

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GILBERTO ALONSO-PORTILLO, <i>Petitioner,</i> v. PAMELA BONDI, Attorney General of the United States, et al., <i>Respondents.</i>	Case No. 1:25-cv-00306 Judge Michael R. Barrett Magistrate Judge Kimberly A. Jolson
---	--

PETITIONER'S STATUS UPDATE PURSUANT TO COURT ORDER

Petitioner, through counsel, respectfully submits this Status Update in response to the Court's request for information regarding the Petitioner's immigration hearing scheduled for August 25, 2025.

Detained removal proceedings are bifurcated into two separate dockets: bond proceedings and expedited detained removal proceedings. The bond proceeding determines whether the detained individual is eligible for release from custody and under what conditions. Separately, the expedited detained removal proceeding addresses the merits of the individual's immigration case, specifically whether they should be removed from the United States. These two processes are distinct and handled independently by the immigration court.

I. Bond Proceedings and Matter of Q. Li

Petitioner was denied bond by the Immigration Court. Although an appeal of that decision was filed, it is moot in light of the Board of Immigration Appeals' decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), as expanded by the attached internal DHS memorandum which confirms the current policy of categorical ineligibility for bond of all noncitizens who entered without inspection, admission, or parole. Petitioner falls within this class.

The attached DHS memorandum confirms that Q. Li is being applied uniformly to individuals like Petitioner, thereby foreclosing any administrative bond determination. As such, exhaustion of administrative remedies is not applicable in this context.

II. Merits Proceedings in Immigration Court

Petitioner's immigration proceedings remain active. A merits hearing is scheduled for August 25, 2025. Petitioner is seeking Cancellation of Removal as relief. If removal is ordered, Petitioner will pursue an appeal to the Board of Immigration Appeals and absent a writ of Habeas Corpus, the Petitioner will remain

detained during the pendency of these proceedings. Both the Bond and Merits proceedings remain pending and unresolved.

III. Relevance to the Habeas Petition

Critically, Petitioner's habeas corpus petition is not premised on his immigration status or the relief sought in immigration court. Rather, it challenges the unlawful basis of his current confinement and the violation of his constitutional due process rights. DHS initiated detention despite Petitioner having no criminal history and without any means of confirming his immigration status at the time of arrest. Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI) could not have had probable cause to create a valid administrative arrest warrant prior to their arrest of the Petitioner.

Furthermore, the search of Petitioner's home was not authorized by a valid judicial warrant. Petitioner was coerced into allowing Respondents entry under duress: agents from ICE and the FBI took his house keys without permission and threatened to detain his wife if he did not permit them entry. This conduct rendered the search and seizure unlawful. Any evidence obtained as a result was secured in violation of Petitioner's rights under the Fourth and Fifth Amendments to the United States Constitution.

IV. First Amendment Violation

The signage on the Petitioner's property warned potential intruders that the owner of the property was armed. This fact is heavily referenced throughout the Respondents' briefings and evidence filed with this court, as apparent justification for the Petitioner's unlawful search and arrest. Using this sign to allege a basis for warrantless intrusion onto an individual's property and person violates the tenets of the First Amendment. These signs are warning signs meant to deter and cannot be used to infer possession of firearms. Warning signs displayed on property and meant to deter intruders constitute speech protected by the First Amendment and searching and arresting an individual based on such a sign will have a chilling effect on the exercise of First Amendment rights for all.

The acid test for the lawfulness of the search of Respondent's home for firearms is this: Does the placement of the "Firearms Warning" sign outside the Respondent's home amount to sufficient probable cause to justify his arrest and the subsequent entry and search of his home for firearms? If the answer is no, then the search lacked the necessary legal foundation, and Respondent's constitutional rights were violated.

The targeted nature of the government's actions appears to have been based on improper assumptions concerning Petitioner's national origin and perceived immigration status in concert with suspicions about his firearm ownership, inferred from signage posted on his property.

As detailed in the prior filings of this case, Petitioner was effectively targeted and detained without lawful basis. The remedies provided by the current immigration proceedings—including the merits hearing—do not cure the constitutional deficiencies in that detention and the inception of the subsequent immigration proceedings.

V. Conclusion

CERTIFICATE OF SERVICE

I hereby certify that on August 1st, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve notice of such filing to all counsel of record.

____/s// Julia Healy____

Julia Healy
Counsel for Petitioner
Law Office of Nazly Mamedova
11260 Chester Rd. Ste. 310
Cincinnati, OH 45246
julia@nazlylaw.com
(513) 456-2959

