


UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
El Paso Division

FILED  
NOV 21 2025  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY   
DEPUTY CLERK

Marvin Alexis Gomez Vallecios (

*Petitioner,*

v.

Kristi Noem, *Secretary of Homeland Security,*

Todd Lyons, *Acting Director, U.S. Immigration  
and Customs Enforcement,*

Mary De Anda-Ybarra, *Director, El Paso ICE  
Field Office, U.S. Immigration and  
Customs Enforcement,*

Pamela Bondi, *Attorney General,*

Warden, *ERO El Paso Camp East Montana,*

*Respondents.*

Civil Action No.

**3:25-CV-00573-KC**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner is a non-citizen of the United States who entered the United States without inspection between ports of entry on the U.S.-Mexico border in 2010, and was only arrested by U.S. Immigration and Customs Enforcement ("ICE") approximately 15 years after his entry. Petitioner enjoys a valid grant of deferred action, which allows him to remain lawfully present in the United States. Petitioner has now been detained by U.S. Immigration and Customs Enforcement ("ICE"), under facts and circumstances that place him squarely within ICE's general detention authority 8 U.S.C. § 1226(a). Under that statute, Petitioner is eligible to seek discretionary release on bond from an Immigration Judge ("IJ"). However, due to a new policy

announced by ICE in July 2025, and now a recent Board of Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioner is actually detained under 8 U.S.C. § 1225(b). However, while § 1225 requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border “seeking admission.” Petitioner therefore brings this action for a declaratory judgment from this Court that he is properly detained (if at all) only pursuant to 8 U.S.C. § 1226(a); and seeking an order that Respondents schedule her for a discretionary bond hearing pursuant to § 1226(a) before an Immigration Judge within 15 days.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court’s inherent equitable powers, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

3. This Court also has federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA review of a final agency action may proceed, absent a special statutory review proceeding, by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

4. Venue lies in this District because Petitioner is currently detained within the

territorial jurisdiction of this District; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

#### **THE PARTIES**

5. Petitioner Marvin Alexis Gomez Vallecíos is a citizen and native of El Salvador and, upon information and belief, is currently detained by Respondents at ERO El Paso Camp East Montana in El Paso, TX, within the territorial jurisdiction of this Court.

6. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

7. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

8. Respondent Mary De Anda-Ybarra is the Director of the El Paso ICE ERO Field Office of U.S. Immigration and Customs Enforcement (ICE) which has jurisdiction over ERO El Paso Camp East Montana where Petitioner is unlawfully detained. As the local ICE official overseeing enforcement operations in the region, she is responsible for Petitioner’s continued detention and any actions related to his removal. She is therefore the Petitioner’s immediate legal custodian for the purpose of habeas jurisdiction.

9. Respondent Pamela Bondi is the Attorney General of the United States. She is the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Court judges, who decide removal cases and applications for bond as her designees.

10. Respondent Warden of the ERO El Paso Camp East Montana is the immediate custodian who is currently holding Petitioner in physical custody in El Paso, TX. They are sued in their official capacity.

11. All government Respondents are sued in their official capacities.

## **LEGAL BACKGROUND**

### **A. U Visa and Deferred Action**

12. The United States legal regime affords special protections to victims of crime, even prior to the final adjudication of their visa petition. 8 U.S.C. § 1101(a)(15)(U). This protection can extend to derivative family members of crime victims as well. In 2021, USCIS modified this process introducing a streamlined Bona Fide Determination policy process, as authorized by statute, to provide benefits on a lower burden of proof and thus even more quickly. *See* 8 U.S.C. § 1184(p)(6). (“The Secretary may grant work authorization to any alien who has pending, bona fide application for nonimmigrant status under section [1101(a)(15)(U)].”); *see also* USCIS policy alert “Bona Fide Determination Process for Victims of Qualifying Crimes, and Employment Authorization and Deferred Action for Certain Petitioners,” PA-2021-13 (June 13, 2021).<sup>1</sup>

13. Today, the agency first reviews a Form I-918 Petition for U Nonimmigrant Status, to make a “bona fide determination” (BFD). USCIS Policy Manual Vol. 3, Part C, Ch. 5.<sup>2</sup> USCIS will only issue the BFD if all necessary components of a U visa petition are submitted. *Id.* at § A.

