

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|----------------------------|
| LUIS MAURICIO MARTINEZ | : | |
| | : | |
| <i>Petitioner</i> | : | |
| | : | Civil Action No. 26-cv-718 |
| <i>v.</i> | : | |
| | : | |
| J. L. JAMISON , <i>et al.</i> | : | |
| | : | |
| <i>Respondents.</i> | : | |

**RESPONSE IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS and MOTION FOR TEMPORARY
RESTRAINING ORDER**

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Dated: February 18, 2026

TABLE OF CONTENTS

I. INTRODUCTION 0

II. DETENTION FRAMEWORK UNDER THE INA 2

III. FACTUAL AND PROCEDURAL HISTORY 4

IV. LEGAL STANDARD 5

V. ARGUMENT..... 6

 A. Petitioner’s detention is lawful under 8 U.S.C. § 1231 and *Zadvydas* 7

 B. ICE’s revocation of petitioner’s release complies with 8 C.F.R. § 241.4..... 9

 C. Petitioner’s detention comports with constitutional due process 10

VI. CONCLUSION..... 12

TABLE OF AUTHORITIES

| | Page(s) |
|--|-----------------|
| Cases | |
| <i>Bautista v. Santacruz</i> , 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) | 1 |
| <i>Carlson v. Landon</i> , 342 U.S. 524 (1952) | 6 |
| <i>Castaneda v. Perry</i> , 95 F.4th 750 (4th Cir. 2024) | 10, 11 |
| <i>Cullen v. Pinholster</i> , 563 U.S. 170 (2011)..... | 5 |
| <i>Demore v. Kim</i> ,538 U.S. 510 (2003) | 6 |
| <i>Fiallo v. Bell</i> , 430 U.S. 787 (1977)..... | 5 |
| <i>Galvan v. Press</i> , 347 U.S. 522 (1954) | 5 |
| <i>German Santos v. Warden Pike Cnty. Corr. Facility</i> , 965 F.3d 203 (3d Cir. 2020) | 11 |
| <i>Hampton v. Mow Sun Wong</i> , 426 U.S. 88 (1976) | 9 |
| <i>Hawk v. Olson</i> , 326 U.S. 271 (1945) | 5 |
| <i>INS v. Aguirre-Aguirre</i> , 526 U.S. 415 (1999)..... | 5 |
| <i>Jennings v. Rodriguez</i> , 583 U.S. 281 (2018)..... | 6 |
| <i>Mathews v. Diaz</i> , 426 U.S. 67 (1976); | 5 |
| <i>Matter of Hurtado</i> , 29 I&N Dec. 216 (BIA 2025) | 1 |
| <i>Miller v. Albright</i> , 523 U.S. 420 (1998)..... | 5 |
| <i>Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)</i> , 525 U.S. 471 (1999)..... | 5 |
| <i>Reno v. Flores</i> , 507 U.S. 292 (1993); | 5 |
| <i>Shaughnessy v. United States</i> , 345 U.S. 206 (1953) | 6 |
| <i>Shinn v. Ramirez</i> , 596 U.S. 366 (2022)..... | 5 |
| <i>Texas v. United States</i> , 523 U.S. 296 (1998)..... | 9 |
| <i>United States v. Five Gambling Devices</i> , 346 U.S. 441 (1953) | 6 |
| <i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001)..... | 6, 7, 8, 10, 11 |

Statutes

8 U.S.C. § 1182..... 9, 10
8 U.S.C. § 1231.....1, 6, 7, 8, 10, 11
8 U.S.C. § 1231(a)(1)(A)..... 2, 6, 7, 11
8 U.S.C. § 1231(a)(3)..... 3, 7, 11
8 U.S.C. § 1252(a)(5).....7
8 U.S.C. § 1252(a)(2)(B).....10
28 U.S.C. § 2241 5, 9

Regulations

8 C.F.R. § 241.13..... 12
8 C.F.R. § 241.4..... 2, 7, 9, 10, 11, 12
8 C.F.R. § 241.4(a)..... 1, 6
8 C.F.R. § 241.4(d)(1) 2, 6
8 C.F.R. § 241.4(g)(3) 7
8 C.F.R. § 241.4(h)..... 3, 4
8 C.F.R. § 241.4(l)..... 12
8 C.F.R. § 241.4(l)(1)7, 11, 12
8 C.F.R. § 241.4(l)(2)..... 12
8 C.F.R. § 241.4(l)(3)..... 12
8 C.F.R. § 241.5..... 7

I. INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the lawfulness of his detention under the Immigration and Nationality Act (INA), 8 U.S.C. § 1231, after Immigration and Customs Enforcement (ICE) revoked his Order of Supervision for purposes of effectuating his final order of removal. Petitioner also seeks a temporary restraining order preventing his removal from the United States while the Court considers his habeas petition. On February 5, 2026, the Court enjoined Respondents from moving Petitioner outside of this district, effectively granting the stay. **This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which is not implicated here.**¹ See e.g., *Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above address immigration detention of individuals who do not have final orders of removal.

In this case Petitioner is an alien with a final order of removal that ICE intends to effectuate in the reasonably foreseeable future. The statutory provision governing Petitioner's detention is 8 U.S.C. § 1231 not 8 U.S.C. §

¹ Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. See *Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

1225(b)(2)(A). Petitioner has been under a final removal order since 2005. As discussed below, because Petitioner’s detention pending his removal comports with the INA, the regulations, the Fifth Amendment to the U.S. Constitution, and the Administrative Procedures Act, the Court should deny the petition for writ of habeas corpus.

II. DETENTION FRAMEWORK UNDER THE INA

In general, when an alien is ordered removed, the INA provides the United States with ninety days to execute the removal. 8 U.S.C. § 1231(a)(1)(A). This “removal period” begins to run on the latest of three dates:

- (i) the date the order of removal becomes administratively final.
- (ii) if the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- (iii) if the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

Id. § 1231(a)(1)(B). During the removal period, the Attorney General is required to detain certain criminal aliens. *See id.* § 1231(a)(2)(A). Moreover, the detention of certain aliens, including inadmissible aliens like Petitioner, may be continued beyond the initial ninety (90) days, or the alien may be released. *Id.* § 1231(a)(6); 8 C.F.R. §§ 241.4(a), (d)(1). After ninety days have lapsed, ICE, in its discretion, may release an alien if he shows, to the satisfaction of ICE, that he “will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such alien’s removal[.]” 8 C.F.R. § 241.4(d)(1).

