IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

| | | |
|---|---|---|
| **CARLOS DE LA PUENTE HERNANDEZ,**<br>**Petitioner,** | : | |
| | : | **Case No. 4:25-CV-187-CDL-AGH** |
| **v.** | : | **28 U.S.C. § 2241** |
| **WARDEN, STEWART DETENTION CENTER,**[1] | : | |
| **Respondent.** | : | |

## RESPONDENT'S RESPONSE

On June 23, 2025, the Court received Petitioner's petition for a writ of habeas corpus ("Petition"). ECF No. 1. Petitioner primarily asserts that his detention violates his Fifth Amendment due process rights pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and seeks release from custody. Pet. 6-8, ECF No. 1. As explained below, the Petition should be denied.

## BACKGROUND

Petitioner is a native and citizen of Cuba who is detained post-final order of removal pursuant to 8 U.S.C. § 1231(a). Declaration of Deportation Officer Lukeisha Atkinson ("Atkinson Decl.") ¶ 3 & Ex. A. Petitioner entered the United States at an unknown date and time in an unknown location. *Id.* & Ex. A. On or about September 12, 1986, Petitioner was convicted in the Superior Court of Fulton County, Georgia of the offenses of possession of cocaine, possession of

[1] In addition to the Warden of Stewart Detention Center, Petitioner also names officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in his Petition. "[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

less than one ounce of marijuana, and theft by receiving stolen property. *Id.* ¶ 4 & Ex. B. Petitioner was sentenced to eight years imprisonment. *Id.*

Petitioner originally entered Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO") custody on or about May 22, 1993. *Id.* ¶ 5. Petitioner was served with form I-122: Notice to Applicant for Admission Detained for Hearing before an Immigration Judge. Atkinson Decl. ¶ 5 & Ex. C. The form I-122 asserted that Petitioner was subject to exclusion under sections 212(a)(7)(A)(i)(I), 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), 212(a)(2)(B), and 212(a)(2)(C) of the Immigration and Nationality Act then in effect ("INA") (8 U.S.C. §§ 1182(a)(7)(A)(i)(I), 1182(a)(2)(A)(i)(I) and (II), 1182(a)(2)(B) and (C)). *Id.* On August 19, 1993, the Immigration Judge ordered Petitioner be excluded and deported from the United States under sections 212(a)(7)(A)(i)(I), 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), and 212(A)(2)(B) of the INA then in effect (8 U.S.C. §§ 1182(a)(7)(A)(i)(I), 1182(a)(2)(A)(i)(I) and (II), 1182(a)(2)(B)). *Id* ¶ 6 & Ex. D.

On April 25, 1995, Petitioner was released from ICE/ERO custody. *Id* ¶ 7. On May 26, 1999, Petitioner was convicted of Conspiracy to Possess with the Intent to Distribute Cocaine under 21 U.S.C. § 846 and 21 U.S.C. § 841(a)(1) in the United States District Court for the Northen District of Georgia, Atlanta Division. *Id.* ¶ 8 & Ex. E. Petitioner was sentenced to imprisonment for life. *Id.*

On December 6, 2024, the United States District Judge for the Northern District of Georgia issued an Order Amending Judgment and Commitment Order, resentencing Petitioner to Time Served and ordering his release from custody as soon as practicable. *Id.* ¶ 9 & Ex. F. Petitioner re-entered ICE/ERO custody on December 11, 2024 and is detained under 8 U.S.C. § 1231(a). *Id* ¶ 10.

Since Petitioner re-entered ICE/ERO custody, he has also received a custody review. On or about May 5, 2025, ICE/ERO conducted a post-order custody review ("POCR") and determined that Petitioner should remain detained, finding Petitioner has not demonstrated he will not "[p]ose a danger to the community, to the safety of other persons, or to property." *Id.* ¶ 11 & Ex. G.