14. USCIS will then consider whether to issue the discretionary benefits of deferred action and an employment authorization document (EAD), for the petitioner and any family

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<sup>1</sup> Available at: <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210614-VictimsOfCrimes.pdf> (last visited October 27, 2025).

<sup>2</sup> Available at: <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5> (last visited October 27, 2025).



members. *Id.* at § B. USCIS will run background checks and consider whether the petitioner or derivative family member poses a risk to national security (under 8 U.S.C. § 1182(a)(3)) or public safety, and considers other relevant discretionary factors. *Id.* As part of background checks, USCIS relies “on a variety of databases that collect information from law enforcement agencies and other federal, state, local, and tribal agencies, including information regarding arrests and convictions.” *Id.* at § C.1. Only after these steps are taken, and USCIS has determined that the petitioner or derivative family member merits a favorable exercise of discretion, will deferred action and EAD issue. *Id.*

15. After a BFD grant, the deferred action supplies the basis for the EAD. 8 C.F.R. § 274a.12(c)(14). *See e.g.* Ex. 2, Employment Authorization Document (“EAD”) issued under category C14, valid from February 2, 2024 through February 1, 2028.

16. Deferred action is not a creature of statute or regulation, but rather is simply an act of “administrative discretion.” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999). It may be granted at any phase of the removal process, including to *inter alia* to “decline to execute a final order of deportation.” *Id.* At bottom, deferred action “means that, for the humanitarian reasons described below, no action will thereafter be taken to proceed against an apparently deportable alien, even on grounds normally regarded as aggravated.” *Id.*

17. Moreover, “deferred action recipients are considered ‘lawfully present’ for purposes of, and therefore eligible to receive, Social Security and Medicare benefits. *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 10 (2020) (citing 8 C.F.R. § 1.3(a)(4)(vi); 42 C.F.R. § 417.422(h) (2012)).

18. USCIS retains its discretion over the BFD throughout the pendency of the U visa petition, and reserves the right to revoke the BFD and benefits, including deferred action, “at any

time if it determines the BFD EAD or favorable exercise of discretion are no longer warranted, or the prior BFD EAD and deferred action were granted in error.” *Id.*

## **B. Immigration Detention Legal Framework**

19. When a noncitizen is alleged to have violated immigration laws, they are generally placed into traditional removal proceedings, during which an immigration judge will determine whether they are removable and then whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

20. Detention is authorized for “certain aliens already in the country pending the outcome of removal proceedings under § 1226(a) and 1126(c).” *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention under § 1226(a) has been described as the “default” provision for immigration detention for those subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), “[e]xcept as provided in subsection (c) of this section,’ the Attorney General ‘may release’ an alien detained under § 1226(a) ‘on ...bond’ or ‘conditional parole.’” *Id.*

21. Alternatively, mandatory detention is authorized for “certain aliens *seeking admission* into the country under §§ 1225(b)(1) and 1225(b)(2),” [emphasis added]. *Jennings*, 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be “applicants for admission” may be subject to mandatory detention under two separate subsections. Applicants for admission include someone:

“present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United

States waters) shall be deemed for the purposes of this chapter to be an applicant for admission.”

§ 1225(a)(1).

22. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal and mandatory detention if they are determined to be an “arriving alien,” and if they have not been physically present in the United States continuously for a two-year period immediately prior.

Regulations define an “arriving alien” as:

“an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.”

8 C.F.R. § 1.2.

23. Otherwise, 8 U.S.C. § 1225(b)(2) provides for the detention of “applicant for admission” specifically when “the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title,” i.e. for traditional removal proceedings [emphasis added].