An alien’s custody determination is made by either an ICE field office director, *see id.* § 241.4(h), or the Executive Associate Commissioner of ICE, *see id.* § 241.4(h). *See also id.* § 241.4(h)(5) (delegation authority of directors). If an ICE field office director is conducting the custody determination, he must “provide written

notice to the [alien] approximately 30 days in advance of the pending records review so that the alien may submit information in writing in support of his or her release.” *Id.* § 241.4(h)(2). The “custody review will consist of a review of the alien’s records and any written information submitted in English to the district director by or on behalf of the alien.” *Id.* § 241.4(h)(1). The director “*may*[,] in his or her discretion[,] schedule a personal or telephonic interview with the alien as part of this custody determination.” *Id.* Once the director makes his decision, he must notify the alien of such decision. *Id.* § 241.4(h)(4).

If an alien is released, he is subject to supervision by the Secretary of Homeland Security. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.5 (conditions of release). An alien’s supervised release may be revoked in three instances: (1) if the alien violates the conditions of his release, (2) if the Executive Associate Commissioner of ICE determines, in its discretion, to revoke an alien’s release, or (3) if an ICE director, in his discretion, finds revocation is in the public interest to enforce a removal order or if he deems release would no longer be warranted. 8 C.F.R. §§ 241.4(l)(1), (2). If an alien is subject to either of ICE’s discretionary revocation decisions, ICE will review an alien’s record and schedule an interview, “which will ordinarily be expected to occur within approximately three months after release is revoked.” *Id.* § 241.4(l)(3). “That custody review will include a final evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.*

In making a custody determination, ICE shall consider the ability to obtain a travel document, *i.e.*, a passport, for the alien. 8 C.F.R. § 241.4(g)(3). If, in ICE’s

judgment, travel documents can be obtained or are forthcoming, the alien will not be released unless immediate removal is not practicable or in the public interest. *Id.*

III. FACTUAL AND PROCEDURAL HISTORY

Petitioner, a native and citizen of Honduras, entered the United States without inspection on or about February 15, 2005. *See* Ex. A – Form I-213, Record of Deportable/Inadmissible Alien (Feb. 4, 2026). Customs and Border Protection determined that Petitioner was inadmissible to the United States and issued him a Notice to Appear and released him on his own recognizance. *Id.* Petitioner failed to appear for his removal hearing and was ordered removed *in absentia* on April 11, 2005. *Id.* Petitioner was placed on an Order of Supervision on July 22, 2010. *Id.*

On February 25, 2020, the Board of Immigration Appeals (BIA) confirmed the immigration judge’s denial of Petitioner’s motion to reopen his removal order. *See* Ex. B – BIA decision, February 25, 2020. On December 27, 2021, the Fifth Circuit denied Petitioner’s petition for review of the BIA decision. *See* Ex. C – Fifth Circuit Decision, November 1, 2021.

On February 4, 2026, ICE detained Petitioner. ECF #1, Petition ¶ 4; *see also* Ex. A. ICE then served Petitioner with a Notice of Revocation of his release based on a significant likelihood of removal in the foreseeable future. *See* Ex. D – Notice of Revocation of Release (Feb. 2026). Petitioner does not directly contest his removability from the United States pursuant to his lawful final order of removal but challenges ICE’s decision to revoke his order of supervision for purposes of effecting his timely removal from the United States.² Because ICE’s decision complied with the INA, applicable

² Though Petitioner seems to question his removal order, its validity is not before this Court. Pet. ¶ 16. Petitioner also raises possible paths he could obtain lawful status in the

regulations, the Fifth Amendment to the U.S. Constitution, and the Administrative Procedures Act, that decision and Petitioner’s subsequent detention is lawful, and the Court accordingly should deny the petition for writ of habeas corpus.

IV. LEGAL STANDARD

A writ of habeas corpus is an “extraordinary remedy.” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); accord *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner “carries the burden of proof”); see also 28 U.S.C. § 2241.

Judicial review of immigration matters, including of detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has “underscore[d] the limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79–82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is

future. Pet. ¶ 18, 19. None of those assertions changes the fact that Petitioner is currently subject to a final removal order.

elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Demore v. Kim*, 538 U.S. 510, 531 (2003) (“Detention during removal proceedings is a constitutionally permissible part of that process.”); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) (“Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien’s status without running the risk of the alien’s either absconding or engaging in criminal activity before a final decision can be made.”).

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) (“This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power”).

V. ARGUMENT

The Court should deny the petition because: (1) Petitioner’s detention is lawful under 8 U.S.C. § 1231 and the U.S. Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001); (2) revocation of Petitioner’s order of supervision complied with the

regulations at 8 C.F.R. § 241.4; and (3) Petitioner's detention comports with the Fifth Amendment's Due Process Clause.

Specifically, Petitioner is subject to a final removal order. That order cannot be challenged in this petition because Congress established the sole procedure for a person to challenge his removal, through a Petition for Review to the appropriate circuit court. 8 U.S.C. § 1252(a)(5). Petitioner in this case challenges his detention but because his removal is foreseeable, Respondents may detain him as explained more fully below.

A. Petitioner's detention is lawful under 8 U.S.C. § 1231 and *Zadvydas*

Petitioner alleges that his detention violates due process under the Fifth amendment. Pet. ¶ 25. Petitioner then correctly acknowledges that *Zadvydas v. Davis*, 533 U.S. 678 (2001) governs this analysis. As discussed above, an alien with a final order of removal is subject to the detention and removal standards set forth at 8 U.S.C. § 1231. This statute directs that an alien ordered removed be removed within ninety days of his order becoming final and that he remain detained during that timeframe. 8 U.S.C. § 1231(a)(1)(A), (a)(2)(A). However, if the government is unable to remove an individual during that statutory period, the INA empowers ICE to release him on an order of supervision. 8 U.S.C. § 1231(a)(3).

