

3. The following declaration is based on my review of information contained in Plaintiff's file, records and databases maintained by ICE, and other documents and physical evidence relevant to Plaintiff; my own personal knowledge and observations during the course of my official duties; and information conveyed to me by other law enforcement officials. I am therefore familiar with the facts and circumstances regarding Plaintiff's immigration history and custody status, and I presume this Court's familiarity with the previous declaration in this action.
4. On June 3, 2025, Plaintiff attended a scheduled check-in with ERO Washington and was placed in immigration custody at the Caroline Detention Facility in Virginia.
5. On June 3, 2025, a Deportation Officer ("DO") at ERO scheduled two flights for Plaintiff: (1) a flight from Virginia to Louisiana on June 4, 2025; and (2) a flight to Guatemala on June 10, 2025, through which ICE would execute plaintiff's order of removal.
6. On June 4, 2025, Plaintiff filed a Form I-246, Application for a Stay of Deportation or Removal, with ICE. Pursuant to 8 C.F.R. § 241.6, Plaintiff's removal was not stayed or delayed by the filing of the Form I-246.
7. On June 5, 2025, just after midnight, Plaintiff was transferred to the South Louisiana ICE Processing Center.
8. On June 6, 2025, ICE denied Plaintiff's Form I-246.
9. On June 9, 2025, this Court issued an order in this action that Plaintiff was not to be removed from the United States until this Court issued a contrary order.

10. On June 9, 2025, in the evening, various ERO Washington personnel were informed of this Court's order regarding plaintiff's removal, and this Court's order was notated in ERO's nationwide internal electronic system.
11. On June 10, 2025, Plaintiff was transferred to the Karnes County Immigration Processing Center in Texas and then inadvertently placed on the previously-scheduled flight to Guatemala.
12. On June 10, 2025, at around noon, and after the above-mentioned flight to Guatemala had departed, the DO from ERO Washington, who previously scheduled her flights, was informed of this Court's order by other Washington ERO personnel. This DO immediately communicated with ICE Air Operations to inform it of this Court's order. Then, ICE Air Operations communicated with the Flight Officer in Charge, who was on the plane bound for Guatemala that was carrying plaintiff and others. The Flight Officer in Charge, in turn, communicated with personnel at the Migration Center in Guatemala, which is where those individuals on the flight would be processed.
13. Upon landing, Plaintiff was taken to the Migration Center.
14. The personnel at the Migration Center informed Plaintiff of this Court's order, and ICE returned plaintiff to the United States on the same day, June 10, 2025. Plaintiff was in Guatemala for 1 hour and 20 minutes.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and based on information obtained from other individuals employed by ICE.

DATED: June 17, 2025

**MARK A
GRAHAM**

Digitally signed by
MARK A GRAHAM
Date: 2025.06.17
09:02:30 -04'00'

Mark Graham
Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Richmond, Virginia