forth in the Brief in Support of Plaintiff's Motion for Temporary Restraining Order.

WHEREFORE, Plaintiffs respectfully request that this Court issue a Temporary Restraining Order enjoining the Defendants from proceeding on removal cases for Mr. Castillo and Mr. Loza and from transferring them out of Otero Processing Center in Chaparral, New Mexico.

/S/ FELIPE D.J. MILLAN

FELIPE D.J. MILLAN

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Attorney for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
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Mary DE ANDRA-YBARRA, Field Office Director, El Paso Field Office, Dora CASTRO, Warden of Otero Processing Center; Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General; Sirce OWEN, Acting Director, EOIR; OTERO IMMIGRATION COURT; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR);

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RESTRAINING ORDER**

**ATTORNEY STATEMEN IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER**

Felipe D.J. Millan states as follows:

1. I am the attorney for named Plaintiffs, and the proposed class in this matter.
2. This matter was filed on October 29, 2025, before this Honorable Court.
3. I have made the following attempts to contact Defendants to provide notice of this action. On October 30, 2025, summons was issued as to the Defendants.
4. On October 29, 2025, the Executive Office for Immigration Review rescheduled named Plaintiff's, Antonio Adrian Castillo ("Mr. Castillo"), final removal hearing from November 12, 2025, to November 5, 2025, at the Otero Processing Center Detention Facility in Chaparral, New Mexico.
5. Due to the proximity of Mr. Castillo's newly rescheduled final removal hearing to November 5, 2025, attorneys for Defendants have not been assigned. As such, the Defendants cannot be located in time for a hearing.

6. I also emailed Ryan Posey, an Assistant United States Attorney for the District of New Mexico in Albuquerque, New Mexico. Plaintiffs' counsel contacted Mr. Posey via email and subsequently held a brief telephone conference to discuss Case No. 2:25-cv-01074-JB-JFR.
7. During the call, Mr. Posey stated that his involvement would be limited to only referring Plaintiffs' request for postponement of the immigration proceedings to the Department of Homeland Security (DHS), but stated that he could not take any substantive position.
8. On November 4th, 2025, the immigration judge in Mr. Castillo's proceedings granted a continuance on the matter. It is now scheduled for November 17, 2025, at 8:30AM.

I declare under penalty of perjury that the foregoing is true and correct.

/S/ FELIPE D.J. MILLAN

FELIPE D.J. MILLAN

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Email: fmillan@felipemillan.com

Attorney for Plaintiffs and the Proposed Class

Declaration of Antonio Adrian Castillo (A# [REDACTED])

I, Antonio Adrian Castillo (A# [REDACTED]) state as follows:

1. I am the petitioner named in this case, and I am currently detained at the Otero Processing Center, located at 26 McGregor Range Road, Chaparral, NM 88081, United States.
2. I make this declaration based on personal knowledge. I am competent to testify to the facts set forth herein, and if called as a witness, I would do so truthfully.
3. On January 3, 2025, I was detained, and on April 28, 2025, I had a bond hearing at which bond was denied because the Immigration Judge believed that I had been arrested for domestic violence.
4. However, I have never been arrested for domestic violence, and the judge appears to have made an error.
5. On April 30, 2025, I appealed to the Board of Immigration Appeals through my immigration attorney. On August 20, 2025, the Board of Immigration Appeals stated that the judge had made an error and granted me another bond hearing.
6. On August 28, 2025, I had another bond hearing, and the Immigration Judge granted me a bond of \$20,000.
7. My immigration attorneys then informed me that a stay had been issued, and my family was unable to pay the bond. I had expected to be released after my second bond hearing. It was very difficult for my family to gather \$20,000 for my release. I have now been detained for almost a full year.
8. Yesterday, on October 30, 2025, my immigration attorney informed me that my case had been reassigned to a new Immigration Judge and that my case had been rescheduled to an earlier date of November 5, 2025. I had expected my case to be on November 12, 2025, as it had originally been scheduled. This is my final hearing, and it will determine whether I can stay or if I will be deported.
9. If I receive a deportation order on November 5, 2025, I will not be released, and that will affect my ability to appeal. If I appeal, I will have to remain in detention for a longer period of time. I have already been detained for almost a year.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Antonio A. Castillo (A# )

Date: _____

I, Adgianne Wilson, a certified judicial interpreter, am competent to translate from Spanish to English, and certify that the attached translation is true and accurate to the best of my ability.