When removal is not effectuated within the 90-day statutory period, the government may continue to detain an alien—or to detain him again in the future for the purpose of executing the order—and there is no statutory limit on how long that post-removal detention period may last. *Johnson v. Arteaga-Martinez*, 596, U.S. 573, 579 (2022). The U.S. Supreme Court has nevertheless interpreted the post-removal period to allow extended detention for “a period reasonably necessary to bring about that alien's removal from the United States.” *Zadvydas*, 533 U.S. at 689. Pursuant to

Zadvydas, detention for up to six months after the removal order becomes final is “presumptively reasonable.” *Id.* at 701. However, the lapse of the presumptive period does not mandate release, as the Supreme Court reasoned that “an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

Here, Petitioner’s removal order became administratively final in April 2005. *See* Ex. A, Pet. ¶ 16. Petitioner attempted to reopen his removal order and the Fifth Circuit denied that effort in 2021. Ex. C.

While ICE previously released him from custody on an order of supervision, ICE has determined that it is appropriate to move forward with executing his final order of removal and detained him to facilitate that process. *See* Ex. E, Notice of Imminent Removal, February 4, 2026. ICE detained Petitioner on February 4, 2026, meaning Petitioner is well-within the ninety days set forth in 8 U.S.C. § 1231 and the “presumptively reasonable” six-month period articulated in *Zadvydas*. *See* ECF 1 ¶ 3. Thus, Petitioner’s detention is lawful.

However, even if Petitioner had been detained for more than six months, he has not met his burden in demonstrating that there is not a significant likelihood of removal in the foreseeable future. *Zadvydas* makes clear that, after the six-month period of detention, the alien must then provide “good reason to believe that there is no significant likelihood of removal in the foreseeable future,” after which time the burden shifts to the government to “furnish evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 680. Petitioner argues – incorrectly – that the only reasons for immigration detention are to prevent danger or flight to avoid removal. Pet. ¶ 26. Petitioner disregards ICE’s authority to detain and individual to effectuate

a final removal order. Here, all signs point to ICE preparing to remove Petitioner in the reasonably foreseeable future following issuance of his travel document. *See* Ex. D, E. Therefore, Petitioner has not met his burden in demonstrating that his current detention is unlawful.

B. ICE’s revocation of petitioner’s release complies with 8 C.F.R. § 241.4

8 C.F.R. § 241.4 governs custody determinations for aliens like Petitioner who are inadmissible under 8 U.S.C. § 1182. 8 C.F.R. § 241.4(l)(2) permits ICE to revoke an alien’s release under an order of supervision and return the alien to custody “in the exercise of discretion when, in the opinion of the revoking official. . . it is appropriate to enforce a removal order.” This discretionary revocation of an alien’s release for purposes of enforcing a removal order does not expressly require that the alien be afforded an interview or opportunity to respond to the agency’s revocation. *Compare* 8 C.F.R. § 241.4(l)(1) (“The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification”) *with* 8 C.F.R. § 241.4(l)(2) (no such language). However, if an alien is not released from custody following the informal interview provided in 8 C.F.R. § 241.4(l)(1), a separate review process will commence under 8 C.F.R. § 241.4(l)(3).

Petitioner alleges that ICE failed to lawfully revoke his order of supervision such that its actions violate the regulations, the INA and the APA. *See* ECF ¶ 27-30. Petitioner’s argument lacks merit. ICE complied with 8 C.F.R. § 241.4(l) by issuing a Notice of Revocation of Release and serving Petitioner with a copy of this notice on February 5, 2026. *See* Ex. D. That Notice confirms that ICE revoked Petitioner’s release pursuant to 8 C.F.R. § 241.4(l) in order to “enforce the removal order entered

against [him], since ICE had the ability and means to effectuate [his] removal.” *Id.* The Notice of Imminent Removal informed Petitioner that ICE possessed a travel document to effect Petitioner’s expeditious removal to Honduras pursuant to his 2005 final order of removal. Ex. E.

Moreover, despite no regulatory obligation to do so, the Notice states that ICE scheduled Petitioner for an informal interview on February 5, 2026, at which time Petitioner would be given an opportunity to respond to the reasons for revocation and submit any evidence or information. Thus, contrary to Petitioner’s assertions, the record demonstrates that ICE provided Petitioner with notice and a meaningful opportunity to respond to the revocation—precisely what is required, and more, by the regulations. Accordingly, ICE has acted in accordance with 8 C.F.R § 241.4 and, in turn, the APA when revoking Petitioner’s order of supervision and returning him to custody to effectuate his final order of removal.³

C. Petitioner’s detention comports with constitutional due process

The Supreme Court has already decided what constitutional due process is required under post-order removal cases to avoid violating the rights of an alien like Petitioner. As the Fourth Circuit Court of Appeals explained: “*Zadvydas* largely, if not entirely, forecloses due process challenges to § 1231 detention apart from the framework it established.” *Castaneda v. Perry*, 95 F.4th 750, 760 (4th Cir. 2024). In

³ To the extent Petitioner is challenging ICE’s decision to revoke his release, the Court lacks jurisdiction to review this decision under 8 U.S.C. § 1252(a)(2)(B), since it is plainly a discretionary “decision or action.” *See e.g., Samirah v. O’Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (holding DHS’s authority to “grant or revoke” parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (same).

other words, “the *Zadvydas* standard is due process: a § 1231 detainee who fails the *Zadvydas* test fails to prove a due process violation.” *Id.* (emphasis in the original). The Supreme Court thus determined that the process it articulated for contesting post-removal detention is sufficient to avoid the “serious constitutional concerns” that “indefinite detention” would raise. *Zadvydas*, 533 U.S. at 682. The Third Circuit has recognized, however, that there may come a time when detention in post-order removal cases becomes unreasonable such that a bond hearing is required. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c) and § 1231(a)).