## LEGAL FRAMEWORK

Since Petitioner is detained post-final order of removal, his detention is governed by 8 U.S.C. § 1231. Congress provided in 8 U.S.C. § 1231(a)(1) that ICE/ERO shall remove an alien within ninety (90) days of the latest of: (1) the date the order of removal becomes administratively final; (2) if a removal is stayed pending judicial review of the removal order, the date of the reviewing court's final order; or (3) the date the alien is released from criminal confinement. *See* 8 U.S.C. §§ 1231(a)(1)(A)-(B). During this ninety-day time frame, known as the "removal period," detention is mandatory. *See id.* at § 1231(a)(2).

If ICE/ERO does not remove an alien within ninety days, detention may continue if it is "reasonably necessary" to effectuate removal. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001); 8 U.S.C. § 1231(a)(6) (providing that an alien who is subject to mandatory detention, inadmissible, or who has been determined to be a risk to the community or a flight risk, "may be detained beyond the removal period"). In *Zadvydas*, the Supreme Court determined that, under the Fifth Amendment, detention for six months is presumptively reasonable. 533 U.S. at 700. "After this 6-month period, **once the alien provides good reason to believe** that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701 (emphasis added); *see also* 8 C.F.R. § 241.13. Where there is no significant likelihood of removal in the reasonably foreseeable future, the alien should be released from confinement. *Id.*

In *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002), the Eleventh Circuit further elaborated on the framework announced by the Supreme Court in *Zadvydas*, stating that "in order to state a claim under *Zadvydas* the alien not only must show post-removal order detention in excess of six months but **also must provide evidence of a good reason to believe** that there is no significant likelihood of removal in the reasonably foreseeable future." 287 F.3d at 1052 (emphasis added). Thus, the burden is on Petitioner to demonstrate: (1) post-removal order detention lasting more than six months; and (2) evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Gozo v. Napolitano*, 309 F. App'x 344, 346 (11th Cir. 2009) (per curiam) (quoting *Akinwale*, 287 F.3d at 1051-52).

**ARGUMENT**

Petitioner primarily asserts that his detention violates due process under *Zadvydas*. Pet. 6-8. The Petition should be denied. Petitioner is not entitled to relief under *Zadvydas* because he fails to meet his burden to "provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Akinwale*, 287 F.3d at 1052.

Petitioner presents no evidence to meet his burden. Rather, he simply restates the relevant standard, alleging without supporting evidence that "Petitioner's removal to Cuban (sic) or any other country is not significant likely to occur in the reasonably foreseeable future." Pet. 7; *see also id.* at 8. Petitioner's conclusory statements that he is unlikely to be removed in the near future are insufficient to state a claim under *Zadvydas*. *See Novikov v. Gartland*, No. 5:17-cv-164, 2018 WL 4100694, at *2 (S.D. Ga. Aug. 28, 2018), *recommendation adopted*, 2018 WL 4688733 (S.D. Ga. Sept. 28, 2018); *Gueye v. Sessions*, No. 17-62232-Civ, 2018 WL 11447946, at *4 (S.D. Fla. Jan. 24, 2018); *Rosales-Rubio v. Att'y Gen. of United States*, No. 4:17-cv-83-MSH-CDL, 2018 WL 493295, at *3 (M.D. Ga. Jan. 19, 2018), *recommendation adopted*, 2018 WL 5290094 (M.D.

Ga. Feb. 8, 2018). Rather, Petitioner must provide "*evidence* of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future". *Gozo*, 309 F. App'x at 346 (internal quotations omitted) (emphasis added). Because Petitioner provides none, he cannot meet his burden under *Zadvydas*.

At most, Petitioner appears to claim that he is entitled to relief under *Zadvydas* because he has been in detention for more than six months and he has not yet been removed despite his cooperation with ICE/ERO's efforts to secure his removal. Pet. 5 (claiming that Petitioner "has fully cooperated with all the efforts ICE regarding his removal from the United States"). But a non-citizen cannot meet his *Zadvydas* burden by simply noting that his removal has been delayed. *See Ortiz v. Barr*, No. 20-CV-22449, 2021 WL 6280186, at *5 (S.D. Fla. Feb. 1, 2021) ("[T]he mere existence of a delay of Petitioner's deportation is not enough for Petitioner to meet his burden." (citations omitted)), *recommendation adopted*, 2022 WL 44632 (S.D. Fla. Jan. 5, 2022); *Ming Hui Lu v. Lynch*, No. 1:15-cv-1100, 2016 WL 375053, at *7 (E.D. Va. Jan. 29, 2016) ("[A] mere delay does not trigger the inference that an alien will not be removed in the foreseeable future." (internal quotations and citations omitted)); *Newell v. Holder*, 983 F. Supp. 241, 248 (W.D.N.Y. 2013) ("[T]he habeas petitioner's assertion as to the unforeseeability of removal, supported only by the mere passage of time [is] insufficient to meet the petitioner's initial burden . . . ." (collecting cases)). Yet, that is all Petitioner provides in his Petition. This is simply insufficient. Thus, Petitioner fails to meet his burden to present evidence that there is no significant likelihood of removal in the reasonably foreseeable future, and the Petition should be denied.