A handwritten signature in black ink, appearing to read 'Adgianne Wilson', with a stylized flourish at the end.

10/31/25

I, Antonio Adrian Castillo (A# ) states as follows:

1. Soy el demandante nombrado en esta caso y actualmente estoy detenido en la detencion de Otero (Otero Processing Center) en 26 McGregor Range Road, Chaparral, NM, 88081, United States.
2. Hago esta declaración jurada con base en conocimiento personal, soy competente para declarar sobre los hechos aquí expuestos y, si fuera llamado como testigo, así lo haría.
3. En el 3 de enero del 2025 fui detenido, y en el 28 de abril del 2025 tuve una audiencia de fianza en la cual se me negó la fianza porque el Juez de Inmigración pensó que yo había sido arrestado por violencia doméstica.”
4. Pero no he sido arrestado por violencia doméstica, y el juez cometió un error
5. En el 30 de abril del 2025, apelé ante la Junta de Apelaciones de Inmigración por medio de mi abogado de inmigración. En el 20 de agosto del 2025, la Junta de Apelaciones de Inmigración dijeron que el juez cometió un error y me concedieron otra audiencia de fianza.
6. En el 28 de agosto del 2025, tuve una audiencia de fianza y el Juez de Inmigración me otorgó una fianza de \$20,000.
7. Mis abogados de inmigración luego me informaron que se emitió una suspensión, y mi familia no pudo pagar la fianza. Yo esperaba ser liberado cuando tuve mi segunda audiencia de fianza. Fue muy difícil para mi familia reunir \$20,000 para que yo fuera liberado. He estado aquí casi un año completo.
8. Ayer, en el 30 de octubre del 2025, mi abogado de inmigración me informó que mi caso fue asignado a un nuevo Juez de Inmigración y mi caso había sido adelantado para el 5 de noviembre del 2025. Yo esperaba que mi caso fuera para el 12 de noviembre del 2025. Así estaba programado. Esta es mi última audiencia y decidirán si puedo quedarme o si tengo que ser deportado.
9. Si recibo una orden de deportación, en el 5 de noviembre del 2025, no seré puesto en libertad y eso afectará si deseo apelar. Si apelo, tendré que esperar más tiempo en detención. No puedo salir. Ya tengo casi un año dedenido.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto según mi leal saber y entender.

Antonio C.

Antonio A. Castillo (A# )

Fecha: 31/oct/2025

AFFIDAVIT OF JUAN JOSE LEON LOZA

A# [REDACTED]

I, Juan Jose Leon Loza [REDACTED], state as follows:

1. I am the petitioner named in this case, and I am currently detained at the Otero Processing Center, located at 26 McGregor Range Road, Chaparral, NM 88081, United States.
2. I make this sworn statement based on my personal knowledge. I am competent to testify to the facts stated herein, and if called as a witness, I would testify truthfully to the same.
3. I was detained while passing through an immigration checkpoint and have been detained since August 16, 2025. I was released on bond in 2019, and presented that document to the officers, however they told me that it was not valid this time.
4. I first arrived in the United States around August 1999. I have built my life in this country. I have three children who are U.S. citizens, and I provide financial support to two of them while they attend college.
5. I have been blessed to work and to own two restaurants that employ many people in Artesia and Ruidoso, New Mexico. I have been the owner of a restaurant named Los Agaves for the past ten years. My other restaurant, is Agves, located in Ruidoso, New Mexico, and has been in business for four years.
6. I employ approximately 25 people who depend on me to keep the restaurant up and running so that they can support their families.
7. My restaurant is located near the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico. I have organized events at my restaurant for U.S. Border Patrol agents.
8. I would like to have the opportunity to be granted bond. I need it in order to continue supporting my family and the people who depend on me, including my employees and their families.
9. If I do not have the opportunity to obtain bond, I will remain detained, which will have economic effects on my family.
10. My next hearing is scheduled for November 13, 2025, at the Otero Immigration Court.

I, Adgianne Wilson, a certified judicial interpreter, am competent to translate from Spanish to English, and certify that the attached translation is true and accurate to the best of my ability.

A handwritten signature in black ink, appearing to read 'Adgianne Wilson', with a stylized flourish at the end.