24. An “arriving alien” or an applicant for admission “seeking admission” may only be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant for admission seeking admission. *Id.* There is no such thing as a “parole bond” – a release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

25. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE’s initial custody determination before the IJ (a “custody

review hearing”), who has the authority to modify ICE’s custody determination and set bond in a case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

26. Custody review hearings are separate from hearings in the underlying removal proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, she must still appear in immigration court for the IJ to determine her removability and hear any claim for relief from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ’s inquiry is limited to whether the detainee is a danger to the community or a flight risk, and bond may only be granted when an IJ has determined that the detainee meets their burden of proof that they are neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

27. For decades, it has been Respondents’ practice to afford § 1226(a) discretionary bond hearings and custody review hearings to those individuals who have been encountered neither at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at \*10 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) (“Respondents’ proposed application of § 1226 is also belied by the Department of Homeland Security’s ‘longstanding practice’ of treating noncitizens taken into custody while living in the United States, including those detained and found inadmissible upon inspection and then released into the United States with the government’s acquiescence, who have committed no crime after release, as detained under § 1226(a).” citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

### **C. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)**

28. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). *See* ICE memorandum “Interim Guidance Regarding Detention Authority for Applications for Admission.”<sup>3</sup> This memo concerns the detention of “applicants for admission” as defined by § 1225(a)(1). “Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)].” *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* (“For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated.”)

29. The memo further clarifies that “[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

30. Moreover, ICE maintains that “DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA § 212(d)(5) based on this change in legal position.” *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of “correct” paperwork is nonetheless permissible. *Id.* (“Accordingly, ERO and HIS are not required to ‘correct’ the release paperwork by issuing INA § 212(d)(5) parole paperwork.”)

31. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

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<sup>3</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last visited Sept. 25, 2025).

**D. Recent BIA decision *Matter of Yajure Hurtado***

32. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees all appeals of IJ decisions including custody redeterminations, upheld ICE's re-interpretation of § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

33. The BIA held that the respondent was an "applicant for admission" within the scope of § 1225(b), and therefore subject to mandatory detention.

34. The BIA characterized the issue before it as "one of statutory construction: Does the INA require that *all* applicants for admission, even those like the respondent who have entered without admission or inspection and have been residing in the United States for years without lawful status, be subject to mandatory detention for the duration of their immigration proceedings, and thus the Immigration Judge lacks authority over a bond request filed by an alien in this category?" [emphasis added]. *Id.* at 220.

35. The BIA reasoned that individuals "who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer." *Id.* at 228.

36. The BIA acknowledged the decades of precedent preceding its decision that authorized release of individuals present without having been inspected and admitted or paroled under § 1226(a). *Id.* at 225, FN6 ("We acknowledge that for years Immigration Judges have conducted bond hearings for aliens who entered the United States without inspection. However, we do not recall either DHS or its predecessor, the Immigration and Naturalization Service, previously raising the current issue that is before us. In fact, the supplemental information for the 1997 Interim Rule titled 'Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,' 62 Fed. Reg. 10312, 10323 (Mar.

6, 1997), reflects that the Immigration and Naturalization Service took the position at that time that “[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.”)

37. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8 U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

38. The BIA decision is binding on all immigration judges nationwide.

39. Respondents’ new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*, 2025 WL 2337099, at \*11.

### FACTS

40. Petitioner is a citizen of El Salvador. He entered the United States without inspection between ports of entry, across the U.S.-Mexico border, in 2010, and was not encountered by immigration officers at that time.

41. On December 1, 2023, U.S. Citizenship and Immigration Services (“USCIS”) determined that the U visa petition by Petitioner’s family member was bona fide. *See generally* <https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions>. *See* Ex. 1, USCIS Correspondence re: I-918A Derivative Bona Fide Determination (“BFD”).

