

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PABLO RAFAEL MOTA, in
representation of **Inocencia Rodriguez**

Petitioners,

v.

Civil No. 3:26-cv-1450 (MAJ)

REBECCA GONZÁLEZ RAMOS, Special Agent in
Charge of Homeland Security Investigations in San Juan,
GARRET J. RIPA is Miami Field Office Director for U.S.,
Et al.

PETITION FOR A WRIT OF

Respondents.

MOTION FOR URGENT RELIEF

TO THE HONORABLE COURT:

Come now the Petitioners, through the undersigned legal counsel and respectfully state,
allege and pray as follows:

1. On July 13, 2026, the Petitioners filed a Habeas Corpus Petition (Dkt. 1) and a
Petition for Temporary Restraining Order (Dkt. 3).

2. On July 15, 2026, this Court issued a Temporary Restraining Order (Dkt. 10) were
it states that this is not a case of mandatory detention:

"Under the Immigration and Nationality Act, 8 U.S.C. § 1226(a) "provides the general process for arresting and detaining [noncitizens] who are present in the United States and eligible for removal." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022). Section 1226(a) provides the Government broad discretion whether to release or detain the individual and it provides several layers of review for an initial custody determination. *Id.* It also confers "an initial bond hearing before a neutral decisionmaker, the opportunity to be represented by counsel and to present evidence, the right to appeal, and the right to seek a new hearing when circumstances materially change." *Id.* at 1202"

3. The Court further stressed:

“Petitioner states that she entered the United States without inspection over nine years ago, has no criminal record, and is the beneficiary of an approved I-130 Petition for Alien Relative and approved I-601A Application for Provisional Unlawful Presence Waiver (ECF No. [1]). If true, that would render Petitioner's detention unlawful.”

4. Petitioner had initiated the service of process in this case. Today, copy of the TRO (Dkt. 10) was served on Rebecca González, Roberto Vaquero and Hector Ramirez Carbó.

5. The TRO was also handled personally to the DHS Assistant Chief Counsel and Immigration Judge Elvin Talavera during a Bond Redetermination Hearing held today at 1:00 pm., accompany by public information records from USCIS website attesting that as to July 15, 2026, at 11:12 am, the USCIS record reflects that Petitioner's I-130, bearing receipt number IOE0908367343, was approved on May 7, 2022, when the agency sent the case to the US Department of State. The I-601 A, bearing receipt number LIN2290321923 was also approved by Respondents since April 25, 2025, and remains approved. Therefore, according to the TRO wording the Petitioner's detention is illegal.

6. However, the Immigration Judge declared that the Immigration Court has no Jurisdiction to see the hearing based on Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), and issued a ruling “that it is binding precedent and that the Immigration Court lacks jurisdiction to adjudicate the respondent's request.”¹ (Exhibit 1)

7. Both the Immigration Judge and DHS Assistant Chief Counsel refused to verify on the record if the petitioner indeed has an approved petition of I-130 and I-601 A. This information is part of the record of the agency and that could have been easily verified by the Government during the hearing. The Immigration Judge refused to order DHS Assistant Chief Counsel to ratify

¹ This is inconsistent with judge's assertion in his order stating the “ther was a full consideration of the evidence presented”

if both petitions were approved by USCIS, despite this Court's alert about the illegal detention of the Petitioner if true that both I-130 and I 601A were approved.

8. The Petitioner request from this Honorable Court that considering her detention is illegal, order her immediate release from custody after petitioner provided Attorney from the Government and the Immigration Court evidence of her approved petition of I-130 and I-601 A. Exhibits 2 and 3

9. Due to the insistence of the Immigration Court to apply Yajure Hurtado and to disobey this Court multiple orders to treat petitioners as cases of discretionary detention, we in the alternative urge the Court to hold an emergency hearing and or a bond hearing before the District Court to halt the continue violation of liberty and due process to the petitioner.

Wherefore, the Petitioner respectfully asks that the Honorable Court order the immediate release from custody of Mrs. Inocencia Rodriguez after petitioner provided Attorney from the Government and the Immigration Court evidence of her approved petition of I-130 and I-601 A.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico on July 15, 2026.

s/ Fermín L. Arraiza-Navas
#215705 (US District Court Puerto Rico)

Annette Martínez-Orabona
Executive Director
American Civil Liberties Union
Puerto Rico Chapter
Union Plaza, Suite 1105
416 Avenida Ponce de León
San Juan, Puerto Rico 00918
(787) 753-9493
(646) 740-3865
farraiza@aclu.org

Counsel for Petitioner

s/ Rafael E. Rodríguez Rivera

RAFAEL E. RODRÍGUEZ RIVERA
USDC-PR 218603
rrodriguez@inter.juris.edu
Legal Aid Clinic
Interamerican University of Puerto Rico
Faculty of Law
PO Box 194735
San Juan, Puerto Rico 00919-4735
Tel. (787)751-1600

s/María del R. García Miranda
MARIA DEL R GARCIA MIRANDA
Clínica de Asistencia Legal Inmigración
Escuela de Derecho UPR
USDC 304709
PO Box 10365
San Juan, Puerto Rico 00922
Tel. (787)977-2323
charitogarcia@hotmail.com

Dated: July 15th, 2026

CERTIFICATE OF SERVICE : I hereby certify that, on July 15th, 2026, I electronically filed the foregoing document with the United States District Court of Puerto Rico by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

Dated this 15th day of July, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name