

Vasquez-Salazar, Deyvis Gamaliel

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*Petitioner,*

v.

Pamela BONDI, in her official capacity  
as U.S. Attorney General, et al.,

*Respondents.*

**Docket No: 2:25-cv-17195**

**PETITIONER'S MOTION TO REOPEN CASE AND FOR REVIEW OF BOND  
HEARING**

Petitioner Deyvis Gamaliel Vasquez-Salazar, by and through counsel, respectfully moves this Court to reopen this case pursuant to Fed. R. Civ. P. 60(b) and/or the Court's inherent authority, and to review the bond hearing conducted on December 30, 2025. Petitioner requests that Respondents produce the complete transcript and all exhibits from said hearing. In support of this Motion, Petitioner states as follows:

**PROCEDURAL BACKGROUND**

1. On December 23, 2025, this Court issued an Order (ECF No. 7) granting Petitioner's habeas petition and directing Respondents to provide Petitioner with "an individualized bond hearing in accordance with 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(c)(8), (d)(1) before an immigration judge who shall assess whether he presents a flight risk or a danger to the community."

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2. On December 29, 2025, a bond hearing was scheduled but adjourned because the immigration judge and DHS counsel claimed insufficient time to review exhibits Petitioner filed on December 26, 2025.
3. On December 30, 2025, a rescheduled bond hearing took place before Immigration Judge Nicole Lane at the Elizabeth Immigration Court.
4. The immigration judge denied bond on grounds that Petitioner allegedly posed a "flight risk," without any individualized assessment or meaningful consideration of the evidence presented.
5. On December 31, 2025, Respondents filed a letter (ECF No. 10) requesting the Court deem moot its Text Order at ECF No. 9 and close the habeas matter, representing that Petitioner had received a bond hearing.
6. The case was closed on December 31, 2025, based on Respondents' representation.
7. Petitioner now seeks to reopen this case because the bond hearing was fundamentally unfair and did not comply with this Court's December 23, 2025 Order.

**BASIS FOR REOPENING AND REVIEW**

**I. THE COURT SHOULD REOPEN THIS CASE UNDER FED. R. CIV. P. 60(b)**

This Court should reopen this case pursuant to Fed. R. Civ. P. 60(b)(3) (fraud, misrepresentation, or misconduct by an opposing party) and/or 60(b)(6) (any other reason that justifies relief), or alternatively under its inherent authority to ensure compliance with its orders.

**A. Grounds for Reopening Under Rule 60(b)(3)**

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Respondents' December 31, 2025, letter to the Court represented that Petitioner "received a bond hearing" and requested the Court close the habeas matter. However, Respondents failed to disclose that:

1. The bond hearing did not provide the individualized assessment required by this Court's Order
2. The immigration judge denied bond based solely on a conclusory "flight risk" finding without meaningful analysis
3. The hearing failed to consider or adequately weigh compelling evidence of Petitioner's ties to the United States
4. The hearing did not comply with the standards set forth in this Court's December 23, 2025, Order

Respondents' omission of these material facts constitutes misrepresentation that induced the Court to close the case prematurely.

**B. Grounds for Reopening Under Rule 60(b)(6)**

Reopening is justified under Rule 60(b)(6) because:

1. **The Court's Order Was Not Satisfied:** This Court ordered an "individualized bond hearing" that would "assess whether [Petitioner] presents a flight risk or a danger to the community." A hearing that results in a conclusory denial without individualized assessment does not satisfy this Court's mandate.
2. **Extraordinary Circumstances:** Petitioner is a 19-year-old former UAC with a state court custody order and pending SIJ application who continues to be detained despite having strong ties to New Jersey and no flight risk indicators.

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3. **Interest of Justice:** This Court retained jurisdiction to review whether the bond hearing was fundamentally unfair. *See* Text Order (ECF No. 9) (citing *Ghanem*, 2022 WL 574624, at \*2). The case should not have been closed before this Court could assess the fairness of the proceedings.

**C. Inherent Authority**

Alternatively, this Court has inherent authority to reopen the case to ensure compliance with its December 23, 2025 Order and to prevent a miscarriage of justice.

**II. THE DECEMBER 30, 2025, BOND HEARING WAS FUNDAMENTALLY UNFAIR**

While this Court lacks jurisdiction to review discretionary determinations underlying an immigration judge's bond decision, it retains jurisdiction to review whether a bond hearing was fundamentally unfair. *See Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at \*2 (3d Cir. Feb. 25, 2022).

