

**United States District Court  
Southern District of Florida  
Case No.:1:25-cv-25604  
(Civil Action)  
District Judge Leibowitz**

MIGUEL VICTOR CHACLAN VELASQUEZ,  
A# 

Petitioner,

v.

MITCHELL DIAZ,  
In his official capacity as Assistant Field Office Director,  
U.S. Immigration and Customs Enforcement  
And Removal Operations

CYNTHIA SWAIN,  
In her official capacity as Warden of the  
Broward Transitional Center, a for-profit detention facility  
operated by The GEO Group, Inc.

GARRETT RIPA,  
in his official capacity as Field Office Director of the  
Miami Field Office of the U.S. Immigration and Customs Enforcement  
And Removal Operations;

TODD LYONS,  
in his official capacity as Acting Director of the  
U.S. Immigration and Customs Enforcement;

KRISTI NOEM, Secretary,  
U.S. Department of Homeland Security, in her official capacity;

PAMELA BONDI, Attorney General of the  
United States, in her official capacity,

EXECUTIVE OFFICE for Immigration Review  
United States Department of Justice

Respondents.

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**PETITIONER'S REPLY IN SUPPORT OF MOTION FOR  
TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL AND  
REPLY TO RESPONDENTS' RETURN**

1. Petitioner Miguel Victor Chaclan Velasquez ("Petitioner"), by undersigned counsel, submits this Reply in support of his Emergency Motion for Temporary Restraining Order ("TRO") and Stay of Removal and his Reply/Traverse to Respondents' Return.

2. This case was filed as an emergency because Petitioner was informed that he could be removed as early as December 3, 2025 and—critically—under the Immigration Judge's November 3 written order he faced removal to Mexico, a country of which he is not a national and where he has no ties. Petitioner sought a short-term TRO to preserve the status quo and prevent an unlawful and irreparable removal before meaningful review could occur.

3. This Court has already recognized that Petitioner's case presents "complex legal questions and special circumstances" warranting a stay of removal, and accordingly entered an administrative stay prohibiting Respondents from removing or transferring Petitioner outside this District "until further Order of this Court." That order, issued under the Court's authority to preserve its jurisdiction, underscores that there remains a live controversy and that continued judicial protection is appropriate unless and until the Court, after full briefing and argument, concludes otherwise.

4. Respondents now assert the TRO request is "moot" because (i) a corrected Immigration Judge order issued December 1, 2025, and (ii) by regulation the order is automatically stayed for 30 days and further stayed during any timely Board of Immigration Appeals appeal. Respondents also "concede[]" they have "no intention" to remove Petitioner while he is either entitled to appeal or has an appeal pending. Yet Respondents simultaneously argue the Court lacks

jurisdiction to enter any order preventing removal (citing 8 U.S.C. § 1252) and argue Petitioner is not entitled to a bond hearing because detention is mandatory under 8 U.S.C. § 1225(b)(2).

5. Respondents' position should be rejected (or at minimum narrowed via an enforceable Court order), because:

a. Mootness is not shown where Respondents merely offer a litigation-position "intention" and the dispute remains capable of repetition and evading review; and Petitioner continues to face irreparable harm absent enforceable relief.

b. The Court has jurisdiction under 28 U.S.C. § 2241 to adjudicate unlawful detention and may issue narrowly tailored injunctive relief "in aid of" that jurisdiction (and to prevent unlawful execution/manner of removal), consistent with Petitioner's pleadings that he does not seek merits review of the removal order itself. (see Bonilla v. Noem, 2025 U.S. Dist. LEXIS 251349 (S.D. Fla. 2025) (§ 2241 available for detention challenges notwithstanding § 1252 limits); Alvarez v. United States ICE, 818 F.3d 1194 (11th Cir. 2016).)

c. Respondents' bond position depends on an after-the-fact reclassification of custody. Respondents acknowledge that CBP served Petitioner with a Form I-286 and that bond redetermination proceedings occurred, but state that ERO "cancelled" the I-286 on December 8, 2025 as "improvidently issued"—months after detention began. That litigation-driven recasting should not deprive Petitioner of constitutionally required process and the statutory/regulatory structure that applies to his detention.

