

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Morales-Buelvas v. Warden, Richwood Correctional Center, et al.

Morales-Buelvas · No. 3:26-CV-00572 · Decided May 8, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Otella Morales-Buelvas’s emergency motion for immediate relief after she was removed to Colombia pursuant to an immigration judge’s voluntary-departure order. The court found that the hearing transcript raised questions about whether she knowingly and voluntarily waived her right to appeal, but concluded that she could present that issue to the Board of Immigration Appeals and potentially seek further review. The court also denied her request to be returned to the United States.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	Robert R. Summerhays
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	May 8, 2026
DOCKET	3:26-CV-00572
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought emergency interim relief in a federal habeas proceeding, arguing that the government unlawfully removed her to Colombia after an Immigration Judge allegedly misstated whether she had waived appeal of a voluntary-departure order.
STANDARD OF REVIEW	The court evaluated whether Petitioner had shown entitlement to emergency interim relief and whether her requested return to the United States was required while her BIA appeal remained pending.
PRECEDENTIAL VALUE	unpublished district court ruling
PARTIES	Otella Morales-Buelvas v. Warden, Richwood Correctional Center, et al.

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QUESTIONS PRESENTED

1. Whether Petitioner knowingly and voluntarily waived her right to appeal the Immigration Judge's voluntary-departure order.
2. Whether the district court should grant emergency interim relief based on an alleged automatic stay of removal and due-process violation.
3. Whether Petitioner was entitled to an order requiring her return to the United States while her BIA appeal was pending.

HOLDINGS

1. Emergency interim relief was denied because Petitioner had a pending appeal before the BIA, was represented by counsel in the United States, and had not shown that she was precluded from presenting her appeal-waiver argument to the BIA or that immediate judicial relief was necessary.
2. The court did not finally resolve the validity of the waiver, but held that the transcript raised a substantial question because the Immigration Judge's statements were contradictory and Petitioner affirmatively stated that she wished to reserve her right to appeal.
3. Petitioner was not entitled at that stage to an order requiring her return to the United States.

KEY QUOTATIONS

“Although due process rights may be waived . . . such a waiver must be made knowingly and voluntarily.”

FACTUAL BACKGROUND

Otella Morales-Buelvas, a Colombian citizen, entered the United States in March 2024 and was placed in removal proceedings. At a March 13, 2026 hearing, the Immigration Judge discussed voluntary departure and suggested that Petitioner could reserve her right to appeal; Petitioner affirmatively stated that she wanted to reserve that right. The subsequent written order granted voluntary departure but stated that Petitioner had waived appeal, and DHS removed her to Colombia on March 25, 2026. Petitioner had a pending BIA appeal and counsel in the United States when she sought emergency relief.

PROCEDURAL HISTORY

The Immigration Judge granted voluntary departure after granting the Department of Homeland Security's motion to pretermitt Petitioner's applications for relief. The Immigration Judge's written order stated that Petitioner had waived appeal, although the hearing transcript reflected that she wanted to reserve her right to appeal. DHS removed Petitioner to Colombia, and she later appealed to the Board of Immigration Appeals. The district court denied her Emergency Motion for Immediate Relief.

DISPOSITION

other

CASES CITED

- Orantes-Hernandez v. Thornburgh, 919 F.2d 549, 553 (9th Cir. 1990)
- Nose v. Att'y Gen. of U.S., 993 F.2d 75, 78-79 (5th Cir. 1993)
- Palacios-Yanez v. Holder, 480 F. App'x 474, 477 (10th Cir. 2012)
- Banjoko v. Bondi, No. 2:26-CV-00016-MIS-JMR, 2026 WL 752445, at *3-4 (D.N.M. Mar. 17, 2026)
- Kohwarien v. Holder, 635 F.3d 174, 179 (5th Cir. 2011)

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