

MELISSA HOLYOAK, United States Attorney (#9832)
TODD C. BOUTON, Assistant United States Attorney (#17800)
Attorneys for the United States of America
Office of the United States Attorney
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2176
Telephone: (801) 524-5682
email: todd.bouton@usdoj.gov

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

<p>JOHAN ANDRES VELASQUEZ MONTILLO,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>NATE BROOKSBY, Washington County Sheriff, et al.,</p> <p style="text-align: center;">Respondents.</p>	<p>Case No. 4:26-cv-00018-DN-PK</p> <p>FEDERAL RESPONDENTS' STATUS REPORT RE: COMPLIANCE WITH ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS - ORDERING RELEASE AND REPORTS</p> <p>District Judge David Nuffer</p>
--	---

1. INTRODUCTION

In response to the Court's "Memorandum Decision Order Granting Petition for Writ of Habeas Corpus; Ordering Release and Reports" (Release Order),¹ Federal Respondents² submit this status report regarding compliance with the Release Order.

¹ ECF No. 23.

² Federal Respondents include all respondents other than NATE BROOKSBY, Washington County Sheriff.

2. STATUS REPORT RE: COMPLIANCE WITH RELEASE ORDER AND ORDER TO REINSTATE ASYLUM HEARING DATE AND LOCATION

At about 10:14am today, Federal Respondents were informed of the Court's Release Order.

They are working to comply with the Release Order.

2.1 Release of Mr. Velasquez.

Mr. Velasquez-Montillo (Mr. Velasquez) is expected to be released sometime tonight.

He is currently detained at the Nevada Southern Detention Center in Pahrump, Nevada. ICE's³ Enforcement and Removal Operations component (ERO) does not have offices at the Nevada Southern Detention Center. But ERO does have a sub-office located in Las Vegas, Nevada. Noncitizens housed at the Nevada Southern Detention Center are thus transported from that facility to the Las Vegas ERO sub-office for release. It is reportedly about an hour and a half drive each way between the Nevada Southern Detention Center and the Las Vegas ERO sub-office. Therefore, Mr. Velasquez's full release cannot be immediate. But it is underway.

2.2 Respondents' report on the status of their compliance.

The Federal Respondents are submitting this report on the status of their compliance.

2.3 Mr. Velasquez's asylum hearing.

The Court has ordered Federal Respondents to reinstate, by new notice, Mr. Velasquez's April 3, 2026 asylum hearing date and location with his family, and to file a copy of that notice with the Court. However, changed circumstances make it difficult to comply with this order.

On or about February 5, 2026, Mr. Velasquez moved to continue the April 3, 2026 hearing. (See Ex. 1 [Immigration Judge's Feb. 17, 2026 Order at 2]). The Department of Homeland Security

³ "ICE" stands for U.S. Immigration and Customs Enforcement.

(DHS) did not file an opposition to the motion. (*Id.*). On February 17, 2026, the Immigration Judge granted Mr. Velasquez's requested continuance for "good cause" under 8 C.F.R. § 1003.29, which was based on "country conditions" and not on Mr. Velasquez's detention. (*Id.*; Ex. 2 [Motion for Continuance] ¶¶ 1-9 (noting the extraordinary circumstances in Venezuela that have made it difficult for Mr. Velasquez to obtain critical evidence to support his asylum petition)). The individual hearing for Mr. Velasquez is now set for November 10, 2027 in West Valley, Utah. (*See* Ex. 3 [Notice of Internet-Based Hearing dated February 8, 2026]).

Based on the Court's order, and in an effort to comply with that order, DHS has indicated that it will move to re-consolidate Mr. Velasquez's case with his family's case and request that the Department of Justice's Executive Office for Immigration Review issue a notice for the November 2027 hearing with Mr. Velasquez added.

2.4 Detention under 8 U.S.C. § 1225.

The United States will not again attempt to use 8 U.S.C. § 1225 to detain Mr. Velasquez. He does, however, remain subject to removal proceedings.

DATED: March 3, 2026.

MELISSA HOLYOAK
United States Attorney

/s/ Todd C. Bouton

TODD C. BOUTON
Assistant United States Attorney