6. Petitioner's claims fall squarely within § 2241's core habeas jurisdiction. Petitioner challenges the statutory basis and constitutionality of his present detention, seeks release from detention during the pendency of Petitioner's appeal to the Board of Immigration Appeals or the United States Circuit Court of Appeals, and seeks a stay of removal necessary to prevent the

government from executing the order in a way that would nullify his right to meaningful administrative and judicial review. Petitioner does not ask this Court to decide whether cancellation of removal should have been granted or to “set aside” the removal order on the merits. Rather, he asks the Court to ensure that his custody and the execution of removal comply with federal law and the Constitution and to maintain a stay long enough for the review Congress provided to have real effect.

7. Section 1252’s jurisdiction-channeling provisions do not bar such claims. As interpreted by the Supreme Court, § 1252(g) is narrowly directed at certain discretionary enforcement decisions; it does not extinguish habeas review of custody or collateral challenges to the manner in which removal is carried out. District courts in this Circuit have accordingly entertained similar habeas petitions challenging immigration detention and entering stays of removal “in aid of” that jurisdiction. (see Camarena, 988 F.3d at 1273–76; Bonilla v. Noem, 2025 U.S. Dist. LEXIS 251349.)

8. Petitioner remains in immigration custody and continues to seek habeas relief requiring that his detention comply with the governing statute and the Constitution, including release or, at minimum, a meaningful bond hearing. The government’s mootness theory focuses almost entirely on removal, but the Petition expressly challenges ongoing physical custody and seeks relief this Court can still grant—namely, an order that Petitioner be released on conditions or afforded an individualized bond hearing. Those claims are not affected by any temporary, regulatory stay of removal.

9. Petitioner has lived in the United States for nearly 23 years (since age 17), is nearly 40 years old, has no criminal history, and is the husband and father of three minor U.S.-citizen children (ages 12, 15, and 17). He operates a Florida painting business that pays taxes and employs

others, and his family has been forced to run the business during his detention. Petitioner presents no danger and no flight risk and will comply with all conditions of release. Continued civil detention for the projected duration of BIA proceedings—potentially up to two years—would impose extreme and unnecessary hardship on his U.S.-citizen family and business, without serving any legitimate governmental purpose. Petitioner therefore respectfully requests immediate release of Petitioner on appropriate conditions.

**THE TRO REQUEST IS NOT MOOT**

**A. Respondents’ “no intention” assurance is not enforceable relief and does not moot the request**

10. Respondents contend the TRO is moot because they say removal is stayed for 30 days and through any Board of Immigration Appeals appeal, and because they claim “no intention” to remove Petitioner during that time. But an asserted “intention” is not an enforceable order, and it does not eliminate the live controversy where Petitioner faces removal on a timetable controlled by Respondents and changing agency decisions.

11. Petitioner sought emergency relief precisely because he had been informed removal could occur without sufficient time for ordinary motion practice. Respondents’ opposition confirms the central point: the Court’s intervention is appropriate to preserve rights and prevent irreparable harm where timing and execution of removal are within Respondents’ unilateral control.

**B. The emergency filing was prompted by a concrete removal threat (Dec. 3) and risk of wrong-country removal (Mexico)**

12. The record is clear that Petitioner was informed he could be removed as early as December 3, 2025 and that the then-existing written order reflected removal to Mexico.

Petitioner's Emergency Motion similarly explained Respondents indicated removal could occur "as early as December 3, 2025, or at any time". The Government cannot convert that concrete threat into "mootness" simply by later issuing a corrected Immigration Judge's order and then asserting, in litigation, that removal is stayed.

**C. At minimum, the Court should enter a narrow order memorializing Respondents' concession of no removal during the appeal, requiring advance notice of removal, and release of Petitioner during the appeal.**

13. Even if the Court concludes the automatic stay under 8 C.F.R. § 1003.6 presently reduces the risk of immediate removal, the Court can and should enter a narrow order that:

- a) memorializes Respondents' concession that they will not remove Petitioner during the Board of Immigration Appeals appeal period and during any timely Board of Immigration Appeals appeal; and
- b) requires meaningful advance notice before any removal action so Petitioner can seek relief and the Court can protect its jurisdiction.

14. This would preserve the status quo with minimal burden, while preventing irreparable harm of an improperly timed or improperly executed removal. (citing 28 U.S.C. § 1651; Burr & Forman v. Blair, 470 F.3d 1019 (11th Cir. 2006); Camarena v. Dir., Immigr. & Customs Enf't, 988 F.3d 1268 (11th Cir. 2021).)