## CONCLUSION

The record is complete in this matter, and the case is ripe for adjudication on the merits. Petitioner fails to show that he is entitled to relief on either of his claims. Petitioner is not entitled to relief under *Zadvydas* because he fails to meet his evidentiary burden to show there is no significant likelihood of removal in the reasonably foreseeable future. For this reason, Respondent respectfully requests that the Court deny the Petition.

Respectfully submitted this 7th day of August, 2025.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: *Is/ Michael P. Morrill*
MICHAEL P. MORRILL
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P. O. Box 2568
Columbus, Georgia 31902
Phone: (706) 649-7728
michael.morrill@usdoj.gov

## CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Response with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Carlos de la Puente Hernandez
A# [redacted]
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 7th day of August, 2025.

BY: *Is/ Michael P. Morrill*
MICHAEL P. MORRILL
Assistant United States Attorney

DECLARATION OF Lukeisha Atkinson

I, Lukeisha Atkinson, declare as follows:

1. I have been employed with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) since June, 2022. I am currently employed as a Deportation Officer working at Stewart County Detention Center in Lumpkin, Georgia.

2. In my capacity as a Detention & Deportation Officer, I am the officer assigned to the case involving Carlos De La Puente Hernandez (the petitioner), whose alien registration number is [redacted] I have reviewed the relevant documents from the petitioner's alien file (A-file) and other official government records related to the petitioner's removal proceedings and, unless otherwise stated, this declaration is based on that review.

3. The petitioner is a native and citizen of Cuba who entered the United States at an unknown date and time in an unknown location. Exhibit A, Form I-213: Record of Deportable/Inadmissible Alien, dated December 11, 2024.

4. On or about September 12, 1986, the petitioner was convicted in the Superior Court of Fulton County, Georgia of the offenses of possession of cocaine, possession of less than one ounce of marijuana, and theft by receiving stolen property. He was sentenced to Eight years imprisonment. Exhibit B, Fulton County Superior Court Criminal Records, dated September 12, 1986.

5. The petitioner entered ICE/ERO custody on or about May 22, 1993. He was served a form I-122 Notice to Applicant For Admission Detained for Hearing before an Immigration Judge asserting he was subject to exclusion from the United States under sections 212(a)(7)(A)(i)(I), 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), 212(a)(2)(B), and 212(a)(2)(C) of the Immigration and Nationality Act then in effect (INA). Exhibit C, Form I-122 Notice to Applicant for Admission Detained for Hearing before an Immigration Judge.

6. On August 19, 1993, an Immigration Judge ordered the petitioner be excluded and deported from the United States under sections 212(a)(7)(A)(i)(I), 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), and 212(A)(2)(B) of the INA then in effect. Exhibit D, Order of the Immigration Judge, dated August 19, 1993.

7. On April 25, 1995, the petitioner was released from ICE/ERO custody.

8. On May 26, 1999, the petitioner was convicted of Conspiracy to Possess with the Intent to Distribute Cocaine under 21 U.S.C. § 846 and 21 U.S.C. § 841(a)(1) in the United States District Court for the Northen District of Georgia, Atlanta Division. He was sentenced to imprisonment for a term of life. Exhibit E, Judgement in a Criminal Case, dated May 26, 1999.

