

Altoona Mirror

Immigration attorney pushing for Mexican native's release

An immigration attorney has requested an emergency hearing in the U.S. District Court in Johnstown contending that his client, a Mexican native who is fighting deportation from the United States, be released from the Cambria County Prison where he has been housed without bail for nearly two years.

The inmate, Jaime Galvan-Gonzalez, *“seeks emergency relief, as each day his life deteriorates more and more — without answers, bail, criminal charges or family — losing all hope,”* according to a petition filed Wednesday by attorney Raymond G. Lahoud of Allentown.

He is asking U.S. District Judge Kim R. Gibson to immediately release Galvan, who has spent more than 650 days in the local facility after completing a federal prison sentence of 70 months for money laundering.

The case was referred for initial review to U.S. Magistrate Keith Pesto of Johnstown, who late Friday morning denied Lahoud's request for an immediate hearing.

Pesto, however, stated that the U.S. Attorney for Western Pennsylvania has 60 days to file an answer to the allegations and to argue that Galvan should not be released.

Galvan, 43, was among 13 suspects sentenced on charges of participating in a drug organization that distributed more than five kilos of cocaine and 1,000 kilos of marijuana.

According to the request for an emergency hearing, Galvan was sentenced with 12 other members of the group from the Rio Grande Valley in southern Texas.

Galvan was transferred to the Cambria County Prison in 2015 while he fights efforts by the U.S. Department of Homeland Security to deport him to his native Mexico.

While he is a citizen of Mexico, the petition stated that Galvan was legally admitted to the United States as a child in 1980.

The Department of Homeland Security is seeking his removal from the United States because he was convicted of an aggravated felony, while the inmate's attorney is seeking a deferral of his removal based on an exception to the government's power to remove him, created by the Convention Against Torture Act.

Lahoud is contending that Galvan would be in danger of torture or death from one of Mexico's powerful drug organizations, particularly the Sinaloa Cartel, if he were forced to go back to Mexico.

The deportation case is being heard in the U.S. Immigration Court in York and so far has included testimony by an expert witness, Thomas Boerman, who, according to a January opinion by Immigration Judge Walter A. Durling, opined Galvan would have nowhere to hide in Mexico and would be at the "*highest risk*" of suffering death at the hands of the cartels.

That opinion stated, "*Dr. Boerman explained the cartels' integration and infiltration of the Mexican government where it was an effort in futility trying to separate organized crime from government corruption since they are so intertwined.*"

The opinion was issued Jan. 12, and granted Galvan's request for deferral of removal for the second time.

The Department of Homeland Security is attempting to dispel the concern over Galvan's alleged fate and is defending the commitment of the Mexican government in its actions opposing Mexico's drug gangs.

Homeland Security attorney Jon I. Staples is contending the judge *“erred in finding that (Galvan) would likely be tortured by the drug cartels in Mexico and that it would be more likely than not that the Mexican government would acquiesce to this torture.”*

The Lahoud petition points out Galvan has been in the United States for more than 30 years and noted his continued detention by the government *“has been unreasonably long.”*

He contends Galvan has family in the United States and if placed on bail pending the conclusion of his case, *“There is not a scintilla of evidence that (Galvan) would not comply and appear at any future removal hearings.”*

He also stated there is no evidence Galvan would pose a danger to the community.

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