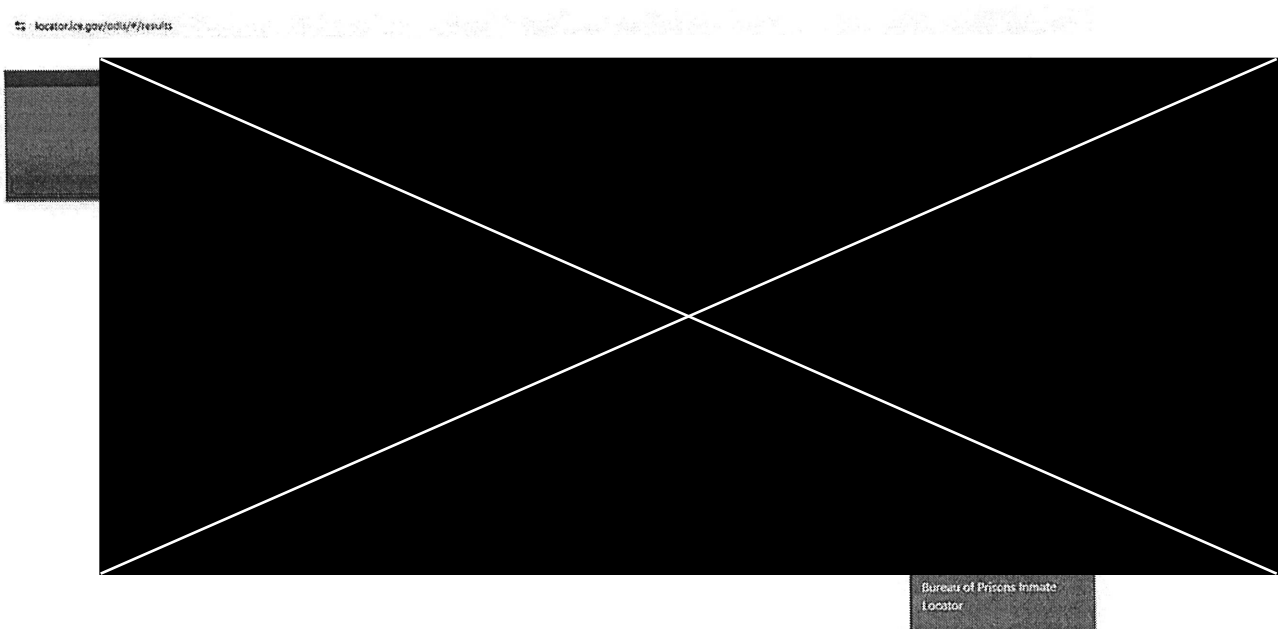
42. Based on this BFD, Petitioner was then issued work authorization and deferred action from February 2, 2024 through February 1, 2028. *See* Ex. 2, EAD.

43. On October 22, 2025, Petitioner was arrested by ICE agents on his way to work.

44. On October 27, 2025, at 5:40pm East Coast time, Petitioner Gomez Vallecíos filed a petition for writ of habeas corpus in the U.S. District Court for the District of Maryland. *See Gomez Vallecios v. Noem*, Civ. No. 1:25-cv-3525 (D. Md.). However, his counsel later learned that by the time the habeas corpus petition was filed, Petitioner Gomez Vallecíos had already been transferred out of Maryland. Accordingly, he dismissed his habeas corpus petition without prejudice on October 30, 2025. *See id.* at Dkt. Nos. 7, 8.

45. On October 31, 2025, Petitioner joined a habeas petition in the Western District of Texas as a putative Petitioner. *See Castro Cardona v. Noem*, Civ. No. 3:25-cv-514. On November 19, 2025, Petitioner was stricken from the habeas petition and ordered to file his own action. *Id.* at Dkt. No. 4.

