



Petitioner's counsel provided these discovery requests to Respondents' counsel on Thursday, March 24, 2025. Respondents' counsel acknowledged receipt, but has not provided its position on these discovery requests.

Limited discovery is appropriate to allow Petitioner to contest the facts relevant to the forthcoming evidentiary hearing. *See id.*; *see also* ECF 33 at Section IV. Respondents' evidentiary submission to date relies entirely on two declarations from two ICE officials, Assistant Field Office Director Carlos Cisneros and Special Agent Jesus Anchondo. Their declarations discuss several sources of information on which they base their conclusions, including police reports from the El Paso Police Department, video footage of Petitioner's arrest and other materials. Both declarations also reference other individuals who have allegedly reached certain conclusions about Petitioner. The discovery requests below seek the underlying materials on which these declarations rely, and the identities of the individuals who have made the assertions referenced. All of the information should be readily available, given that the declarants refer to them.

Accordingly, Petitioner hereby requests that Respondent U.S. Department of Homeland Security ("DHS") produce all documents and tangible things responsive to the categories described below via electronic submission to Petitioner's counsel as soon as possible on a rolling basis, and by no later than Thursday, May 1, 2025 (seven days from when the requests were served). Any later production would likely make it impossible for Petitioner to receive a fair hearing the following Monday, May 5, 2025.

#### **DOCUMENTS REQUESTED**

- 1. Request for Production No. 1:** A full and complete copy of all El Paso Police Department Reports that Officer Cisneros and Agent Anchondo relied upon for their declarations in this case, including but not limited to the "El Paso Police Department Report" referred to in the

Cisneros Declaration, the “EPPD police reports” referred to in the Cisneros Declaration, and the “official records available to me” referred to in the Anchondo Declaration. ECF 35-1 ¶¶ 7, 11, 12; 35-2, ¶ 8.

2. **Request for Production No. 2:** Any other report, memo, notes, or other writing or digital record, whether formally or informally kept, on which Officer Cisneros and Agent Anchondo relied to support their allegations concerning the circumstances of Petitioner’s arrest on May 27, 2024. *See* ECF 35-1 at ¶¶ 7, 11; ECF 35-2 ¶¶ 9-11.
3. **Request for Production No. 3:** The “AXON footage” referred to in the Cisneros declaration. *See* ECF 35-1 at ¶ 7.
4. **Request for Production No. 4:** Any other video recording, including but not limited to any “body worn camera” footage and “dashboard videos,” which Officer Cisneros and Agent Anchondo reviewed or on which they otherwise relied in support of their allegations that Petitioner possessed a gun on May 27, 2024, shortly before his arrest. *See* ECF 35-2 at ¶ 10.
5. **Request for Production No. 5:** The “Field Intelligence Report” authored by Border Patrol Agent George Villegas referred to in Agent Anchondo’s Declaration. ECF 35-2 at ¶ 10.
6. **Request for Production No. 6:** Any report, notes, memoranda, or other writing or digital record, whether formally or informally kept, on which Officer Cisneros relied to support the allegations concerning Petitioner’s arrest on October 12, 2024. *See* ECF 35-1 at ¶ 8.
7. **Request for Production No. 7:** The names and position titles of the “ICE officers and agents well versed in gang activity in general, and TdA in particular” who allegedly believe that Petitioner is a TdA member. ECF 35-1 at ¶ 10.

8. **Request for Production No. 8:** If different from those referred to in the prior request, the names and positions of the “ICE” personnel who “determined that Petitioner is affiliated with TdA” after his arrest on May 27, 2024, as described in the Cisneros Declaration. ECF 35-1 at ¶ 11.
9. **Request for Production No. 9:** Any report, notes, memoranda, or other writing or digital record, whether formally or informally kept, authored by any of the ICE personnel referred to in the Cisneros declaration to support their contention that Petitioner is a TdA member. ECF 35-1 at ¶¶ 10-11.
10. **Request for Production No. 10:** Any report, notes, memoranda, or other writing or digital record, whether formally or informally kept, on which Officer Cisneros relied to form his belief that the district attorney “dismissed the case against Petitioner under the assumption that Petitioner had been deported,” as described in the Cisneros Declaration. ECF 35-1 at ¶ 11.
11. **Request for Production No. 11:** Any report, notes, memoranda, or other writing or digital record, including but not limited to “ICE intelligence and open-source materials,” and whether formally or informally kept, on which Officer Cisneros relied to form his belief that “an AK-47 rifle tattoo,” and “tattoos of stars and a rose” “are known signifiers of TdA membership,” as described in paragraph 12 of his declaration. ECF 35-1 at ¶ 12.
12. **Request for Production No 12:** Any report, notes, memoranda, or other writing or digital record, whether formally or informally kept, on which Agent Anchondo relied to form his belief that “[i]t is believed by TDI and other law enforcement agencies” that “a tattoo of a rifle” signifies TdA membership as described in paragraph 12 of his declaration. ECF 35-2 at ¶ 12.

**13. Request for Production No. 13:** Any presentation slides or other records of the presentations about TdA referred to in Agent Anchondo's declaration, including the "presentations by the El Paso Sector U.S. Border Patrol Human Intelligence (HUMINT) agents' presentation on TdA, El Paso Police Department (EPPD) TdA presentation, the Policia de Investigaciones (PDI) de Chile (Police of Investigations of Chile) training on TdA," and the "presentations to other federal, state, and local law enforcement agencies" that Agent Anchondo has done. ECF 35-2 at ¶ 2.

**14. Request for Production No. 14:** The names and position titles of all "Enforcement and Removal Operations (ERO)" personnel to whom Agent Anchondo refers in paragraph 11 of his declaration. ECF 35-2 at ¶ 11.

**15. Request for Product No. 15:** A record of the "computer index check" to which Agent Anchondo refers in paragraph 11 of his declaration. ECF 35-2 at ¶ 11.

Date: April 28, 2025

Respectfully Submitted

/s/ Jaime Diez

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