

**UNITED STATES DISTRICT COURT
THE DISTRICT OF NEW MEXICO**

Luis Eduardo PEREZ PARRA, *et al.*,

Petitioners,

v.

DORA CASTRO, *et al.*,

Respondents.

No.1:24-cv-00912-KG-KRS

NOTICE OF VOLUNTARY DISMISSAL

Petitioners Luis Eduardo Perez Parra, Leonel Rivas Gonzalez, and Abrahan Josue Barrios Morales hereby voluntarily dismiss this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) in light of their deportation to Venezuela. Attached hereto as Exhibit A is a stipulation of dismissal signed by all the parties who have appeared in this action.

Less than twenty-four hours after Petitioners obtained a temporary restraining order from this Court enjoining their transfer to the Guantánamo Bay Naval Station, ECF No. 47, the government deported them to Venezuela. *See* ECF No. 48 (Respondents’ Notice of Removal). Petitioners were reportedly placed on one of the two flights carrying deported Venezuelan migrants that arrived in Caracas from the United States on the evening of Monday, February 10—the first deportation flights to Venezuela in over a year.¹

With thousands of other post-order Venezuelans detained in the United States awaiting removal, it is hard to imagine that Petitioners would have been prioritized for these first deportation flights if they had not filed this habeas action, and courageously challenged the

¹ Valerie Gonzalez, “Venezuela sends 2 planes to US to return migrants, signaling a potential improvement in relations,” *AP News* (Feb. 10, 2025), <https://apnews.com/article/trump-immigration-crackdown-venezuela-aragua-a9b5a11b1e14e40c62741ac6f1aa0f74>.

executive branch's reprehensible and legally unsupportable decision to begin shipping detained migrants to the notorious military prison at Guantánamo and holding them there incommunicado.

The government's baseless accusations in this case that two of the Petitioners are affiliated with the infamous Tren de Aragua gang raises grave concerns about risks to their lives and freedom upon their return to Venezuela. The *New York Times* recently reported that "[Venezuelan President Nicolás] Maduro's government said it had been informed by U.S. authorities that several deportees [on the Monday flights] were part of a criminal group called the Tren de Aragua."² And while "[n]either the U.S. nor Venezuela has provided proof of this. . . . Mr. Maduro's government assured the public that the returning Venezuelans accused of gang membership 'will be subject to a rigorous investigation as soon as they touch Venezuelan soil and will be subject to the actions provided for in our justice system.'"³ Given how Maduro's supporters have linked Tren de Aragua to the political opposition, and given the Maduro regime's brutal repression of its opponents, these words ring ominously for anyone who is arriving in Venezuela with the stamp of alleged Tren de Aragua membership, however unfounded. Respondents' reckless labeling of these two Petitioners as gang-affiliated is part of a disturbing pattern, beginning on the Trump campaign trail, of scapegoating and criminalizing migrants who come to this country seeking protection and a better life. It is also part of a trend, fueled by President Trump and his administration and supporters, of painting all Venezuelan migrant men as dangerous gang members deserving of being disappeared into the legal black hole of Guantánamo.

Because Petitioners are no longer in the custody of Respondents, and none of the mootness exceptions apply, their habeas claims are moot. *See Riley v. I.N.S.*, 310 F.3d 1253, 1257

² Julie Turkewitz, "Venezuelan Planes Fly Deported Migrants From U.S. to Venezuela," *New York Times*, Feb. 10, 2025, <https://www.nytimes.com/2025/02/10/world/americas/venezuela-deportation-flights-migrants.html>.

³ *Id.*

(10th Cir. 2002). While their specific legal claims have been extinguished by their “release” from custody, the harms Petitioners suffered as a result of their unlawfully prolonged detention do not simply disappear. Each of the three Petitioners was imprisoned in immigration custody for over a year in total, and for between eight and eleven months after receiving a final order of removal. They endured dismal conditions in detention that will leave lasting scars on them and their families.

The emotional and psychological toll of detention led Petitioners to suffer depression, anxiety, loss of appetite, and suicidal ideation. One Petitioner was so deeply impacted that he engaged in self-harm leading to his admission to a psychiatric facility last month. Petitioners’ fears and anxiety were acutely exacerbated last week when they began to confront the threat that they could be sent to Guantánamo. While Petitioners narrowly avoided that fate, many others have not. Petitioners were needlessly separated for many months from their loved ones in the United States—including Mr. Rivas Gonzalez’s young daughter, who he has not been able to hold in his arms for half of her life. Their separation may now be permanent. It is deeply regrettable and an affront to justice that Petitioners had to suffer so much and for so long.

Based on the foregoing and the attached stipulation of the parties, Petitioners hereby voluntarily dismiss their Petition for a Writ of Habeas Corpus.

Dated: February 14, 2025

Respectfully submitted,

s/ Jessica Vosburgh

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CERTIFICATE OF SERVICE

I hereby certify that, this 14th day of February, 2025, I filed a copy of the foregoing electronically through the CM/ECF system, which gave service to all counsel of record.

s/ Jessica Vosburgh
Jessica Myers Vosburgh

Counsel for Petitioners

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STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Petitioners Luis Eduardo Perez Parra, Leonel Rivas Gonzalez, and Abrahan Josue Barrios Morales and Federal Respondents,¹ by and through undersigned counsel, hereby agree and stipulate to the voluntary dismissal of the above-captioned action without prejudice. Each party shall bear its own costs and attorney's fees.

Dated: February 14, 2025

s/ Rebecca Sheff

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¹ Although Federal Respondents do not represent Dora Castro, Warden, Otero County Processing Center, as Otero is a private facility and Warden Castro is not a federal employee, she is included in the request to voluntarily dismiss this action—with each party bearing its own costs as fees—as she was detaining the Petitioners at the request of the United States.

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