46. Upon information and belief, at the time of filing this action, Petitioner Gomez Vallecíos is still detained at ERO El Paso Camp East Montana in El Paso, TX, within the territorial jurisdiction of this Court. He is not currently listed on the ICE Detainee Locator (available at: <https://locator.ice.gov/> (last visited on November 19, 2025)):





47. Petitioner has pending removal proceedings (his Master Calendar Hearing is scheduled for November 28, 2025) and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on November 19, 2025)):

The screenshot shows the EOIR Automated Case Information website. The browser address bar displays <https://acis.eoir.justice.gov/en/caseInformation>. The page header includes a navigation bar with "Home" and "GOMEZ VALLECIOS, MARVIN ALEXIS". The main heading is "Automated Case Information". Below this, the case details are listed: "Name: GOMEZ VALLECIOS, MARVIN ALEXIS | A-Number: [REDACTED] | Docket Date: 11/3/2025". The page is divided into four sections: 1. "Next Hearing Information" which states the upcoming MASTER hearing is on November 28, 2025 at 8:30 AM, presided by Judge Lucic, Nicholas B., at the Court Address: 8915 MONTANA AVENUE, EL PASO, TX 79925. 2. "Court Decision and Motion Information" which states "This case is pending." 3. "BIA Case Information" which states "No appeal was received for this case." 4. "Court Contact Information" which provides the Court Address (8915 MONTANA AVENUE, EL PASO, TX 79925) and Phone Number ((915) 540-7854).

48. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

**FIRST CLAIM FOR RELIEF:  
Declaratory Judgment**

49. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-48.

50. Petitioner requests a declaration from this Court that he is not an applicant for

admission “seeking admission” or “an arriving alien” subject to mandatory detention under 8 U.S.C. §§ 1225(b)(1) or (b)(2), and that his current detention by Respondents is proper, if at all, only under 8 U.S.C. § 1226(a).

**SECOND CLAIM FOR RELIEF:  
No-Bond Detention in Violation of 8 U.S.C. § 1226(a)**

51. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-48.

52. Since Petitioner is not an applicant for admission “seeking admission” or “an arriving alien” subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and has no disqualifying criminal arrests or convictions subject to 8 U.S.C. § 1226(c), he is entitled to a bond redetermination hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

53. Respondents’ actions, as set forth herein, violate Petitioner’s statutory right to a bond redetermination hearing in front of an immigration judge.

**THIRD CLAIM FOR RELIEF:  
Detention in Violation of Due Process**

54. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-48.

55. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community.

56. After entering the United States unlawfully, Petitioner went on to develop ties to the community over the course of more than a decade. He is therefore a “person” within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and has a liberty interest in freedom from physical restraint.

57. Respondents’ actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives Petitioner of his rights without due process of law.

**FOURTH CLAIM FOR RELIEF:  
Unlawful Detention during Period of Deferred Action**

58. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-48.

59. Since Petitioner is currently lawfully present in the United States due to a valid, unexpired, not-revoked grant of deferred action from U.S. Citizenship and Immigration Services, he may not be detained by Respondents.

60. Petitioner's current detention is therefore unlawful, and he must be released from detention forthwith.

**REQUEST FOR RELIEF**

Petitioner prays for judgment against Respondents and respectfully requests that the Court enter an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;
- b) Order that Respondents release Petitioner from detention forthwith, pursuant to his valid grant of deferred action;
- c) In the alternative:
  - i) Declare that Petitioner is not an applicant for admission "seeking admission" or "an arriving alien" subject to 8 U.S.C. § 1225(b);
  - ii) Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights;
  - iii) Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);
  - iv) Order that Respondents conduct bond hearings for Petitioner pursuant to 8 U.S.C. § 1226(a) within 15 days;

- v) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon payment of the bond as ordered by the Immigration Judge;
- d) Award Petitioner his costs of suit; and
- e) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Date: November 20, 2025

//s// Lauren Hodges  
Lauren Hodges, Esq.\*  
Arizona State Bar no. 038791  
Murray Osorio PLLC  
4103 Chain Bridge Road, Suite 300  
Fairfax, Virginia 22030  
Telephone: 703-352-2399  
Facsimile: 703-763-2304  
lhodges@murrayosorio.com

*\*Pro Hac Vice Counsel for Petitioner*

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
El Paso Division**

MARVIN ALEXIS GOMEZ VALLECÍOS,

*Petitioner,*

v.

