

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Keiberth Jose MORENO BARRETO,

Petitioner,

v.

Jason Streeval, Warden, El Paso Camp East
Montana Processing Center;
Mary DeAnda-Ybarra, Director of El Paso Field
Office, Immigration & Customs Enforcement
Jesse D. Munoz, Chief, U.S. Border Patrol El Paso;
U.S. Immigration and Customs Enforcement; and
Kristi Noem, in her official capacity as
Secretary of the U.S. Department of Homeland
Security

Defendant-Respondents.

Case No. 3:26-cv-00248

**NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO
Fed. R. Civ. P. 41(a)(1)(A)(i)**

PETITIONER'S NOTICE OF VOLUNTARY DISMISSAL

Petitioner Keiberth Jose Moreno Barreto ("Mr. Moreno") hereby voluntarily dismisses this action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).¹ Mr. Moreno is no longer in Respondents' direct or constructive custody after his release from detention in Mexico. Pursuant to *Umanzor v. Lambert*, 782 F.2d 1229 (5th Cir. 1986), the Fifth Circuit does not permit the extension of judicial review for habeas following the non-citizen's removal, regardless of whether the removal itself was not lawful.

If not for the lack of administrative capacity by this Court to promptly restrain the government from imminently removing Mr. Moreno, Mr. Moreno would likely have successfully

¹ Rule 41(a)(1)(A)(1) allows a unilateral notice of dismissal here; while the Court has ordered Petitioner to show cause, the Respondents have not filed an "answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i).

challenged Respondent's attempts to remove to Mexico without due process. Respondents targeted Mr. Moreno because of his nationality. Respondents refused to take the steps to lawfully remove Mr. Moreno and ignored the public interest in allowing him to remain in the United States while they pursued lawful avenues for removal.²

Mr. Moreno is a husband, a father of three children, and was a dedicated public servant in Venezuela. Mr. Moreno won withholding of removal after showing the likelihood of 



Mr. Moreno valued the rule of law and justice, which are values shared by many here in the United States. Unfortunately, Respondents did not respect the rule of law it allegedly promotes³ and unlawfully removed Mr. Moreno, preventing Mr. Moreno from properly exercising his constitutional due process rights. Going forward, the courts must find a way to prevent the U.S. government from ignoring the due process rights of immigrants and acting without fear of repercussions.

Dated: February 11, 2026

Respectfully submitted,

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² *US/El Salvador: Venezuelan Deportees Forcibly Disappeared*, Human Rights Watch (April 11, 2025).

³ U.S. Dep't of Homeland Sec., *Under President Trump and Sec. Noem, the Dep't of Homeland Sec. Has a Historic Year* (2025).

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CERTIFICATE OF SERVICE

I, Kjerstin Lewis Shukla, counsel for the Plaintiff, do hereby certify that on the 11th day of February, 2026, a true and correct copy of the foregoing pleading was forwarded to Lacy L. McAndrew; Mary F. Kruger; and Anne Marie Cordova by email at the following addresses:

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