

# US government sued for stranding Tennessee man in Guatemala

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A lawsuit was filed Tuesday against the United States government seeking a reconsideration of a case of a Tennessee man stranded by the government in 2022 ostensibly over a tattoo. The man, Santos Maudilio Saucedo Rivas, left for Guatemala to attend an immigration review as part of a process to grant him permanent residence. His travel was approved by the US Citizenship and Immigration Services (USCIS).

Instead, Saucedo Rivas was forbidden from returning to the US, the country where he spent his entire adult life up to that point. “He was eligible for his green card—the only reason he left home and went back there was to get the card—but he was prejudged by consular officials, who said that he looked like a criminal, and was denied,” said Eric Lee, legal counsel on Saucedo Rivas’ case.

This prevented him from returning to his wife, deprived him of his livelihood, and significantly limits his access to communication with his wife due to the region of Guatemala he is in.

In response, Saucedo Rivas’ wife, Daisy Rodriguez, a US citizen, sued the US Department of State, Secretary of State Marco Rubio, as well as the US Embassy in Guatemala City and others involved in the violation of her husband’s rights as well as her own First Amendment right to talk to her husband.

In a series of three interviews between 2022 and 2023, US consular officials accused him of affiliation with the Barrio Azteca gang solely on the basis of tattooed initials “BA” on his body, and his green card was denied on this basis. He and his lawyers allege that the initials in fact refer to his nickname “Bau,” not gang affiliation.

The case comes as the fascist Trump administration carries out its mass deportation campaign, sending immigrants to concentration camps and deporting them

to the gulags of El Salvador for supposed gang affiliation, with one recent case including a Venezuelan man disappeared for taking the wrong turn on a Michigan bridge taking him to the US-Canada border.

“This is a policy that Democrats helped prepare over multiple administrations, though what Trump is doing is of a qualitatively different character. The use of tattoos to remove people under the Alien Enemies Act is certainly new,” said Lee. “I don’t draw attention to the role of Obama and Biden to diminish what Trump is doing, but at the same time, Trump didn’t fall out of the sky. These policies have had a bipartisan character.”

“My husband, Santos, my life partner of 14-plus years, has been wrongfully accused of being a ‘member of a criminal organization.’ We submitted hard evidence proving that he is not a gang member, that he is a good man, a great husband, and the heart of our family-owned restaurant, but this evidence was ignored,” Rodriguez explained. “The American people want legal migration, but we followed the legal process and never got a fair chance. All we ask is for the government to review the evidence we submitted proving his innocence, because when they do they’ll see they have made a terrible mistake.”

The lawsuit alleges that officials did not afford Saucedo Rivas due process in the first place and approached his case in bad faith. Consular officials attempted to extract confessions, claimed his denials were an attempt to offend the consular officials’ intelligence, told him he looked like a gangster and a convict, and even attempted to intimidate him by slamming their hands on the interview table, according to the lawsuit.

A release from the Consular Accountability Project by Lee further stated, “Experts from law enforcement

and academia submitted declarations stating it is factually impossible that a law-abiding Guatemalan man from Tennessee could belong to a gang comprised solely of Mexican individuals from Texas with long criminal records. This lawsuit aims to establish fairness and accountability over the legal pathway to lawful permanent residency.”

One of the experts is Jeffrey Gibson, an analyst for the West Texas High Intensity Drug Trafficking Areas (HIDTA) Investigative Support Center who regularly advises the Department of State as well as multiple other “state and local law enforcement agencies regarding the history, organization and practice of Barrio Azteca.” In his statement to the US Embassy in Guatemala City, which is named in the lawsuit, he says, “I have not received any information that membership extends to any other Central or South American nationality.” Furthermore, he stated he had never seen a member outside of the prison system or in Tennessee.

Michael Tapia, Ph.D. is a Professor at Texas A&M University-Commerce, one of the foremost academic experts on Barrio Azteca, who published a book and numerous peer-reviewed academic journal articles on the history and practice of the gang, stated to the embassy, “In my professional opinion . . . Mr. Saucedo Rivas lacks any of the characteristics of a member of the gang Barrio Azteca.”

Adriana Chavez, a journalist at the *El Paso Times* from 2001-2015, whose work as a journalist and her master’s thesis focused on the gang, also stated that “I do not believe Mr. Saucedo Rivas is a member of the Barrio Azteca gang, and has been incorrectly identified as such.”

According to the lawsuit, the government failed to follow their own rules, not attempting to in good faith determine whether or not Saucedo Rivas was a gang member, violating agency regulations. Specifically Section 40.6 of Title 22 states that “[c]onsideration shall be given to any evidence submitted indicating that the ground for a prior refusal of a visa may no longer exist.”

Embassy officials did not respond to offers by experts to provide proof to embassy officials that Saucedo Rivas couldn’t be a member of Barrio Azteca within less than a year following the visa refusal. As the regulation in question states if a visa is refused, and the applicant within one year from the date of refusal

produces further evidence “tending to overcome the ground of ineligibility on which the refusal was based, the case shall be reconsidered.”



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