Here, for many of the same reasons discussed *supra*, Petitioner has not met his burden to establish that the revocation of his release and subsequent detention violates constitutional due process under the Supreme Court’s standard in *Zadvydas*. After detaining Petitioner, ICE provided him with notice of its reasons for revoking his release—*i.e.*, to carry out the lawful final order of removal—and the opportunity to contest this determination by providing any evidence or information he deems appropriate. *See* Ex. D, E. As of the date of this writing, Petitioner has not been detained for the ninety days afforded by 8 U.S.C. § 1231 and the “presumptively reasonable” period set forth in *Zadvydas*. Moreover, Petitioner has not demonstrated that his removal is not reasonably foreseeable, particularly in light of the evidence of record indicating ICE obtained a travel document to facilitate Petitioner’s removal. Therefore, the Court should find that Petitioner’s detention comports with constitutional due process and deny the petition for writ of habeas corpus.

VI. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

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Dated: February 18, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 18, 2026

/s/ Anthony St. Joseph
ANTHONY ST. JOSEPH
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
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| | : | |
| <i>Petitioner</i> | : | |
| | : | Civil Action No. 26-cv-718 |
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| J. L. JAMISON , <i>et al.</i> | : | |
| | : | |
| <i>Respondents.</i> | : | |

Exhibit List

Exhibit A: Form I-213, Record of Deportable/Inadmissible Alien, dated February 4, 2026

Exhibit B: Board of Immigration Appeals Decision, dated February 25, 2020


Exhibit C: Fifth Circuit Decision Denying Petition for Review, dated November 1, 2021

Exhibit D: Notice of Revocation of Release, dated February 4, 2026






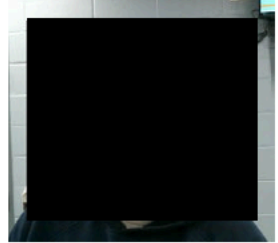
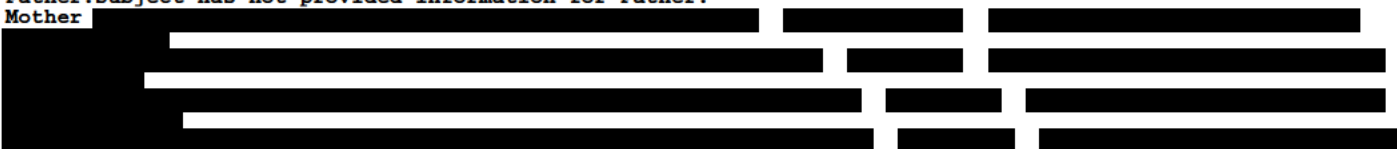
Exhibit E: Notice of Imminent Removal, dated February 4, 2026

Exhibit A

U.S. Department of Homeland Security

Subject ID : 

Record of Deportable/Inadmissible Alien

| | | | | | | | |
|--|--|---|---|--|--|--------------------------|---------------------|
| Family Name (CAPS) MARTINEZ, LUIS MAURICIO | | First | Middle | Sex M | Hair BLK | Eyes BRO | Cmpbn MED |
| Country of Citizenship HONDURAS | Passport Number and Country of Issue See Narrative | |  | Height 69 | Weight 155 | Occupation NOT | |
| U.S. Address 555 GEO DR PHILIPSBURG, PENNSYLVANIA, 16866, UNITED STATES | | | | Scars and Marks | | | |
| Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, WI-Without Inspection | | | Passenger Boarded at | | F.B.I. Number  | | |
| Number, Street, City, Province (State) and Country of Permanent Residence BARRIO MONTE CRISTOYORO, HONDURAS | | | | <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated | | | |
| Date of Birth  /1973 | Age: 52 | Date of Action 02/04/2026 | Location Code PHI/PHI | Method of Location/Apprehension NCA | | | |
| City, Province (State) and Country of Birth San Pedro Sula, HONDURAS | | AR <input checked="" type="checkbox"/> | Form : (Type and No.) Lified <input type="checkbox"/> Not Lified <input type="checkbox"/> | | | | |
| NIV Issuing Post and NIV Number | | Social Security Account Name LUIS MAURICIO MARTINEZ | | | | | |
| Date Visa Issued | | Social Security Number  | | | | | |
| Immigration Record NEGATIVE | | | Criminal Record | | | | |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) SANDOVAL-RAMIREZ, LEDIS VIRGINIA NATIONALITY: HONDURAS | | | | Number and Nationality of Minor Children 2 - HONDURAS | | | |
| Father's Name, Nationality, and Address, if Known | | | Mother's Present and Maiden Names, Nationality, and Address, if Known MARTINEZ, ANGELINA NATIONALITY: UNITED STATES | | | | |
| Monies Due/Property in U.S. Not in Immediate Possession None Claimed | | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Systems Checks See Narrative | Charge Code Word(s) See Narrative | | | |
| Name and Address of (Last)(Current) U.S. Employer | | Type of Employment See Narrative | Salary | Employed from/to Hr | | | |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) | | | | | | | |
| FIN:  | | Left Index fingerprint | | | Right Index fingerprint | | |
|  | | | | | | | |
| FAMILY INFORMATION | | | | | | | |
| Father: Subject has not provided information for Father. | | | | | | | |
| Mother:  | | | | | | | |
| ... (CONTINUED ON I-831) | | | | | | | |
| Alien has been advised of communication privileges _____ (Date/Initials) | | | PETER YEAGER Deportation Officer _____ (Signature and Title of Immigration Officer) | | | | |
| Distribution: | | | Received: (Subject and Documents) (Report of Interview) | | | | |
| | | | Officer: PETER YEAGER | | | | |
| | | | on: February 4, 2026 (time) | | | | |
| | | | Disposition: Other | | | | |
| | | | Examining Officer: CLARK, J 8355 | | | | |

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|---|--------------------|
| Alien's Name MARTINEZ, LUIS MAURICIO | File Number [REDACTED] Event No: [REDACTED] | Date 02/04/2026 |
|---|---|--------------------|

is Excludable.

SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT CRIMINAL CHARGES

02/04/2026 - 8 USC 1251 - DEPORTATION ONLY

RECORDS CHECKED

CIS checked on 02/04/2026 with Positive result. CLAIM checked on 02/04/2026 with Positive result. IAFIS checked on 02/04/2026 with Positive result. NCIC checked on 02/04/2026 with Negative result. TECS checked on 02/04/2026 with Negative result.

TYPE OF EMPLOYMENT

Occupation Not Reported

ARRESTED AT/NEAR

[REDACTED] UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

ENCOUNTER:

Immigration and Customs Enforcement (ICE) is currently executing at-large operations, targeting immigration violators in the Philadelphia Area of Responsibility. The operational focus is in direct support of Presidential Executive Orders. Operations are executed while ensuring personnel safety and maintaining tactical control operating in a confined, civilian-heavy environment. The operation integrates personnel from the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Internal Revenue Service (IRS), Drug Enforcement Administration (DEA), the US Marshals Service (USMS), with additional support from 287(g) partners in their assigned jurisdictions. The operation aims to enhance public safety and enforce immigration laws.

The subject of this investigation is MARTINEZ, Luis Mauricio ([REDACTED]) and shall hereafter be referred to as SUBJECT.

Method of Encounter/Location:

On February 4, 2026, Deportation Officers from Immigration and Customs Enforcement (ICE) and Border Patrol conducted surveillance at [REDACTED] the address of SUBJECT, who had a final order of deportation. Officers observed a male matching the description of the SUBJECT exit the residence and enter a black SUV. Officers followed the vehicle as it left the residence, activated the emergency equipment on their vehicles and initiated a vehicle stop. After the vehicle stopped, officers approached the vehicle and conducted an immigration inspection. SUBJECT provided identification and freely identified himself as Martinez, Luis. SUBJECT was placed under arrest and taken into custody without incident. SUBJECT was transported to the ICE Philadelphia Field Office for further processing.

ALIENAGE AND REMOVABILITY:

SUBJECT is a citizen and national of Honduras.

On November 1, 2021, the US Court of Appeals for the Fifth Circuit denied SUBJECT's petition

| | |
|---------------------------|------------------------------|
| Signature PETER YEAGER | Title Deportation Officer |
|---------------------------|------------------------------|

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|---|--------------------|
| Alien's Name MARTINEZ, LUIS MAURICIO | File Number [REDACTED] Event No: [REDACTED] | Date 02/04/2026 |
|---|---|--------------------|

for review of the dismissal by the Board of Immigration Appeals (BIA) of his appeal of the denial of his motion to reopen by the Immigration Judge (IJ).
 On July 15, 2020, the BIA denied SUBJECT's motion for reconsideration.
 On February 25, 2020, the BIA dismissed SUBJECT's appeal of the May 7, 2019 IJ decision.
 On May 7, 2019, an IJ in Harlingen, TX denied SUBJECT's motion to reopen.
 SUBJECT was placed on Order of Supervision on July 22, 2010.
 SUBJECT was ordered removed in absentia on April 11, 2005.
 SUBJECT was first encountered on February 15, 2005 by U.S. Border Patrol Brownsville Station. SUBJECT was initially processed for a WA/NTA, but due to the fact that there was no detention space available at the Port Isabel Service Processing Center in Los Fresnos, Texas. SUBJECT was issued a Notice to Appear and released on his own recognizance. SIEA Martinez confirmed the lack of detention space at 9:15 pm on February 15, 2005. All necessary forms were completed and served upon SUBJECT, and he was scheduled for a hearing date in Harlingen, Texas on April 11, 2005 at 8:30 am.

FAMILY HISTORY:

SUBJECT claims his mother, Angelina Martinez, was born in Honduras and is a US citizen.

SUBJECT claims to be married to Virginia Sandoval.

SUBJECT claims to have two adult children.

CRIMINAL HISTORY:

SUBJECT appears to have no criminal history

HEALTH AND HUMANITARIAN:

SUBJECT claims to be in good health.

SUBJECT claims fear of removal to Honduras.

INTEL:

SUBJECT denies any membership to any gang or criminal organization.

SUBJECT was in possession of a Pennsylvania driver's license# [REDACTED].

SUBJECT denies service in any branch of the United States military.

DISPOSITION:

SUBJECT will be processed as an OSUP Revocation and will be detained without bond. SUBJECT was provided with the most recent version of free legal services. SUBJECT will be interviewed on February 5, 2026, at Federal Detention Center Philadelphia.

MISC NUMBERS:

FBI: 380254HC1

OTHER IDENTIFYING NUMBERS

 ALIEN- [REDACTED]
 Cedula (Foreign ID)- [REDACTED] (HONDURAS)
 Driver's License (State and Country)- [REDACTED] PA (UNITED STATES)
 U.S. Social Security [REDACTED]
 Passport - Foreign Regular- [REDACTED] EXP: 11/02/2033 (HONDURAS)

PASSPORT NUMBER AND COUNTRY OF ISSUE

Signature
PETER YEAGER

Title
Deportation Officer

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|---|--------------------|
| Alien's Name MARTINEZ, LUIS MAURICIO | File Number [REDACTED] Event No: [REDACTED] | Date 02/04/2026 |
| [REDACTED] HONDURAS Comment: Honduras | | |
| Signature PETER YEAGER | Title Deportation Officer | |

Exhibit B



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

**Vandenberg, William John
Hogan and Vandenberg LLC
1608 Walnut Street
Suite 1301
Philadelphia, PA 19103**

**DHS/ICE Office of Chief Counsel - HLG
1717 Zoy Street
Harlingen, TX 78552**

Name: MARTINEZ, LUIS MAURICIO

A [REDACTED]

Date of this notice: 2/25/2020

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Gorman, Stephanie

U.S. At
User team: Docket



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

MARTINEZ, LUIS MAURICIO



DHS/ICE Office of Chief Counsel - HLG
1717 Zoy Street
Harlingen, TX 78552

Name: MARTINEZ, LUIS MAURICIO

A [REDACTED]

Date of this notice: 2/25/2020

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Gorman, Stephanie

User team: [REDACTED]

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: [REDACTED] – Harlingen, TX

Date: **FEB 25 2020**

In re: Luis Mauricio MARTINEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: W. John Vandenberg, Esquire

ON BEHALF OF DHS: John Rubenstein
Assistant Chief Counsel

APPLICATION: Reopening

The respondent appeals the Immigration Judge's May 7, 2019, written decision denying his motion to reopen proceedings in which he was ordered removed to Honduras in absentia under section 240(b)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5), on April 11, 2005. The Department of Homeland Security seeks a summary affirmance. The appeal will be dismissed.