**D. The automatic stay does not provide complete relief or eliminate the risk of rushed removal.**

15. The automatic stay arising from the immigration judge's corrected order lasts only through the 30-day appeal period and, if an appeal is taken, through the Board of Immigration

Appeals' adjudication. It does not extend through any petition for review in the court of appeals. Once the Board of Immigration Appeals rules, DHS regains unilateral authority to execute the removal order absent a judicial stay, and nothing in the regulations guarantees Petitioner sufficient advance notice or an opportunity to secure such a stay before removal is carried out. The TRO request seeks to fill that gap and to preserve the review Congress provided, not to duplicate relief already guaranteed by regulation.

**E. The issues are capable of repetition yet evading review**

16. Even if the immediate December 3, 2025 removal threat has been temporarily defused, this dispute falls within the "capable of repetition yet evading review" exception. Petitioner has already experienced the whipsaw of being told he could be removed on only a few days' notice under an order that on its face directed removal to the wrong country and mis-cited the statutory provision. Nothing prevents similar rushed or irregular execution of removal in the future once the automatic stay lapses. Given how quickly removals can be executed after agency decisions, these issues are inherently difficult to fully litigate before they recur.

17. Even the newest Immigration Judge's December 1, 2025 revised order (**Exhibit "1"**), which the Immigration Judge issued in an attempt to correct his errors in his November 3, 2025 Order (**Exhibit "2"**) is replete with errors, as follows:

**(1) The actual "ORDER" cites the *wrong* cancellation statute:**

The case is presented throughout as non-LPR cancellation under INA § 240A(b)(1) (EOIR-42B), including on the caption page. But in the ORDERS section, it says cancellation is denied "pursuant to INA § 240A(a)". That's not a harmless typo on its face: § 240A(a) is LPR

cancellation, while § 240A(b)(1) is non-LPR cancellation. If this is the final signed order, it is a serious internal inconsistency. (Exhibit “1”).

**(2) “Choice of law / circuit law” looks wrong under BIA precedent on virtual hearings:**

Footnote 1 in the Order (Exhibit “1” - Page 1 of 12) says the administrative control court is in Pompano Beach, Florida, but because the Immigration Judge was physically in Virginia, the decision applies Fourth Circuit law. However, the Board of Immigration Appeals held in *Matter of Garcia*, 28 I&N Dec. 693 (BIA 2023) that, for choice-of-law purposes, controlling circuit law is the law of the immigration court where venue lies (where jurisdiction vested / proceedings commenced upon filing the charging document), and it changes only if venue is changed. So: relying on the Immigration Judge’s *physical location* (Virginia) to decide which circuit law applies is in tension with *Matter of Garcia*—especially where the order itself identifies Florida as the administrative control court. Applying the wrong circuit’s law can be framed as a legal error, not just a typo.

**(3) The “Failure to Depart” penalty amount is outdated/incorrect for 2025:**

The December 1, 2025 Order warns of “not more than \$813 per day”. (Exhibit “1” – Failure to Depart paragraph, Page 12 of 12). But DHS’s inflation-adjusted maximum for INA §274D failure-to-depart penalties is \$998 (as reflected in the Federal Register inflation adjustment table and DHS penalty schedule for 2025). So the amount printed in this order appears outdated under current inflation adjustments. This is an error, akin to other errors in this Order.

**(4) Inconsistent key dates in the record of proceedings (2025 vs 2023):**

The decision says the EOIR-42B was filed **June 9, 2025** , but the exhibit list describes:

a. Exhibit 3 as **June 9, 2023**

b. Exhibit 4 as **June 16, 2023**

That's a direct contradiction in the decision's own timeline. (Exhibit "1" - Page 2 of 12).

**(5) The Order uses an asylum "refugee" evidentiary sentence in a cancellation case:**

In the "Credibility and Corroboration" discussion, it says testimony alone may suffice only if it refers to specific facts "to demonstrate that the applicant is a refugee," citing INA § 208(b)(1)(B)(ii) and quoting that "refugee" language again. That "refugee" formulation is asylum-specific (INA § 208). Cancellation of removal is not a "refugee" determination. While credibility rules and corroboration concepts can apply across relief types, this is a cut-and-paste mismatch that can be argued as applying/reciting the wrong framework in places. (Exhibit "1" - Page 5 and Page 6 of 12).

**(6) Wrong year for a cited precedential BIA case:**

The decision cites Matter of T-C-A-, 28 I&N Dec. 472 (BIA 2022). But the official decision is (BIA 2022). That's a straight citation error. (Exhibit "1" – Page 5 of 12).

