

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MILTON MISAEEL PEREZ Y PEREZ,

*Petitioner,*

v.

DONALD J. TRUMP, *et al.*,

*Respondents.*

No. 25-cv-4828 (DEH)

DECLARATION OF DEPORTATION  
OFFICER MAYRA PARDO-FIGUEROA

Pursuant to 28 U.S.C. § 1746, I, Mayra Pardo-Figueroa, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I joined ICE on August 10, 2009, and have served my current capacity since I started. As a Deportation Officer, I manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, I facilitate the alien’s removal by coordinating with the government of the alien’s country of removal to obtain proper travel documents.
2. I have prepared this declaration in connection with the Petition for a Writ of Habeas Corpus filed by the petitioner Milton Misael Perez y Perez (“Petitioner”). Petitioner has been assigned the following Alien Number:  I am the deportation officer who has been assigned to Petitioner since June 17, 2025. The following representations are based on my review of Petitioner’s administrative file, consultation with my colleagues, the declaration of Gilbert Beriso dated June 10, 2025, previously submitted in this action, and ICE electronic records and databases.
3. Petitioner is a native and citizen of Guatemala.

4. On March 13, 2007, United States Border Patrol encountered Petitioner in the vicinity of Tecate, California, and he voluntarily returned to Mexico on the same day. On March 27, 2019, United States Customs and Border Protection (“CBP”) encountered Petitioner in the vicinity of the San Ysidro Port of Entry, California. Petitioner requested admission into the United States. Petitioner admitted to CBP that he was not in possession of valid entry documents. CBP placed Petitioner in custody for further inspection. On March 28, 2019, CBP served Petitioner with a Notice to Appear (“NTA”) charging him with removability pursuant to INA § 212(a)(7)(A)(i)(I) due to inadequate documentation at the time of application for admission. The NTA ordered Petitioner to appear at the San Diego Immigration Court on April 25, 2019. After CBP served Petitioner with the NTA, he was returned to Mexico, in compliance with Section 235(b)(2)(C) of the INA, pending immigration removal proceedings.
5. On April 25, 2019, Petitioner appeared *pro se* at the San Diego Immigration Court in San Diego, California for his initial master hearing, having been paroled into the United States for the sole purpose of attending the immigration court hearing. At the initial master hearing, the immigration judge advised Petitioner of his rights through a Spanish interpreter, including the right to an attorney and was provided with a list of *pro bono* and low-cost legal service providers. Petitioner told the Immigration Judge that he did not want an attorney. Petitioner waived his right to find an attorney. ICE served Form I-261 that listed additional factual allegations against Petitioner. The master hearing was adjourned to May 13, 2019, to allow Petitioner time to review the additional charges. Additionally, ICE left a copy of the NTA for Petitioner and provided instructions on how to return for the next

hearing. Petitioner was returned to Mexico under the then-existing Migrant Protection Protocols to await the May 13, 2019, court date.

6. On May 13, 2019, Petitioner appeared *pro se* at the San Diego Immigration Court in San Diego, California for his master hearing, again having been paroled into the United States for the sole purpose of attending the immigration court hearing. At the hearing, Petitioner admitted the allegation in the NTA and conceded the charge of removability. Based on his admissions and concessions, the Immigration Judge sustained the charge of removability, and designated Guatemala as the country of removal. The Immigration Judge adjourned the matter to July 25, 2019, so that Petitioner could complete and file a Form I-589 application for asylum, withholding, and protection under the Convention Against Torture (CAT).
7. On May 13, 2019, Petitioner was returned to Mexico under the then-existing Migrant Protection Protocols to await the July 25, 2019, hearing date.
8. On July 25, 2019, Petitioner appeared *pro se* for the scheduled master hearing, once again having been paroled into the United States for the sole purpose of attending the immigration court hearing, and he filed a Form I-589 application, which he identified as his own application for relief.<sup>1</sup> The case was adjourned to November 19, 2019, to allow Petitioner time to file a separate Form I-589 for his child. Petitioner was returned to Mexico to await the November 19, 2019, hearing.
9. On or about November 14, 2019, Petitioner served and filed his own separate Form I-589.

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<sup>1</sup> Upon further review, the Form I-589 filed on July 25, 2019, was that of Petitioner's partner and child.