We review the factual findings, including the Immigration Judge's credibility determination, under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

The Immigration Judge properly denied the respondent's motion to reopen, as he did not meet his burden of establishing that he did not receive notice of his hearing or "exceptional circumstances" for not appearing at his hearing. Section 240(b)(5)(C) of the Act. On appeal the respondent reiterates his argument that he did not receive a notice of hearing. But as the Immigration Judge clearly explained, the respondent was *personally served* with a notice to appear ("NTA") reflecting the date, time, and location of his April 11, 2005, hearing (IJ at 1; NTA, dated February 15, 2005). Because the respondent received his NTA specifying where and when to appear for his hearing, there was no need for the Immigration Court to send the respondent an additional hearing notice. Therefore, the respondent was on notice of hearing and has not otherwise demonstrated exceptional circumstances for not appearing.

Additionally, we agree with the Immigration Judge that the respondent did not meet his heavy burden of establishing a material change in Honduras since his hearing that affects his eligibility for relief to warrant an exception to the 90-day deadline (IJ at 2). Section 240(c)(7) of the Act. As the Immigration Judge discussed, the respondent did not adequately demonstrate the conditions that existed in Honduras before his April 2005 hearing (IJ at 2). *Nunez v. Sessions*, 882 F.3d 499, 508 (5th Cir. 2018); *Matter of S-Y-G-*, 24 I&N Dec. 247, 253 (BIA 2007) (providing that "[i]n determining whether evidence accompanying a motion to reopen demonstrates a material change in country conditions that would justify reopening, we compare the evidence of country conditions submitted with the motion to those that existed at the time of the merits hearing below"). Further, the respondent's affidavit is not material evidence concerning

current conditions in Honduras or the alleged threats against his extended family, given that it is not based on personal knowledge, as he has not lived there since 2005 (Respondent's Mot. to Reopen, dated Jan. 22, 2019, tab 2). Notably, the respondent has not presented evidence that he has been personally threatened.

Nor did the background evidence supporting the motion warrant reopening. We have taken administrative notice of the 2005 Department of State *Country Report on Human Rights Practices: Honduras*, which reflects substantially similar violence and government corruption in Honduras since before the Immigration Judge's 2005 decision. *Milat v. Holder*, 755 F.3d 354, 363 (5th Cir. 2014) (recognizing that State Department reports are a valuable source of information concerning country conditions). Overall, the evidence supporting the motion did not demonstrate a material change in Honduras establishing the respondent's prima facie eligibility for relief. *Qorane v. Barr*, 919 F.3d 904, 912 (5th Cir. 2019) (holding that evidence of changed country conditions must likely change the outcome of the proceedings to be considered material and warrant reopening); *Mendias-Mendoza v. Sessions*, 877 F.3d 223, 227 (5th Cir. 2017) (observing that an alien must submit material new evidence establishing prima facie eligibility for the relief sought in order to prevail on a motion to reopen).

Finally, the respondent did not establish an exceptional situation warranting sua sponte reopening. *Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997).

Accordingly, the following order is entered.

ORDER: The appeal is dismissed.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
HARLINGEN IMMIGRATION COURT
HARLINGEN, TEXAS

IN THE MATTER OF) May 7, 2019
)
LUIS MAURICIO MARTINEZ) Case Number: A [REDACTED]
)
RESPONDENT) In Removal Proceedings

APPLICATIONS: Motion to Reopen

ON BEHALF OF THE RESPONDENT
W. John Vandenberg, Esq.
Hogan & Vandenberg LLC
1520 Locust Street, Suite 804
Philadelphia, PA 19102

ON BEHALF OF THE GOVERNMENT
Assistant Chief Counsel
U.S. Department of Homeland Security
1717 Zoy Street
Harlingen, TX 78552

ORDER OF THE IMMIGRATION JUDGE

On April 11, 2005, the Court ordered Respondent removed to Honduras *in absentia* pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act (“INA” or “Act”). On January 22, 2019, Respondent, through counsel, filed a motion to reopen this removal proceeding. The Department of Homeland Security (“DHS”) has not filed a response to the motion to reopen. Respondent’s motion to reopen will be denied.

In the affidavit submitted in support of the motion to reopen, Respondent states that he made plans to live with his friend and gave that friend’s address to United States immigration authorities. He states that, after he was released, he changed his mind and lived with his mother in New Jersey instead. He further states that he did not hear anything about a court hearing notice being mailed to his friend’s house and he was not aware that he had been placed in removal proceedings until 2010.

The Court concludes that Respondent received proper and actual notice of his April 11, 2005 removal hearing in accordance with section 239(a)(1) of the Act. On February 15, 2005, Respondent was personally served with his Notice to Appear, which contained the date, time, and location of his removal hearing in Harlingen, Texas. (Exh. #1). The certificate of service on the Notice to Appear bears Respondent’s fingerprint and signature, certifying that he was personally served. Although not required by the Act or regulations, Respondent received oral notice in the Spanish language of the removal hearing and of the consequences of failing to appear at the hearing.

Based on all of the above, the Court concludes that Respondent has not demonstrated that he did not receive notice of his April 11, 2005 removal hearing in accordance with section 239(a)(1) of the Act. Therefore, Respondent’s removal order should not be rescinded under

section 240(b)(5)(C)(ii) of the Act. *See also* 8 C.F.R. 1003.23(b)(4)(ii).