9. On December 6, 2024, A United States District Judge amended the petitioner's Judgment & Commitment Order and resentenced him to time served followed by 10 years of supervised release. The Judge further ordered the United States Marshals release the petitioner from their custody as soon as practicable. Exhibit F, Order Amending Judgment & Commitment Order, dated December 6, 2024.

10. On December 11, 2024, the petitioner entered ICE/ERO Custody. He is presently detained under the authority of INA § 241(a).

11. On or about May 5, 2025, ICE/ERO reviewed the petitioner's custody status and determined to continue his detention. Exhibit G, Decision to Continue Detention, dated May 5, 2025.

Pursuant to Title 28, U.S. Code Section 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, this the 6th of August 2025.

LUKEISHA O ATKINSON
Digitally signed by LUKEISHA O ATKINSON
Date: 2025.08.06 15:29:53 -04'00'

Lukeisha Atkinson, Deportation Officer
Department of Homeland Security
Immigration & Customs Enforcement
Stewart Detention Center
Lumpkin, Georgia

Exhibit B

STATE OF GEORGIA, COUNTY OF FULTON.

IN THE SUPERIOR COURT OF SAID COUNTY.

**THE GRAND JURORS** selected, chosen and sworn for the County of Fulton, to-wit:

1. [redacted]

[redacted]

in the name and behalf of the citizens of Georgia, charge and accuse

HERNANDEZ CARLOS DELAPUENTE

with the offense of: –

VIOLATION GEORGIA CONTROLLED SUBSTANCES ACT

for that said accused, in the County of Fulton and State of Georgia, on the

13th day of December, 19 85

not being authorized under any provision of the Georgia Controlled Substances Act to do so, did unlawfully possess and have under his control Cocaine a controlled substance in Schedule II of said Act; said possession being with intent to distribute said drug; -

contrary to the laws of said State, the good order, peace and dignity thereof.

LEWIS R. SLATON, District Attorney

Special Presentment. BOOK 1032 PAGE 192

COUNT TWO

THE GRAND JURORS, selected, chosen and sworn for the County of Fulton aforesaid, in the name and behalf of the citizens of Georgia, charge and accuse

HERNANDEZ CARLOS DELAPUENTE

with the offense of VIOLATION GEORGIA CONTROLLED SUBSTANCES ACT(Misdemeanor)

for that the said accused person ____ in the County aforesaid, on the

13th day of December 19 85

not being authorized under any provision of the Georgia Controlled Substances Act to do so, did unlawfully possess and have under his control less than one ounce of Marijuana; -

contrary to the laws of said State, the good order, peace and dignity thereof.

FULTON SUPERIOR COURT

LEWIS R. SLATON, District Attorney

Special Presentment

BOOK 1032 PAGE 193

COUNT THREE

**THE GRAND JURORS,** selected, chosen and sworn for the County of Fulton aforesaid, in the name and behalf of the citizens of Georgia, charge and accuse

HERNANDEZ CARLOS DELAPUENTE

with the offense of THEFT BY RECEIVING STOLEN PROPERTY(Misdemeanor)

for that the said accused person ____ in the County aforesaid, on the

13th day of December 19 85

did unlawfully receive and retain the following stolen property, to wit: a pistol, of a value in excess of $500.00 and the property of Ed Swinson, said property having been stolen from the said Ed Swinson on July 18, 1985 and said accused should have known said property was stolen; said property not having been received and retained by accused with intent to restore the same to its owner; -

contrary to the laws of said State, the good order, peace and dignity thereof.

FULTON SUPERIOR COURT

LEWIS R. SLATON, District Attorney
Special Presentment

BOOK 1032 PAGE 194

# Exhibit C

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

## NOTICE TO APPLICANT FOR ADMISSION DETAINED FOR HEARING BEFORE IMMIGRATION JUDGE

To: Carlos DELA PUENTE-Hernandez Date: September 29, 1986

PLEASE TAKE NOTICE THAT:

You do not appear to me to be clearly and beyond a doubt entitled to enter the United States as you may come within the exclusion provisions of Section 212 (a) (20) & (23) of the Immigration and Nationality Act, as amended, in that he does not have a visa or other document entitling him to enter the United States; and has been convicted of a violation of law relating to the possession of marijuana or a narcotic drug.