The December 30, 2025, hearing was fundamentally unfair for the following reasons:

**A. Failure to Conduct Individualized Assessment**

This Court's Order specifically required an "individualized bond hearing" that would "assess whether [Petitioner] presents a flight risk or a danger to the community." The immigration judge's blanket denial based on alleged "flight risk" without any meaningful analysis fails to meet this standard.

**B. Failure to Consider Compelling Evidence**


The immigration judge failed to properly consider or give adequate weight to:

1. **State Court Custody Order:** On December 19, 2025, the Superior Court of New Jersey, Monmouth County, granted sole legal and physical custody of Petitioner (then 19 years old) to his uncle, Daniel Vasquez Asmen, finding it in Petitioner's "best interest to remain

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in the United States." This judicial determination contradicts any finding of flight risk.

*See Exhibit A.*

2. **Pending I-360 Application:** Petitioner has a pending Special Immigrant Juvenile (SIJ) application (Receipt No.  received December 22, 2025, Priority Date December 22, 2025), demonstrating his intent to pursue lawful immigration status and remain in the United States. USCIS has accepted the application and issued a receipt notice, confirming the case is currently being processed. *See Exhibit A.*
3. **ORR Placement and Stability:** Petitioner was released by the Office of Refugee Resettlement to his uncle in April 2023 after a home study determined it was in his best interest. He resided continuously with his uncle in Keansburg, New Jersey for over two years without incident until his October 2025 detention.
4. **Age and Vulnerability:** Petitioner is only 19 years old and was classified as an unaccompanied alien child (UAC) when he entered the United States at age 16.

**C. Procedural Irregularities**

1. The initial December 29, 2025, hearing was adjourned despite Petitioner having filed exhibits on December 26, 2025, providing multiple days for review.
2. The rushed rescheduling to December 30, 2025, may have compromised Petitioner's ability to adequately prepare or supplement his evidence.
3. The hearing appears to have been conducted without proper consideration of the specific mandate from this Court's Order.

**II. FLIGHT RISK DETERMINATION IS UNSUPPORTED**

A finding of "flight risk" is particularly inappropriate given:

1. Petitioner has a stable home with his court-appointed custodian;

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2. He has resided in New Jersey continuously for over two years;
3. He has a pending I-360 SIJ application (Receipt No. [REDACTED] received December 22, 2025) actively being processed by USCIS, demonstrating clear intent to pursue lawful status;
4. A state court has specifically found it in his best interest to remain in the U.S.;
5. He has no criminal record or history of immigration violations;
6. He appeared for all required proceedings prior to his detention.

**III. NEED FOR TRANSCRIPT**


To fully assess whether the bond hearing was fundamentally unfair, this Court requires the complete transcript and all exhibits from the December 30, 2025 hearing. The immigration judge's order provides no reasoning or analysis supporting the flight risk finding.

**REQUEST FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Reopen this case** to review the fairness of the December 30, 2025, bond hearing;
2. **Order Respondents to produce** within seven (7) days:
  - o The complete transcript of the December 30, 2025, bond hearing;
  - o All exhibits introduced or submitted by any party;
  - o Any written decision or memorandum supporting the immigration judge's determination.
3. **Conduct a review** of whether the bond hearing was fundamentally unfair and failed to comply with this Court's December 23, 2025, Order;
4. **Order a new bond hearing** before a different immigration judge with specific instructions to:

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- Conduct a genuine individualized assessment;
  - Consider and address on the record all evidence of ties to the United States, including:
    - The December 19, 2025 state court custody order;
    - The pending I-360 SIJ application (Receipt No. );
    - Petitioner's continuous residence with his uncle since April 2023;
    - His status as a former UAC.
  - Place the burden on the government to prove detention is justified
  - Issue a written decision with findings of fact and conclusions of law
5. **Grant such other and further relief** as the Court deems just and proper, including immediate release on bond pending the new hearing.

Dated: January 6, 2026

Respectfully submitted,

s/ Franklin S. Montero  
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**CERTIFICATION**

I, Franklin S. Montero, Esq., counsel for the Petitioner, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this motion are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: January 6, 2026

Respectfully submitted,

s/ Franklin S. Montero  
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**CERTIFICATE OF SERVICE**

I, Franklin S. Montero, Esq., hereby certify that on this 6<sup>th</sup> Day of January 2026, I electronically filed the foregoing **MOTION TO REOPEN CASE AND FOR REVIEW OF BOND HEARING** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered counsel of record.

Dated: January 6, 2026

Respectfully submitted,

s/ Franklin S. Montero  
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