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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
14

15 **OBDULIO NOE LOPEZ,**

16 **Petitioner,**

17 **v.**

18 **MARKWAYNE MULLIN, Secretary of**
19 **the Department of Homeland Security,**
20 **TODD BLANCHE, Acting Attorney**
21 **General, TODD M. LYONS, Acting**
22 **Director, Immigration and Customs**
23 **Enforcement, JESUS ROCHA, Acting**
24 **Field Office Director, San Diego Field**
25 **Office, JEREMY CASEY, Warden at**
26 **Imperial Regional Detention Facility,**

27 **Respondents.**
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Civil Case No: 26-cv-2746-JES-AHG

**Amended Petition for Writ of
Habeas Corpus**

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INTRODUCTION

Obdulio Noe Lopez was born in Guatemala and applied for asylum in the United States in 1990. As a result, he qualified for an obscure form of relief called the Nicaraguan Adjustment and Central American Relief Act, or “NACARA.” On April 13, 2026, an immigration judge terminated his removal proceedings due to his NACARA status, and neither party has appealed that decision. Because Mr. Lopez is thus no longer in removal proceedings, Respondents lack statutory authority to detain him, and this Court should order his immediate release.

STATEMENT OF FACTS

Mr. Lopez was born in Guatemala in 1958. Exhibit A, Declaration of Obdulio Noe Lopez, at ¶ 1. In 1990, he came to the United States and applied for asylum. *Id.* at ¶ 1. In the 36 years since then, he has never been deported or left the United States. *Id.* at ¶ 1. He has never been convicted of a removable crime and has only received minor citations or tickets. *Id.* at ¶ 1.

At some point around 2010, Mr. Lopez was put into removal proceedings in Los Angeles, California. *Id.* at ¶ 2. However, he was told that he was eligible for relief under the Nicaraguan Adjustment and Central American Relief Act, also known as “NACARA.” *Id.* at ¶ 2. The judge then closed his removal proceedings. *Id.* at ¶ 2.

On November 17, 2025, Mr. Lopez was living in Los Angeles and had gone to a café in a park where people often go to find work. *Id.* at ¶ 3. While he was there, a Border Patrol agent came and began questioning the people at the café, asking whether they had papers. *Id.* at ¶ 3.

When the Border Patrol agent questioned Mr. Lopez, Mr. Lopez told the agent that he had lawful status in the United States. *Id.* at ¶ 4. But the agent did not believe Mr. Lopez and arrested him. *Id.* at ¶ 4. Mr. Lopez was then transferred to Imperial Regional Detention Center. *Id.* at ¶ 4.

1 At Imperial, Mr. Lopez was put in removal proceedings before an
2 immigration judge. *Id.* at ¶ 5. However, on April 13, 2026, the judge terminated
3 Mr. Lopez’s removal proceedings. *Id.* at ¶ 5. The judge told Mr. Lopez that this
4 would be his last court. *Id.* at ¶ 5. Mr. Lopez did not understand exactly what had
5 happened but he believed it was somehow related to the fact that he has
6 NACARA. *Id.* at ¶ 5.

7 More than 30 days have now elapsed since the IJ terminated Mr. Lopez’s
8 removal proceedings. And according to the EOIR website, neither party has filed
9 an appeal of the IJ’s decision terminating removal proceedings:

EOIR | Automated Case Information

Court Closures Today May 14, 2026 | Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Home > LOPEZ, ABDULIO NOE (246-060-516)

Automated Case Information

Name: LOPEZ, ABDULIO NOE | A-Number: 246-060-516 | Docket Date: 11/19/2025

<p>Next Hearing Information</p> <p><i>There are no future hearings for this case.</i></p>	<p>Court Decision and Motion Information</p> <p>The immigration judge TERMINATED proceedings.</p> <p>DECISION DATE April 13, 2026</p> <p>COURT ADDRESS 2409 LA BRUCHERIE ROAD IMPERIAL, CA 92251</p>
<p>BIA Case Information</p> <p>No appeal was received for this case.</p>	<p>Court Contact Information</p> <p>If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.</p> <p>COURT ADDRESS 2409 LA BRUCHERIE ROAD IMPERIAL, CA 92251</p> <p>PHONE NUMBER (760) 370-5200</p>

1 Accordingly, Mr. Lopez remains in custody even though there are no pending
2 removal proceedings and no final order of removal.

3 **ARGUMENT**

4 **I. Because Mr. Lopez is no longer in removal proceedings and has never**
5 **been ordered removed, Respondents have no statutory authority to**
6 **detain him.**

7 Mr. Lopez qualifies for NACARA, which applies to individuals from
8 certain countries who entered the United States in 1990 or earlier. Likely because
9 of this, the IJ terminated his removal proceedings, and the time for Respondents
10 to appeal has now elapsed. Thus, Respondents have no statutory authority to
11 detain Mr. Lopez, and this Court should order his immediate release.

12 Under the Nicaraguan Adjustment and Central American Relief Act,
13 (NACARA), nationals from certain countries (including Guatemala) qualify for a
14 pre-1996 form of relief called “suspension of deportation” if all of the following
15 requirements are met:

- 16 1. The individual has not been convicted of an aggravated felony;
- 17 2. The individual first entered the United States on or before September
18 19, 1990;
- 19 3. The individual registered for benefits under the *American Baptist*
20 *Churches v. Thornburgh (ABC)* settlement agreement on or before
21 October 31, 1991 (either by applying for Temporary Protected Status
22 or by submitting ABC registration), unless apprehended at the time
23 of entry after December 19, 1990;
24 or
- 25 4. The individual filed an application for political asylum with the INS
26 on or before April 1, 1990.

27 NACARA §203(a)(1).

28 Here, Mr. Lopez meets all the requirements for NACARA, which is why an
immigration judge closed his removal proceedings over a decade ago. Exh. A at

1 ¶ 2. Nevertheless, an immigration official arrested Mr. Lopez on November 17,
2 2025, took him into custody, and placed him in removal proceedings, where he
3 has languished in detention for six months. *Id.* at ¶ 3–5.

4 However, an IJ appears to have correctly recognized that Mr. Lopez was
5 protected from removal under NACARA and terminated removal proceedings. *Id.*
6 at ¶ 5. There is no indication that Respondents appealed this decision within the
7 30 days they were permitted to do so. Thus, the IJ’s decision is final, and
8 Mr. Lopez’s removal proceedings have concluded without an order of removal.

9 Nevertheless, Respondents continue to detain Mr. Lopez with no statutory
10 authority to do so. Under 8 U.S.C. § 1226—the general statute authorizing
11 detention—Respondents may only arrest and detain an individual “pending a
12 decision on whether the alien is to be removed from the United States.” 8 U.S.C.
13 § 1226(a). But here, the IJ’s order terminating proceedings is final, so there is no
14 “pending” decision on “whether [Mr. Lopez] is to be removed from the United
15 States.” Accordingly, this Court should order Mr. Lopez immediately released.

16 **CONCLUSION**

17 For all these reasons, this Court should grant the petition and order
18 Mr. Lopez immediately released.¹

19 Respectfully submitted,

20 Dated: May 14, 2026

21 *s/ Kara Hartzler*
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24 Attorneys for Mr. Lopez
25 Email: kara_hartzler@fd.org

26 ¹ Undersigned counsel drafted this petition on the basis of information provided
27 by Mr. Lopez. Should Respondents present evidence contradicting this
28 information, Mr. Lopez requests at a minimum that this Court grant him a bond
hearing pursuant to *Maldonado Bautista v. Santaacruz*, No. 5:25-CV-01873-SSS-
BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025), since he has been in
the United States for 36 years.