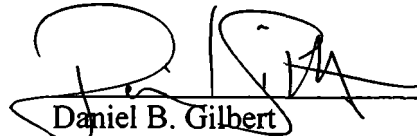
In the motion to reopen, Respondent's counsel contends that Respondent's removal order should be rescinded in light of the United States Supreme Court's decision in *Pereira v. Sessions*, 585 U.S. ___, 138 S. Ct. 2105 (2018). The Court concludes that *Pereira* does not apply to this case in any manner because, as discussed above, the Notice to Appear that was personally served on Respondent on February 15, 2005 contained the date, time, and place of Respondent's April 11, 2005 removal hearing.

Respondent seeks reopening in order to apply for asylum under section 208 of the Act, withholding of removal under section 241(b)(3) of the Act, and withholding of removal pursuant to the Convention Against Torture. He submitted an application for asylum and withholding of removal (Form I-589) and documents in support of that application as required by 8 C.F.R. § 1003.23(b)(3). The Court concludes that Respondent's motion to reopen to apply for asylum and withholding of removal is untimely because it was not filed within 90 days of the date of entry of the final administrative order of removal. *See* INA § 240(c)(7)(C)(i); 8 C.F.R. § 1003.23(b)(1). Respondent's request for reopening to apply for asylum and withholding of removal is not exempt from this 90-day time limitation because Respondent has not shown, or even contended, that his claim for these forms of relief and protection from removal is based on changed country conditions arising in Honduras since the date of his removal order. *See* INA § 240(c)(7)(C)(ii); 8 C.F.R. § 1003.23(b)(4)(i). In determining whether evidence accompanying a motion to reopen demonstrates a material change in country conditions that would justify reopening under section 240(c)(7)(C)(ii) of the Act and 8 C.F.R. § 1003.23(b)(4)(i), the Court compares the evidence of country conditions that existed at the time of Respondent's removal order with evidence of country conditions in existence thereafter. *See Nunez v. Sessions*, 882 F.3d 499, 508 (5th Cir. 2018); *Matter of S-Y-G-*, 24 I&N Dec. 247, 253 (BIA 2007), *aff'd*, 546 F.3d 138 (2d Cir. 2008). Respondent's motion to reopen does not allow the Court to make this comparison because Respondent has not submitted evidence of material country conditions existing in Honduras at the time of Respondent's removal order in 2005. The only documents relating to material country conditions in Honduras submitted with Respondent's motion to reopen discuss conditions in existence after 2005. (*See generally* Notice to Intent to Offer Evidence, Tabs 5-11). The Court further concludes that the threats to Respondent's family represent changes in personal circumstances and do not represent changes in country conditions. *See Singh v. Lynch*, 840 F.3d 220, 222-23 (5th Cir. 2016).

Finally, the Court concludes that the circumstances of this case in their entirety do not warrant the exercise of the Court's limited discretion to reopen *sua sponte*. *See Matter of G-D-*, 22 I&N Dec. 1132, 1133-34 (BIA 1999) (holding that the discretion to reopen a case *sua sponte* is an extraordinary remedy reserved for truly exceptional situations); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997) (holding that the power to reopen or reconsider cases *sua sponte* is limited to exceptional circumstances and is not meant to cure filing defects or circumvent regulations, where enforcing them might result in hardship).

Accordingly, the following order shall be entered:

ORDER: Respondent's motion to reopen is DENIED.


Daniel B. Gilbert
Immigration Judge

DGT/vs

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: () ALIEN () ALIEN C/O CUSTODIAN () ALIEN'S ATTY/REP () DHS
DATE: 5/17/19 BY: COURT STAFF [Signature]

ATTACHMENTS: () EOIR-33 () EOIR-28 () LEGAL SERVICES LIST () OTHER

Exhibit C

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 27, 2021

Mr. Jose Correa
U.S. Immigration and Naturalization Service
1717 Zoy Street
Harlingen, TX 78552

Executive Office of Immigration Review
U.S. Department of Justice
Board of Immigration Appeals
5107 Leesburg Pike
Suite 2000
Falls Church, VA 22041

No. 20-60228 Martinez v. Garland
Agency No. [REDACTED]

Dear Counsel,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shea E. Pertuit, Deputy Clerk
504-310-7666

cc:

Mrs. Margot Lynne Nadel Carter
Office of Immigration Litigation
Mr. Colin James Tucker
Mr. William John Vandenberg



United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 1, 2021

Lyle W. Cayce
Clerk

Certified as a true copy and issued
as the mandate on Dec 27, 2021

No. 20-60228
Summary Calendar

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

LUIS MAURICIO MARTINEZ,

Petitioner,

versus

MERRICK GARLAND, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. [REDACTED]

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

J U D G M E N T

This cause was considered on the petition of Luis Mauricio Martinez for review of an order of the Board of Immigration Appeals and the briefs on file.

IT IS ORDERED and ADJUDGED that the petition for review is DENIED.

IT IS FURTHER ORDERED that petitioner pay to respondent the costs on appeal to be taxed by the Clerk of this Court.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 1, 2021

Lyle W. Cayce
Clerk

No. 20-60228
Summary Calendar

LUIS MAURICIO MARTINEZ,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A098 881 816

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Luis Mauricio Martinez, a native and citizen of Honduras, petitions for review of the dismissal by the Board of Immigration Appeals (BIA) of his appeal of the denial of his motion to reopen by the immigration judge (IJ). We review the final decision of the BIA and consider the IJ's opinion where,

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-60228

as here, it affected the BIA's decision. *Nunez v. Sessions*, 882 F.3d 499, 505 (5th Cir. 2018).