KRISTI NOEM, Secretary of Homeland Security,  
U.S. Department of Homeland Security

*Respondents.*

Civil Action No.

## INDEX OF EXHIBITS

Ex. 1) USCIS Correspondence, dated December 1, 2023, re: Form I-918A U Visa Bona Fide Determination;

Ex. 2) USCIS Employment Authorization Document, issued on February 2, 2024.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk  
U.S. Attorney's Office for the Western  
District of Texas  
700 E. San Antonio, Suite 200  
El Paso, Texas 79901

Office of the General Counsel  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0485  
Washington, DC 20528-0485

Pamela Bondi  
Attorney General of the United States  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Office of the Principal Legal Advisor  
U.S. Immigration and Customs  
Enforcement  
500 12<sup>th</sup> Street SW, Mail Stop 5902  
Washington, DC 20536-5902

Warden,  
ERO El Paso Camp East Montana  
6920 Digital Road  
El Paso, TX 79936

Respectfully submitted,

Date: November 20, 2025

//s// Lauren Hodges  
Lauren Hodges, Esq.\*  
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4103 Chain Bridge Road, Suite 300  
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Telephone: 703-352-2399  
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*\*Pro Hac Vice Counsel for Petitioner*

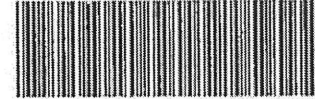
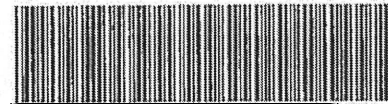
December 1, 2023


U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services

DAYANA NICOLE GOMEZ ALVARADO  
c/o IMMIGRATION COUNSEL PLLC  
1150 CONNECTICUT AVE NW STE 350  
WASHINGTON, DC 20036




RE:   
I-918A, Petition for Qualifying Family Member of U-1  
Recipient (Form I-918, Supplement A)