Therefore you are detained under the provisions of Section 235 (b) of the Immigration and Nationality Act, as amended, for a hearing before a Immigration Judge to determine whether or not you are entitled to enter the United States or whether you shall be excluded and deported. During such hearing you will have the right to be represented by counsel and to have a friend or relative present.

AT THE HEARING BEFORE THE IMMIGRATION JUDGE YOU MUST ESTABLISH THAT YOU ARE ADMISSIBLE TO THE UNITED STATES UNDER ALL PROVISIONS OF THE UNITED STATES IMMIGRATION LAWS.

The hearing

☐ is scheduled for ________ (Time), ________ (Date), ________ (Place)

[XX] will be scheduled and you will be notified as to time and place. It is understood that you want the notice of hearing to be sent to you at the following address:

United States Penitentiary, Atlanta, Georgia
(Street and Number) (Apt. No.) (City) (Province) (State) (County)

Jerry L. Patton, Supv. Special Agent
(United States Immigration Officer)

## CERTIFICATE OF SERVICE

Original of this notice was delivered to the above-named applicant by the undersigned on ________, and the alien has been advised of communication privileges pursuant to 8 CFR 242.2(e).

________
(United States Immigration Officer)

Form I-122
(Rev. 5-4-79)N

GPO 942 051

IMMIGRATION AND NATURALIZATION SERVICE

SUPERSEDING

# NOTICE TO APPLICANT FOR ADMISSION DETAINED FOR HEARING BEFORE IMMIGRATION JUDGE

To: Carlos DELA PUENTE-Hernandez Date: June 23, 1993

A# [redacted]

PLEASE TAKE NOTICE THAT:

You do not appear to me to be clearly and beyond a doubt entitled to enter the United States as you may come within the exclusion provisions of Section 212 (a)(7)(A)(i)(I), 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), 212(a)(2)(B), & 212(a)(2)(C). of the Immigration and Nationality Act, as amended, in that

"SEE CONTINUATION SHEET ATTACHED HERETO AND MADE A PART THEREOF."

Therefore you are detained under the provisions of Section 235 (b) of the Immigration and Nationality Act, as amended, for a hearing before a Immigration Judge to determine whether or not you are entitled to enter the United States or whether you shall be excluded and deported. During such hearing you will have the right to be represented by counsel and to have a friend or relative present.

AT THE HEARING BEFORE THE IMMIGRATION JUDGE YOU MUST ESTABLISH THAT YOU ARE ADMISSIBLE TO THE UNITED STATES UNDER ALL PROVISIONS OF THE UNITED STATES IMMIGRATION LAWS.

The hearing

[X] is scheduled for TO (Time), BE (Date), SET (Place)

[ ] will be scheduled and you will be notified as to time and place. It is understood that you want the notice of hearing to be sent to you at the following address:

(Street and Number) (Apt. No.) (City) (Province) (State) (County)

Dean Hoth, Deportation Officer
(United States Immigration Officer)

## CERTIFICATE OF SERVICE

Original of this notice was delivered to the above-named applicant by the undersigned on 7-1-93, and the alien has been advised of communication privileges pursuant to 8 CFR 242.2(g).

(United States Immigration Officer)

Form I-122
(Rev. 5-4-79)N

GPO 942 051

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Servi SUPERSEDING Continuatio ge for Form I-110/I-122

| Alien's Name | File Number | Date |
|---|---|---|
| DELA PUENTE-Hernandez, Carlos | [redacted] | June 23, 1993 |

**Convicted of the following crimes:**

| County/State/Federal | Date of Conviction | Violation | Case # |
|---|---|---|---|
| STATE OF GEORGIA | 05/25/89 | Poss. of Cocaine | #2-05677 |
| FULTON SUPERIOR COURT | | | For 10 yrs. |
| STATE OF GEORGIA | 09/09/86 | Violation Georgia | A-84811 |
| FULTON SUPERIOR COURT | | Controlled Substances Act, Selling Cocaine | For 8 yrs. |
| STATE OF GEORGIA | 09/12/86 | V.G.C.S.A., Possession | A-81928 |
| FULTON SUPERIOR COURT | | With Intent to Distribute Cocaine & Theft By Receiving Stolen Property; Pistol. | For 8 yrs. |

| Signature | Title |
|---|---|
| [signature] | Deportation Officer |

____ of ____ Pages

# Exhibit D

United States Department of Justice
Executive Office for Immigration Review
Office of the Immigration Judge