10/31/25

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed: _____

Juan Jose Leon Loza

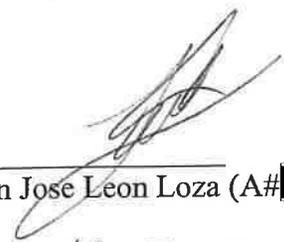
A# 

Date: _____

I, Juan Jose Leon Loza (A# ) states as follows:

1. Soy el demandante nombrado en este caso y actualmente estoy detenido en la detention de Otero (Otero Processing Center) en 26 McGregor Range Road, Chaparral, NM, 88081, United States.
2. Hago esta declaración jurada con base en conocimiento personal, soy competente para declarar sobre los hechos aquí expuestos y, si fuera llamado como testigo, así lo haría.
3. Fui detenido al pasar por un checkpoint de inmigración y he estado detenido desde el 16 de agosto de 2025. Fui liberado bajo fianza en 2019 y les mostraba el documento a los oficiales pero me dijeron que ya no es válido esta vez.
4. Llegué por primera vez a los Estados Unidos alrededor de agosto de 1999. He hecho mi vida en los Estados Unidos. Tengo tres hijos ciudadanos estadounidenses y brindo apoyo económico a dos de ellos mientras están en la universidad.
5. He tenido la bendición de trabajar y ser el dueño de dos restaurantes que emplean a muchas personas en Artesia and Ruidoso, Nuevo Mexico. He sido el dueño de el restaurante llamado Los Agaves por los ultimos diez años. Mi otro restaurante se llama Agves, en Ruidoso, Nuevo Mexico, y ha estado en funcionamiento por cuatro años.
6. Empleo a aproximadamente 25 personas que dependen de mí para mantener el restaurante en funcionamiento, de manera que puedan apoyar a sus familias.
7. Mi restaurante está cerca del entrenamiento para los agentes federales (FLETC) en Artesia, Nuevo Mexico. He organizado eventos para los agenets de U.S. Border Patrol en mi restaurante.
8. Me gustaría tener la oportunidad de obtener una fianza. La necesito para poder seguir ayudando a mi familia y a las personas que dependen de mí, incluyendo a mis empleados y a sus familias.
9. Si no obtengo la oportunidad de una fianza, no tendré la posibilidad de salir del centro de detención, y eso tendrá efectos económicos en mi familia.
10. Mi próxima audiencia está programada para el 13 de noviembre del 2025, en la corte de inmigración en Otero.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto según mi leal saber y entender.



Juan Jose Leon Loza (A# )

Fecha: 10-31-25

UNITED STATES DISTRICT COURT
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Plaintiffs,

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Defendants.

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**NAMED PLAINTIFFS' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

TEMPORARY RESTRAINING ORDER

IT IS HEREBY ORDERED that Plaintiffs' Ex Parte Motion for Temporary Restraining Order (Case No. 2:25-cv-01074) is **GRANTED**, effective Monday, November 3rd, 2025, at 4:00PM, to the extent that this Temporary Restraining Order issues for the purpose of preserving the *status quo* pending a hearing on the issue of whether a preliminary injunction should be issued. Sufficient reasons have been shown to justify its issuance.

IT IS FURTHER ORDERED that Defendants and their agents, officers, employees, and assigns, including the Otero Immigration Court and any Immigration Judges presiding over any immigration court case in Otero Immigration Court, are enjoined from proceeding on removal

cases for named Plaintiffs' Antonio Adrian Castillo (A# [REDACTED]) and Juan Jose Leon Loza (A# [REDACTED])

IT IS FURTHER ORDERED that Defendants and their agents, officers, employees, and assigns are enjoined from transferring named Plaintiffs' Antonio Adrian Castillo (A# [REDACTED]) and Juan Jose Leon Loza (A# [REDACTED]) from Otero Processing Center at 26 McGregor Range Road, Chaparral, NM, 88081, United States.

IT IS FURTHER ORDERED that bond in this issue is waived.

IT IS FURTHER ORDERED that a hearing is scheduled for November 13, at 10:00 AM, before the Honorable James O. Browning, at the Pete V. Domenici United States Court House, 333 Lomas Blvd NW, Suite 660, Albuquerque, New Mexico 87102.

JAMES O. BROWNING
UNITED STATES DISTRICT COURT JUDGE