

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.M.P.,

Petitioner,

v.

PAUL ARTETA, *et al.*,

Respondents.

No. 25-cv-4987 (DEH)

DECLARATION OF
DEPORTATION OFFICER
WILLIAM D. MORROW

Pursuant to 28 U.S.C. § 1746, I, William D. Morrow, hereby declare as follows:

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served in this capacity since April 2012.
2. 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 that alien’s country of removal to obtain proper travel documents.
3. I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, J.M.P. The following representations are based on my review of the petitioner’s administrative file, consultation with my colleagues, and ICE electronic records and databases.
4. The petitioner is a native and citizen of El Salvador.
5. On January 29, 2025, agents from the U.S. Drug Enforcement Administration (“DEA”), who then had custody of the petitioner after arresting him in connection with a money

laundrying investigation, transferred the petitioner to ICE custody following the decision by the U.S. Attorney's Office for the Eastern District of New York to decline prosecution.

6. On January 29, 2025, ICE agents interviewed the petitioner, who admitted that he was a native and citizen of El Salvador and that he had entered the United States on or about July 4, 2020, at an unknown time at or near McAllen, Texas, at a place not designated by the U.S. Attorney General as a port of entry. The petitioner also claimed fear of returning to El Salvador.

7. ICE personally served the petitioner with a Notice to Appear ("NTA") on January 29, 2025, which charged the petitioner as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(A)(i), as an alien who arrived in the United States at a time and place not designated by the Attorney General. The NTA was filed with the Varick Street immigration court in New York, New York on February 2, 2025, thereby commencing removal proceedings against the petitioner.

8. On January 29, 2025, ICE detained the petitioner at Orange County Jail in Goshen, New York, where he remains today. At Orange County Jail, the petitioner is housed in a unit solely for ICE detainees.

9. On February 6, 2025, the petitioner appeared with counsel for a master calendar hearing. The Immigration Judge adjourned the case to February 20, 2025, so that the petitioner would have time to consult with his attorney.

10. On February 20, 2025, the petitioner appeared with counsel for the continued master calendar hearing. The petitioner, through counsel, requested an additional continuance to prepare the case and to address the allegations and charge of removability in the NTA. The Immigration Judge adjourned the case to March 4, 2025.

11. On March 4, 2025, the petitioner appeared with counsel for the continued master calendar hearing. The petitioner denied all the allegations in the NTA and the charge of removability. The petitioner's attorney indicated that she would file a motion to suppress the evidence that DHS had submitted supporting the petitioner's removability. The Immigration Judge ordered that the motion to suppress be filed by the end of that week, and adjourned the case to March 20, 2025.

12. Also on March 4, 2025, following the master calendar hearing, the petitioner filed a motion for a custody redetermination hearing (a bond hearing). A bond hearing was subsequently scheduled for March 11, 2025.

13. At the March 11, 2025, bond hearing, the petitioner withdrew his request for a bond hearing, with the petitioner's counsel representing that she needed additional time to review the evidence that DHS had filed the day prior—specifically, the FBI Record of Arrest and Prosecution ("RAP") sheet, which reflected that the petitioner had been arrested in El Salvador on September 24, 2016, on homicide charges. The Immigration Judge granted the request to withdraw the motion for a bond hearing.

14. On March 11, 2025, following the bond hearing, the petitioner filed a motion to suppress DHS's evidence of removability and to terminate removal proceedings. DHS filed its opposition to the petitioner's motion on March 18, 2025. On March 19, 2025, the Immigration Judge issued a written decision denying the petitioner's motion and sustaining the charge of removability.

15. On March 20, 2025, the petitioner appeared with counsel for the continued master calendar hearing. The Immigration Judge ordered that any application for relief from removal be

filed by the end of the month and scheduled a hearing on the merits of any relief application for May 13, 2025, with supporting evidence due five days prior to the hearing.

16. On March 31, 2025, the petitioner filed with the immigration court a Form I-589, Application for Asylum and for Withholding of Removal, including protection under the Convention Against Torture (“CAT”).

17. On May 13, 2025, the petitioner appeared with counsel for an individual merits hearing. The petitioner gave testimony in support of his Form I-589 and an expert testified on his behalf. At the end of the hearing, the Immigration Judge issued an oral decision denying the petitioner’s application for relief from removal, finding that the petitioner had provided material support to MS-13 and was therefore statutorily barred from asylum and from withholding of removal. The Immigration Judge also denied the petitioner’s request for CAT protection, finding that the petitioner had failed to prove by a preponderance of the evidence that he would be tortured in El Salvador. The Immigration Judge ordered the petitioner removed to El Salvador.

18. On May 16, 2025, the petitioner uploaded to the immigration court’s electronic case filing system a “Motion for an Order Deciding the Statutory Authority for [Petitioner’s] Custody and if Eligible, Scheduling a Bond Hearing.” The motion was filed in the bond proceeding under the category “Other Motion.” The electronic case filing system reflects that the motion was marked as moot because the bond hearing request had already been withdrawn and the case file was closed at the time the motion was filed. To date, the petitioner has not re-filed the motion.

19. On June 11, 2025, the petitioner filed a notice of appeal of the May 13, 2025, merits decision to the Board of Immigration Appeals (“BIA”). The appeal is currently pending before the BIA. No briefing schedule has been issued yet.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
this 15th day of August, 2025.

WILLIAM D MORROW Digitally signed by
WILLIAM D MORROW
Date: 2025.08.15
08:14:37 -04'00'

William D. Morrow
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security