In the Matter of: A# [redacted]

PABLO DE LA PUENTE-HERNANDEZ

Applicant In Exclusion Proceedings

## Order of the Immigration Judge

The following order is issued pursuant to this Court's oral decision on the Record of Proceedings in the above entitled matter.

IT IS HEREBY ORDERED that the applicant in this matter be excluded and deported from the United States under section(s)

212(a) (01)(A)(i)(I)

212(a) (02)(A)(i)(I)

212(a) (02)(A)(i)(II)

212(a) (02)(B)

of the Immigration and Nationality Act.

Appeal: ~~Reserved~~/Waived

Date: 8/19/93

Place: Oakdale, LA

Immigration Judge

# Exhibit E

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta


MAY 27 1999

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF GEORGIA**
**ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**-vs-** **Case No. 1:94-CR-351-14-CC**

**CARLOS DELAPUENTA**

**Defendant's Attorney:**
**Dwight L. Thomas**

## JUDGMENT IN A CRIMINAL CASE
**(For Offenses Committed On or After November 1, 1987)**

The defendant was found guilty on Count(s) 1 of the Indictment.

Accordingly, the defendant is adjudged guilty of such count(s) which involves the following offense:

| Title & Section | Nature of Offense | Count No. |
|---|---|---|
| 21 U.S.C. 846 & 21 U.S.C. 841(a)(1) | Conspiracy to Possess with the Intent to Distribute Cocaine | 1 |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay the special assessment of **$ 100.00** which shall be due immediately.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No. [redacted]
Defendant's Date of Birth: [redacted]/57
Defendant's Mailing Address:
[redacted]
Atlanta, Georgia 30315

Date of Imposition of Sentence:
May 25, 1999

Signed this 26th the day of May, 1999.

CLARENCE COOPER
UNITED STATES DISTRICT JUDGE

ATTEST: A TRUE COPY
CERTIFIED THIS

MAY 28 1999

Luther D. Thomas, Clerk

By: Deputy Clerk

298

1:94-CR-351-14-CC : CARLOS DELAPUENTA

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **LIFE.**

The defendant is remanded to the custody of the United States Marshal.

## RETURN

I have executed this judgment as follows:

____________________________________________

____________________________________________

____________________________________________

____________________________________________

Defendant delivered on 9-9-99 to FCI Edgefield, SC

at ______________________________, with a certified copy of this judgment.

M. E. Ray, Warden
UNITED STATES MARSHAL

By: [signature]
Deputy U.S. Marshal

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **TEN YEARS..**

**While on supervised release, the defendant shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard and special conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:**

**1. The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.**

**2. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.**

**3. The defendant shall not illegally possess a controlled substance.**

**4. The defendant shall perform 100 hours of community service as directed by the probation officer.**

**5. The defendant shall submit to a search of his person, property, real or personal, residence, place of business or employment, and/or vehicle(s) at the request of the United States Probation Officer.**

1:94-CR-361-14-CC : CARLOS DELAPUENTA

# STANDARD CONDITIONS OF SUPERVISION

**While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:**

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
7. the defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**Exhibit F**



**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF GEORGIA**
**ATLANTA DIVISION**

| | |
|---|---|
| UNITED STATES OF AMERICA<br>v.<br>CARLOS DE LA PUENTA | Civil Action No.<br>1:94-cr-00351-SDG |

**ORDER AMENDING**
**JUDGMENT & COMMITMENT ORDER**

For the reasons set forth during the resentencing hearing held today, Defendant Carlos De la Puenta's Judgment & Commitment Order is **AMENDED.** Defendant De la Puenta is hereby resentenced to **TIME SERVED**, followed by 10 years of supervised release.