CORRESPONDENCE

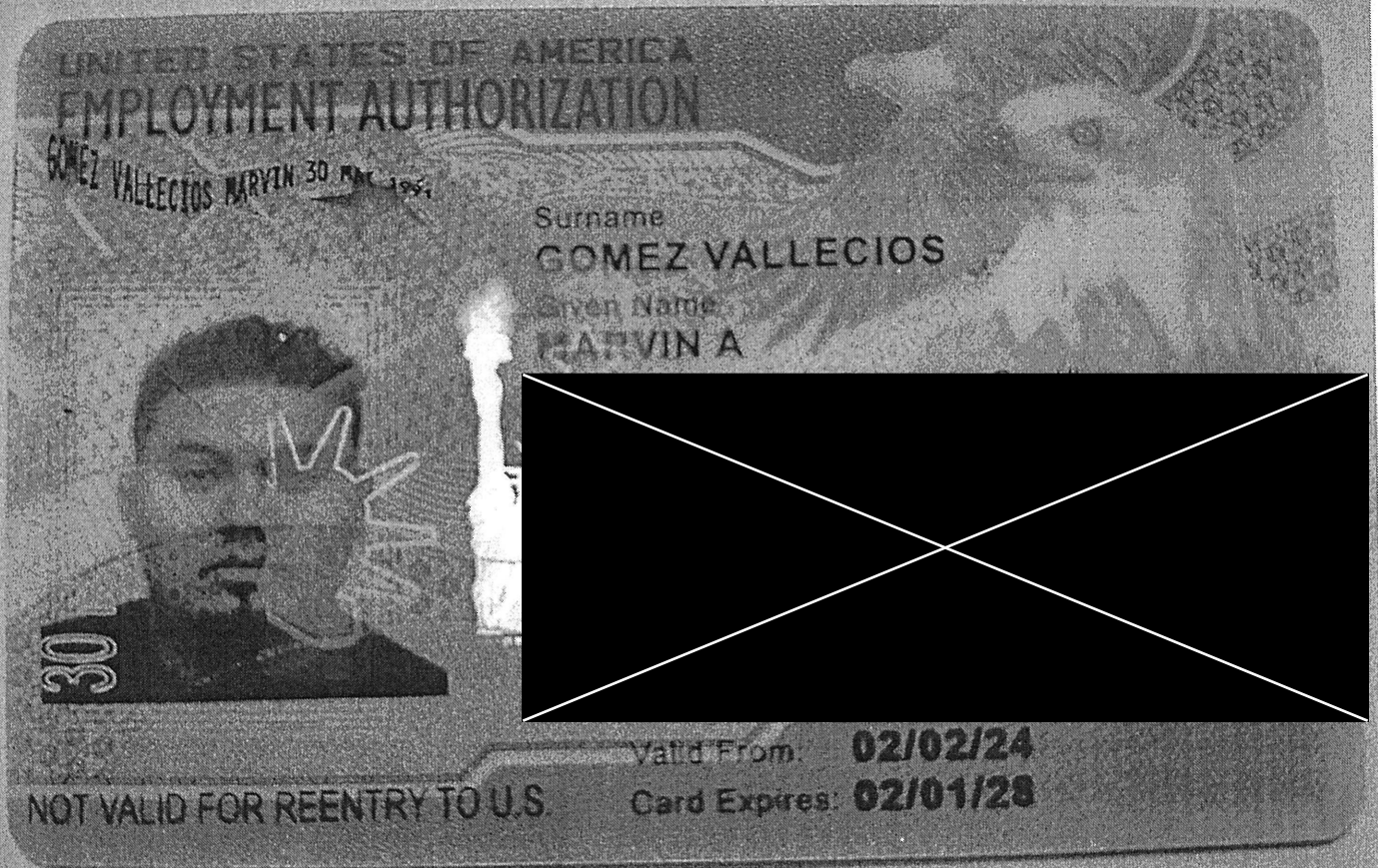
On June 27, 2018, you submitted a Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A) for your family member. In order to approve a Form I-918, Supplement, A, the principal's petition for U Nonimmigrant Status (Form I-918) must first be approved. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant your U-1 nonimmigrant status petition until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your family member's Form I-918, Supplement A petition for U nonimmigrant status is bona fide, and that they warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined their petition is bona fide and warrants a favorable exercise of discretion, they will be issued an employment authorization document and have been placed in deferred action. Your family member's employment authorization document and grant of deferred action are valid for a period of four years. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines the evidence demonstrates your family member's petition is bona fide, your family member may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. On May 26, 2023, your family member filed a Form I-765,  under 8 CFR 274a.12(c)(14). This Form I-765 is based on your family member's pending Form I-918, Supplement A, which USCIS has determined is bona fide. Please be aware that your family member's currently filed Form I-765 will be adjudicated as it was filed under 8 CFR 274a.12(c)(14). Your family member will receive separate correspondence regarding the adjudication of your family member's Form I-765.

Ex. 2





## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Marvin Alexis Gomez Vallecios

(b) County of Residence of First Listed Plaintiff Out of State  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Murray Osorio PLLC, 4103 Chain Bridge Road, Suite 300,  
Fairfax, VA 22030. 703-352-2399

## DEFENDANTS

Kristi Noem, Todd Lyons, Pamela Bondi, Mary De Anda-  
Ybarra, Warden - ERO El Paso Camp East Montana

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office, 700 East San Antonio Avenue, Suite  
200. El Paso, TX 79901

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<b>PERSONAL PROPERTY</b>	<b>LABOR</b>	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 710 Fair Labor Standards Act	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights		<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<b>IMMIGRATION</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
		<b>PRISONER PETITIONS</b>		
		<b>Habeas Corpus:</b>		
		<input checked="" type="checkbox"/> 463 Alien Detainee		
		<input type="checkbox"/> 510 Motions to Vacate Sentence		
		<input type="checkbox"/> 530 General		
		<input type="checkbox"/> 535 Death Penalty		
		<b>Other:</b>		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 2241Brief description of cause:  
Detention and deportation without observation of required legal procedures

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Nov 20, 2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Lauren Hodges

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE