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Hon. Michael E. Farbiarz, U.S.D.J.
By ECF

Jan. 2, 2026

Re: Pablo Martinez Ron v. Todd Lyons, Et. Al.
Docket No. 25-17359

Dear Judge Farbiarz,

By way of this letter, Petitioner objects to the findings of the Magistrate Judge entered on Dec. 19, 2025. Petitioner specifically objects to the following conclusions:

1. Even if Petitioner overcomes the jurisdictional hurdle, the broad breadth of the requested discovery compels the Court to deny Petitioner's request.
2. These allegations (that the immigration judge shifted the burden and improperly considered evidentiary submissions or explain his rationale) amount to challenges to the judge's legal reasoning and treatment of the evidence.
3. Petitioner does not sufficiently establish how discovery is pertinent to establish the allegations in the amended petition.
4. The request amounts to a fishing expedition
5. Petitioner has an avenue of relief through the Board of Immigration Appeals.

Quite the contrary of the Magistrate's conclusions, the discovery requests are not a fishing expedition; rather they constitute bobbing for apples in a bucket full of apples if only this Court would take the lid off the barrel. It is apparent to anyone familiar with the current conduct of the Executive Branch and the Executive Office of Immigration Review ("EOIR"), including the Board of Immigration Appeals ("BIA"), that Due Process and basic rights no longer exist in the EOIR. Allowing the EOIR to hide behind the guise of deference or of being a court of law only allows the abuse to

continue. Requiring an individual litigant to prove the absence of Due Process and the malicious refusal to abide by decades of legal precedent in order to get access to the discovery that would clearly prove these things is an impossible Catch-22. Petitioner need only establish good cause to believe that the discovery, if produced, will assist in establishing Petitioner's claims. Petitioner is making the best effort to obtain affidavits from attorneys as to the sudden EOIR-wide changes that demonstrate the outright disregard for legal precedent and Due Process. This is a massively difficult task for a solo attorney to obtain from, mostly, other solo attorneys. However, these statements and reliable public information demonstrate, not independent judges evaluating the evidence, but employees of the Department of Justice abiding by marching orders knowing that the failure to do so will result in termination of their employment.

If the Court deems all the discovery requests to be too broad or too burdensome, the Court may order production of some, but not all, of the discovery requests. While Petitioner is confident that all the discovery requests are probative of the sudden discard of Due Process from the EOIR, certain items, such as the internal directives and communications, data on the recently terminated employees, and training materials for the newly hired employees (referring to them as judges is misleading) are narrow in scope, easily obtainable and directly demonstrate how the DOJ prevents the employees from acting independently and providing Due Process.

To be clear, Petitioner's argument is not that the immigration judge improperly evaluated the evidence. Petitioner's argument, which is demonstrated by a review of the facts and law, the publicly available information, and the statements of other attorneys, is that the DOJ has ordered its employees to act contrary to law across the board and not to individually assess each case. The employees sometimes act as if they are providing individual analysis, but, they are not. For example, when no judge in forty years has found long-term presence in the U.S. to be an indicator of a risk of flight and caselaw conclusively holds this fact to be a positive fact, yet suddenly EOIR employees throughout the country are finding this fact to be a negative factor indicating risk of flight, the DOJ internal communications must be the cause. This specific "finding," that has never been found before, is described by the

statements of Lawrence LeRoy, Esq., who has been practicing immigration law for more than 40 years, Matthew Archembault, Esq, who has been practicing for 23 years, Adriana Mitchell, Esq., and Noemi Simbron, Esq. See Exhibit A, Certification of Lawrence LeRoy, and Document 24 Exhibits.

Mr. LeRoy describes “analysis” similar to the “analysis” in Petitioner’s case such as failing to recognize U.S. citizen relatives (and fiancé) as meaningful ties to the community and disregarding stable employment as a positive factor weighing against the risk of flight. These are the same inexplicable contrary-to-decades-of-precedent conclusions reach by the EOIR employee in Petitioner’s bond hearing. As neither Mr. LeRoy in his 40 years or I, in my 15 years, have ever seen such conclusions, that two judges in two courts are suddenly reaching these conclusions is not a coincidence; it is a directive, and it is unlawful.

Effectively, the standard to be granted bond in the EOIR has become impossible to meet. A standard that is impossible to meet does not satisfy Due Process.

When more EOIR employees are fired in only a few months than in many years combined, all of whom were deciding cases contrary to DOJ stated policies, it is not a coincidence and does not go unnoticed by the remaining employees. Failing to acknowledge the threats and directives currently hanging over the heads of EOIR employees exacerbates and prolongs the problem. That the EOIR employees must follow the DOJ directives is clearly established by the example of Christopher Day, the JAG attorney hired to replace one of the fired immigration judges, who was subsequently fired one month into his tenure for granting too many asylum applications. See Exhibit B: Military Lawyer Swiftly Fired After Defying Trump Deportation Push.

Petitioner has submitted, and submits, documents from other counsel corroborating the due process issues in EOIR. The filing by Alexandra Miron, Esq., See Exhibit C: December 30, 2025 filing on Docket 25-1887 by Alexandra Miron, Esq., in this District illustrates the willingness of EOIR employees to disregard Due Process, facts and law in order to simply abide by DOJ directives. A federal district judge ordered a bond hearing, and an EOIR employee refused to consider that petitioner’s

supporting evidence because her docket was too heavy. The EOIR employee provided the option of proceeding with the bond hearing without consideration of the evidence or withdrawing the bond request. The EOIR's complete disregard for the laws of this Country and the directives of the U.S. Courts can be revealed by the production of the requested discovery.

Petitioner can only scrape together this evidence from other sources to demonstrate that the discovery request is warranted, probative and highly likely to reveal information that directly affects his proceedings specifically and the EOIR as a whole, which also affects his proceedings directly.

Lastly, the BIA, the very agency spewing unlawful directives such as Matter of Yurtado that underlies this, and the hundreds of other Petitions for Writs of Habeas Corpus nationwide, and which is comprised of the same DOJ employees also fearing for their employment, is not a viable avenue of relief. Deferring to the BIA, which will sit on the bond appeal for months until the Petitioner is deported, is putting the fox in charge of the henhouse and tying the hens to posts.

Respectfully submitted,
/s/ Eric M. Mark
Eric M. Mark, Esq.