The denial of a motion to reopen is reviewed for abuse of discretion. *Gomez-Palacios v. Holder*, 560 F.3d 354, 358 (5th Cir. 2009). We "must affirm the BIA's decision as long as it is not capricious, without foundation in the evidence, or otherwise so irrational that it is arbitrary rather than the result of any perceptible rational approach." *Id.*

It is undisputed that Martinez's motion to reopen was untimely as it was filed in 2019, over a decade after the IJ's 2005 in absentia removal order. *See* 8 U.S.C. § 1229a(c)(7)(C)(i). The BIA did not abuse its discretion in finding that Martinez received proper notice because he was personally served with a notice to appear that reflected the time, date, and location of his hearing. *See Gomez-Palacios*, 560 F.3d at 358; § 1229a(b)(5)(A). Martinez argues that "he believed that another notice would arrive in the mail indicating his *actual* hearing date," and states that the "BIA has rescinded orders of removal based on misinterpretation or misremembering hearing dates" before, citing to a series of unpublished BIA decisions. However, even if those decisions were precedential, they are distinguishable. Those cases involved an interpreter relaying incorrect information or lost or misplaced notices of hearing. Martinez cannot present similar exceptional circumstances which would warrant reopening.

To the extent the BIA determined that Martinez also failed to establish exceptional circumstances warranting the reopening of his removal proceedings, *see* § 1229a(b)(5)(C)(i), Martinez has abandoned any challenge to that finding by failing to brief the issue before this court, *see Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003). Further, we lack jurisdiction to review the district court's refusal to sua sponte reopen Martinez's removal

No. 20-60228

proceedings. *See Gonzalez-Cantu v. Sessions*, 866 F.3d 302, 306 (5th Cir. 2017).

Martinez argues that the normal time limit for filing a motion to reopen should also be excused because he could show changed country conditions in Honduras since the time of the IJ's original hearing in 2005. *See* § 1229a(c)(7)(C)(ii). To demonstrate changed country conditions, Martinez must draw "a meaningful comparison" between conditions in his home country at the time of the motion to reopen and those at the time of the removal hearing. *See Nunez*, 882 F.3d at 508.

We have reviewed Martinez's arguments on appeal, in conjunction with the administrative record and the 2005 State Department Report on Honduras, which was administratively noticed by the BIA. Notably, Martinez does not address the BIA's finding that his affidavit did not constitute material evidence regarding the current conditions in Honduras or the alleged threats in [REDACTED] because his affidavit was not based upon personal knowledge. Any challenge to that determination has therefore been abandoned. *See Soadjede*, 324 F.3d at 833. Moreover, even if the BIA accepted that [REDACTED], [REDACTED] Martinez did not demonstrate that those "individual incidents" were connected to a "larger material change" in the country conditions of Honduras since 2005. *See Nunez*, 882 F.3d at 509. Rather, as the IJ pointed out, the experiences of his wife's family amount to a change in personal circumstances. *See Singh v. Lynch*, 840 F.3d 220, 222-23 (5th Cir. 2016).

Based on the record, we cannot say that the BIA abused its discretion. *See Gomez-Palacios*, 560 F.3d at 358. Moreover, because Martinez does not show materially changed country conditions, we need not examine his arguments that he demonstrated eligibility for relief from removal. *See*

No. 20-60228

Ramos-Lopez v. Lynch, 823 F.3d 1024, 1026 (5th Cir. 2016). The petition for review is DENIED.

Exhibit D

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
Philadelphia Field Office
114 North 8th St.
Philadelphia, PA 19107



U.S. Immigration
and Customs
Enforcement

Alien Name: Luis M. MARTINEZ

Alien Number: [REDACTED]

Notice of Revocation of Release

Your release on the order of supervision (OSUP) issued to you on or about July 22, 2010, is hereby revoked. You will remain detained in U.S. Immigration and Customs Enforcement (ICE) custody at this time.

Your release has been revoked pursuant to 8 C.F.R. § 241.4(l), for the following reason(s):

It is appropriate to enforce the removal order entered against you as ICE has the ability and means to effectuate your removal.

ICE is seeking a travel document to effect your expeditious removal to **Honduras**.

On **April 11, 2005**, you were ordered removed to **Honduras**.

Notice of Informal Interview

On February 5, 2026, you will be afforded an informal interview at which you will be given an opportunity to respond to the reasons for this revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

Penalties for Failure to Comply with Order of Removal

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a) and civil penalties under 8 U.S.C. § 1324d.

Notice to Alien of Revocation of Release

Luis MARTINEZ, A [REDACTED]

Page 2 of 2



Michael Rose

Acting Field Office Director


February 4, 2026

Date

(Note: 8 C.F.R. § 241.4 revocation must be EAD or FOD where there is a public interest to do so and referral to EAD not reasonable; 241.13 may be by RMD)

PROOF OF SERVICE

(1) Personal Service

(a) I Peter Yeager 13404  Deportation Officer,
Name of ICE Officer Title
 certify that I served Luis MARTINEZ with a copy of
Name of detainee
 this document at ERO Philadelphia on 2/4/2026 at _____
Institution Date Time

Detainee Signature: **REFUSED TO SIGN** Date: _____

() cc: Attorney of Record or Designated Representative

() cc: A-File

Exhibit E

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
114 N. 8th St
Philadelphia, PA 19107



U.S. Immigration
and Customs
Enforcement

MARTINEZ, Luis
c/o Immigration and Customs Enforcement
Philadelphia Field Office

A [REDACTED]

Notice of Imminent Removal Pursuant to 8 C.F.R. § 241.4(g)(4)

This letter is to inform you that, pursuant to 8 C.F.R. § 241.4(g)(4), U.S. Immigration and Customs Enforcement (ICE) will not conduct a custody review at this time. **ICE is in possession of a travel document to affect your removal and expects this to occur in the near future.** You will remain in custody pending your removal.

You are advised that any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

A handwritten signature in black ink, appearing to read "M. Rose", written over a horizontal line.

Michael Rose
Acting Field Office Director

A handwritten date "2/4/2026" written in black ink over a horizontal line.

Date

Notice to Alien of File Custody Review
MARTINEZ, Luis, A [REDACTED]
Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I Peter Yeager ^{*Peter Yeager*} Deportation Officer,
Name of ICE Officer Title
certify that I served Luis M. MARTINEZ with a copy of
Name of detainee
this document at ICE ERO Philadelphia on 02/04/2026, at _____.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

REFUSED TO SIGN

Detainee Signature: _____ Date: _____

- () cc: Attorney of Record or Designated Representative
- () cc: A-File