**(7) Incorrect CFR cite in procedural history (country of removal):**

In procedural history it says the Court designated Guatemala as the country of removal and cites 8 C.F.R. § 1240.10(c). But 8 C.F.R. § 1240.10(c) is "Pleading by respondent," not the "country of removal" advisal/selection. The "country of removal" provision is 8 C.F.R. § 1240.10(f). This is an error by the Immigration Judge. (Exhibit "1" - Page 2 of 12).

**(8) Misstated physical presence requirement language (as written):**

The decision states the 10-year requirement as “immediately preceding service of the charging document and up to the time of application”. That phrasing is not the standard way the statute is written (and mixes concepts like the stop-time rule with “up to the time of application”). The Order is sloppy and arguably incorrect framing. (Exhibit “1” - Page 7 of 12).

**(9) The decision misstates the hardship standard in places:**

It uses phrases like “**extreme and exceptional hardship**” / “**exceptional and extreme hardship**” instead of the statutory phrase “**exceptional and extremely unusual hardship.**” That is a clear error in a legal standard statement – critical in this case. (Exhibit “1” - Pages 8, 9, 10 and 11 of 12).

**(10) Name misspellings and inconsistent naming**

- a. Respondent referred to as “**Velasuez**” (missing “q”).
- b. Child listed as “**[REDACTED]**” while elsewhere he is “**[REDACTED]**”. These kinds of errors can matter if they create identity confusion in exhibits. (Exhibit “1” - Page 3 of 12).

**(11) Grammar/typos:**

Example: “deportation would be **devasting**” instead of “**devastating**”. (Exhibit “1” - Paragraph “4”, Page 5 of 12).

**(12) Stray footnote marker with no visible footnote text:**

The decision has “statute<sup>8</sup>” in the hardship discussion , but the footnote content isn’t visible in the provided text. There appears to be no footnote “8” in the decision and order. (Exhibit “1” – end of first paragraph, Page 9 of 12).

**(13) Plural “Respondents” even though there is one respondent:**

“The Court has ordered **Respondents** removed...” . (Exhibit “1” – Failure to Depart paragraph, Page 12 of 12). There are not multiple Respondents in this case. Only one person – a Respondent.

There are clear, objectively wrong items and serious errors in the Immigration Judge’s December 1, 2025 Order (not just “I disagree with the hardship outcome”).

Given the severe liberty and family interests at stake—continued civil detention and potential removal of a long-term resident and father of three (3) United States citizens and has been in the United States for his entire adult life, and had filed documents with Respondents starting in 2016 to remain in the United States with the desire to become a United States citizen, some nine (9) years ago, the errors by the Immigration Judge are meaningful errors, which cannot be overlooked. This is not a case where the Petitioner should be held in detention or deported, when based on the errors, it is likely that the Order will be reversed. It is respectfully requested that the Court issue an order releasing Petitioner from custody.

**III. THIS COURT HAS JURISDICTION TO ADJUDICATE UNLAWFUL DETENTION AND TO ISSUE NARROW RELIEF IN AID OF ITS JURISDICTION**

18. Respondents argue § 1252 strips jurisdiction for any stay of removal and that the All Writs Act cannot supply independent jurisdiction. Petitioner does not dispute the general channeling of merits review of final removal orders to the Court of Appeals. But Petitioner's pleadings expressly distinguish between (i) merits review of a removal order and (ii) unlawful detention and unlawful execution/manner of removal, including wrong-country removal and removal that would extinguish meaningful access to review. Petitioner can, and should be released pending a decision on an appeal before the Board of Immigration Appeals or the Court of Appeals.

19. Petitioner's Petition alleges (consistent with the pleadings) that the REAL ID Act channels merits review but "does not eliminate habeas jurisdiction over challenges to the legality of immigration detention and to the manner in which removal is carried out," including removal to an improper country and removal that would unlawfully extinguish access to meaningful review. Petitioner likewise alleges he does not ask this Court to "set aside" the removal order on the merits, but to prevent removal (and wrong-country removal) while he pursues available review and to remedy unlawful detention and process and allow Petitioner to be released from detention, where he has been locked up away from his three U.S. Citizen children, his wife and his business for more than five (5) months. Petitioner was in the United States for nearly 23 years prior to him being detained. In the 23 years, he has been an asset to the United States, and he should be released while his appeal is pending, and not held in custody for another up to two years before his appeal is decided.

20. Moreover, Respondents themselves acknowledge that courts in this District have rejected similar arguments and granted habeas relief in comparable cases, underscoring that Respondents' jurisdictional framing is not settled in the manner Respondents suggest.