10. On November 19, 2019, Petitioner appeared *pro se* for the scheduled merits hearing before the San Diego Immigration Court, once more having been paroled into the United States for the sole purpose of attending the immigration court hearing. At the hearing, the Petitioner presented testimony and submitted evidence in support of his application. Following the completion of the hearing, the Immigration Judge denied Petitioner's relief application and ordered Petitioner removed to Guatemala and Petitioner reserved appeal. On November 20, 2019, Petitioner was returned to Mexico pending future immigration court hearings.
11. On November 22, 2019, Petitioner was accepted for enrollment into the San Diego Alternatives to Detention ("ATD") program and released pursuant to an Order of Release on Recognizance with GPS monitoring, Intensive Supervision Appearance Program ("ISAP"), and instructed to report to 26 Federal Plaza on December 5, 2019. On December 5, 2019, Petitioner reported to 26 Federal Plaza and the transition to full-service GPS was completed.
12. On December 17, 2019, Petitioner timely filed with the Board of Immigration Appeals ("BIA") a Notice of Appeal from the Immigration Judge's decision of denying of relief application.
13. On September 22, 2020, the BIA dismissed Petitioner's appeal.
14. On October 21, 2020, Petitioner filed a Petition for Review with the U.S. Court of Appeals for the Ninth Circuit. *Perez y Perez v. Garland*, No. 20-73138 (9th Cir.). Upon the government's motions, the Ninth Circuit issued orders staying appellate proceedings until March 21, 2022.

15. On March 30, 2022, upon the government's motion and pursuant to an order of the Ninth Circuit, the Clerk of the Court closed the docket for administrative purposes. The Ninth Circuit's order stated in relevant part: "the Clerk will close this court's docket for administrative purposes until further order of the court. This order is not a decision on the merits and has no impact on any stay of removal. No mandate will issue, and at any time any party may request that this immigration petition be reopened, or the court may reopen the petition sua sponte."
16. On June 4, 2024, the New York City Police Department arrested Petitioner and charged him with Menacing in the 2nd Degree in violation of New York Penal Law § 120.14(1). The criminal case was pending at the Queens County Criminal Court under Case No. CR-019217-24QN. The disposition of this case is unknown.
17. On January 31, 2025,<sup>2</sup> Petitioner filed a motion to reopen his removal proceedings with the BIA, which remains pending.
18. On June 7, 2025, Petitioner reported to 163-18 Jamaica Avenue, 4th Floor Suite 401, Jamaica, NY 11432, a contractor office for ISAP. ICE took Petitioner into custody and transported him to ICE's processing space located at 26 Federal Plaza, New York, NY. Petitioner was detained so that ICE could pursue travel documents and prepare to execute his final removal order, barring subsequent legal impediment. Upon arrest, ICE served Petitioner with a Form I-205 Warrant of Removal/Deportation and a Form I-294 Warning to Alien Ordered Removed or Deported.

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<sup>2</sup> The declaration of Gilbert Beriso mistakenly stated that Petitioner's motion to reopen was filed on February 3, 2025; that date was incorrect. Upon further review of Petitioner's file and the Executive Office for Immigration Review's Automated Case Information system, the motion to reopen was filed on January 31, 2025.

19. At the time he was being processed, Orange County Jail in Goshen, New York, ICE's only detention facility in the Southern District of New York, was overcapacity for individuals with Petitioner's risk classification and could not accommodate him.
20. On June 9, 2025, ICE removed Petitioner from ATD because ICE had arrested Petitioner for removal under its § 1231(a) authority.
21. On June 13, 2025, ICE transferred Petitioner to the Orange County Jail in Goshen, NY, where he is currently detained.
22. On June 13, 2025, this Court ordered that Petitioner shall not be transferred except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court. *See* Order dated June 13, 2025, p. 3, (Docket Entry No. 14).
23. Other than this Court's Order prohibiting Petitioner's movement except to a facility outside this District, the Eastern District of New York, or the District of New Jersey, there are no legal impediments to Petitioner's removal, notwithstanding his administratively closed petition for review in the U.S. Court of Appeals for the Ninth Circuit since March 30, 2022, and the pending motion to reopen with the BIA which was filed on January 31, 2025. On August 7, 2025, the government moved to reopen the administratively closed case; that motion remains pending at this time.
24. On June 13, 2025, ICE came into possession of Petitioner's Guatemalan passport bearing identity number 2404413031218, with an expiration date of February 24, 2025. Guatemala accepts the return of its natives and citizens with expired passports and requires some form of national verification number. As per Petitioner's passport, his national verification number is 2404413031218. This documentation is sufficient to

effectuate his removal to Guatemala. ICE intends to place Petitioner on a list of removal if the Court vacates its order. Once Petitioner is placed on a list for removal he can be removed within a few days.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at New York, NY  
This 3rd day of September, 2025.

**MAYRA A  
PARDO**

Digitally signed by MAYRA  
A PARDO  
Date: 2025.09.03 19:03:23  
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Mayra Pardo-Figueroa  
Deportation Officer  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security