**IV. PETITIONER IS ENTITLED TO RELIEF ON DETENTION / BOND: § 1226(a) APPLIES, OR DUE PROCESS REQUIRES A HEARING IN ANY EVENT**

**A. Petitioner is a long-term resident with no criminal history and has been detained since July 2025**

21. Petitioner has lived in the United States for over twenty-two years, has U.S.-citizen children, and has no criminal record; he was stopped for a traffic violation and has been detained since July 11, 2025. The Petition details the severe family hardship and irreparable consequences of continued detention and removal without meaningful review. (cf. Nken v. Holder, 556 U.S. 418, 434 (2009) (removal alone does not categorically constitute irreparable harm).)

**B. Respondents' "mandatory detention under § 1225(b)(2)" theory is inconsistent with how custody was actually administered here**

22. Respondents' Return acknowledges that CBP served Petitioner with a Form I-286 (Notice of Custody Determination) on July 11, 2025, but claims ERO cancelled it on December 8, 2025 as "improvidently issued" and "inapplicable" because Respondents now contend Petitioner is subject to mandatory detention under INA § 235. Respondents further recount that bond redetermination motions were filed and proceedings occurred in immigration court. (see, e.g., Boffill v. Field Off. Dir., Mia. Field Off., 2025 U.S. Dist. LEXIS 228852 (S.D. Fla. 2025); Perera v. Bondi, 2025 U.S. Dist. LEXIS 252378 (M.D. Fla. Dec. 8, 2025); Garcia v. Immigr. & Customs Enf't Dep't, 2025 U.S. Dist. LEXIS 231131 (M.D. Fla. 2025); Puga v. Assistant Field Off. Dir., 2025 U.S. Dist. LEXIS 203222 (S.D. Fla. 2025).)

23. That timeline matters. Respondents' position depends on a post hoc relabeling of the governing detention authority months into detention, after bond proceedings occurred, and only

after this federal habeas action was filed. At minimum, this supports Petitioner's request for judicial review and relief where the Government's custody authority and process have shifted in a way that deprives Petitioner of any meaningful hearing.

**C. Respondents' statutory interpretation would swallow § 1226(a) for interior noncitizens and conflicts with the structure Congress and the regulations created** (see, e.g., Boffill v. Field Off. Dir., Mia. Field Off., 2025 U.S. Dist. LEXIS 228852 (S.D. Fla. 2025); Perera v. Bondi, 2025 U.S. Dist. LEXIS 252378 (M.D. Fla.8, 2025); Garcia v. Immigr. & Customs Enf't Dep't, 2025 U.S. Dist. LEXIS 231131 (M.D. Fla. 2025); Puga v. Assistant Field Off. Dir., 2025 U.S. Dist. LEXIS 203222 (S.D. Fla. 2025).)

24. Respondents argue that because § 1225(a)(1) "deems" a non-admitted person "an applicant for admission," Petitioner must be in mandatory detention under § 1225(b)(2)(A) and that § 1226(a) is reserved for admitted aliens such as visa overstays. Respondents also argue *Jennings* supports this reading and that "prior agency practice" is irrelevant after *Loper Bright*.

25. But *Jennings* expressly did not decide the precise groups of noncitizens covered by § 1225(b) versus § 1226; Respondents' own excerpt concedes that point. And *Loper Bright* concerns Chevron deference; it does not authorize the Executive to disregard the statutory and regulatory framework governing custody determinations, nor does it eliminate constitutional due process constraints on prolonged civil detention.

26. Petitioner does not fit the paradigm of an "applicant for admission" apprehended at or near the border. He entered the United States as a teenager more than two decades ago, has lived and worked here since, and has been in full § 240 removal proceedings in the immigration court since 2019. For years, his custody was treated as § 1226(a) detention; he was issued a Form I-286, and bond redetermination proceedings were conducted before an immigration judge. Only months

into his current detention did ERO “cancel” the I-286 as “improvidently issued” and re-label him a § 1225(b)(2) detainee in this litigation. The timing and circumstances suggest a litigation-driven reclassification that should not defeat statutory and constitutional process protections. (see, e.g., Boffill v. Field Off. Dir., Mia. Field Off., 2025 U.S. Dist. LEXIS 228852 (S.D. Fla. 2025); Perera v. Bondi, 2025 U.S. Dist. LEXIS 252378 (M.D. Fla. Dec. 8, 2025); Garcia v. Immigr. & Customs Enf’t Dep’t, 2025 U.S. Dist. LEXIS 231131 (M.D. Fla. 2025); Puga v. Assistant Field Off. Dir., 2025 U.S. Dist. LEXIS 203222 (S.D. Fla. 2025).)

27. Section 1226(a) is the statute Congress designed to govern detention of such interior noncitizens in removal proceedings. Section 1225(b)(2) addresses “applicants for admission,” and the government’s attempt to make that provision the default rule for any noncitizen who was not lawfully “admitted” would collapse the distinction between the two statutes, render § 1226(a) largely redundant, and allow the government to convert long-term residents in § 240 proceedings into mandatory-detention cases simply by re-characterizing their status. The Court should reject that after-the-fact reclassification and hold that Petitioner is detained under § 1226(a) and issue an order releasing Petitioner from custody and allowing Petitioner to be with his wife and three (3) U.S. Citizen children and work running his painting company during the pendency of an appeal.

**D. Even if Respondents’ § 1225 theory were accepted, due process requires an individualized hearing after prolonged detention** (see Black v. Dir. Thomas Decker, 103 F.4th 133 (2d Cir. 2024); Brito v. Garland, 22 F.4th 240 (1st Cir. 2021); Doe v. Becerra, 697 F. Supp. 3d 937 (N.D. Cal. 2023); J.P. v. Garland, 685 F. Supp. 3d 943 (N.D. Cal. 2023); Singh v. Andrews, 2025 U.S. Dist. LEXIS 227960 (E.D. Cal. 2025).)

28. Regardless of whether detention is labeled § 1225 or § 1226, prolonged civil immigration detention without a meaningful opportunity to obtain release on conditions raises serious due process concerns. Petitioner's Petition cites multiple recent decisions ordering bond hearings in this Circuit for similarly situated detainees, and Respondents admit courts in this District have rejected their position and granted habeas relief in comparable cases. (see Black v. Dir. Thomas Decker, 103 F.4th 133 (2d Cir. 2024); Brito v. Garland, 22 F.4th 240 (1st Cir. 2021); Doe v. Becerra, 697 F. Supp. 3d 937 (N.D. Cal. 2023); J.P. v. Garland, 685 F. Supp. 3d 943 (N.D. Cal. 2023); Singh v. Andrews, 2025 U.S. Dist. LEXIS 227960 (E.D. Cal. 2025).)

29. Here, Petitioner has been detained since July 2025 with no criminal history and compelling equities. The Constitution requires more than a discretionary, opaque parole mechanism as the sole path to release.

30. The projected timeline underscores the due-process problem. Petitioner's Board of Immigration Appeals appeal is not due until January 1, 2026, and the government acknowledges it may take up to two years to be decided. Holding a non-dangerous, long-time resident, father, husband, business owner, in civil immigration detention for years, without any meaningful opportunity to seek release on conditions, solely on the theory that he is an "applicant for admission," is precisely the kind of prolonged, non-punitive confinement that triggers serious constitutional concerns. A bare, discretionary parole process is not an adequate substitute for an individualized hearing at which the government must justify continued detention in light of Petitioner's strong equities and the availability of less restrictive alternatives. Petitioner will not be hiding in the United States, as he will be with his children, wife, paralyzed mother-in-law whom he cared for with his wife, and continuing to operate his business, and pay taxes. Petitioner is not a danger to society, and in fact, he is a benefit for society, as he has been since he came to the

United States nearly 23 years ago. Petitioner has been in the United States his entire life since age 17, and Petitioner is nearly 40 years of age now.

For the foregoing reasons, Petitioner respectfully requests that the Court:

- a. Grant the Emergency TRO and enter a narrowly tailored injunctive order (a) memorializing Respondents' concession that they will not remove Petitioner during the Board of Immigration Appeals appeal period and during any timely Board of Immigration Appeals appeal, (b) release Petitioner from detention, and (c) requiring meaningful advance notice before any removal action so Petitioner can seek further relief;
- b. Grant habeas relief on the detention claim by ordering Respondents to release Petitioner forthwith on appropriate conditions of supervision, pending completion and decision of his Board of Immigration Appeals appeal; or, at minimum, order that Petitioner be afforded a prompt bond hearing before an immigration judge under the proper statutory authority, at which the government must justify continued detention under an appropriately heightened standard; and
- c. Grant such other and further relief as the Court deems just and proper.

Date: December 12, 2025

Respectfully submitted,



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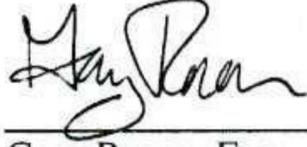
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the Service List via CM/ECF.



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