While on supervised release, Defendant De la Puenta must comply with the following mandatory conditions:

1. Defendant must not commit another federal, state or local crime.

2. Defendant must not unlawfully possess a controlled substance.

3. Defendant must refrain from any unlawful use of a controlled substance. The drug testing condition is suspended, based on the court's determination that Defendant poses a low risk of future substance abuse.

4. Defendant must cooperate in the collection of DNA as directed by the probation officer.

In addition, Defendant De la Puenta must comply with the following standard conditions:

1. Defendant must report to the probation office in the federal judicial district where he is authorized to reside within 72 hours of the time he is released.

2. After initially reporting to the probation office, Defendant will receive instructions from the probation officer about how and when he must report to the probation officer, and he must report to the probation officer as instructed.

3. Defendant must not knowingly leave the federal judicial district where he is authorized to reside without first getting permission from the court or the probation officer.

4. Defendant must answer truthfully the questions asked by his probation officer.

5. Defendant must live at a place approved by the probation officer. If Defendant plans to change where he lives or anything about his living arrangements (such as the people he lives with), Defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, Defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.

6. Defendant must allow the probation officer to visit him at any time at his home or elsewhere, and he must permit the probation officer to take any items prohibited by the conditions of his supervision that he or she observes in plain view.

7. Defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses him from doing so. If Defendant does not have full-time employment he must try to find full-time employment, unless the probation officer excuses him from doing so. If Defendant plans to change where he works or anything about his work (such as his position or job responsibilities), Defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, Defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.

8. Defendant must not communicate or interact with someone he knows is engaged in criminal activity. If Defendant knows someone has been convicted of a felony, Defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

9. If Defendant is arrested or questioned by a law enforcement officer, Defendant must notify the probation officer within 72 hours.

10. Defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

11. Defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

12. If the probation officer determines that Defendant poses a risk to another person (including an organization), the probation officer may require Defendant to notify the person about the risk and Defendant must comply with that instruction. The probation officer may contact the person and confirm that Defendant has notified the person about the risk.

13. Defendant must follow the instructions of the probation officer related to the conditions of supervision.

It is **ORDERED** that the United States Marshals release Defendant De la Puenta from its custody as soon as practicable. It is further **ORDERED** that a copy of this Order be delivered to the United States Marshals and the United States Probation Office.

**SO ORDERED** this 6th day of December, 2024.

Steven D. Grimberg
United States District Judge

*Office of Enforcement and Removal Operations*

**U.S. Department of Homeland Security**
**180 Ted Turner Drive, SW**
**Atlanta, Georgia 30303**

U.S. Immigration
and Customs
Enforcement

RE: De La Puente Hernandez, Carlos [redacted]

## Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of the information you submitted to ICE's reviewing officials, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

- You have not demonstrated that, if released, you will not:

  - X Pose a danger to the community, to the safety of other persons, or to property.
  - o Pose a significant risk of flight pending your removal from the United States.
  - o ICE is in receipt of or expects to receive the necessary travel documents to effectuate your removal, removal is practicable and likely to occur in the reasonably foreseeable future.

ICE has made such determination based upon the review of your immigration file and your removal is expected to be effected within Reasonable Foreseeable Future.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12th Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.

To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any, will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may be in person or through a video teleconference. If ERO needs to change the date of the interview, ERO will provide notice to you and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any.

You may be accompanied during the interview by a person of your choice, subject to security requirements at the detention facility, as long as this person is able to attend the interview at the scheduled time.

You may submit any additional documentation in English you wish to be considered in support of your release at the time of the interview or via mail service up to five business days prior to the scheduled time of your interview to the following address:

Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

Such documentation should contain a cover letter indicating that the material is submitted in support of your Post Order Custody Review personal interview. An attorney or other person may submit materials on your behalf.

You are required to complete the below information.

**I do______do not X want a personal interview.**

**If you do want an interview, please check the appropriate box(es) below:**

☐ Check this box if you need an interpreter for your interview.
Language/Dialect: ________________________

☐ I will be assisted at this interview by a representative of my own choosing.

Name:________________________________________

If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.

~~LaDeon Francis, Field Office Director~~
Deputy Field Office Director

5/5/2025
Date

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**PROOF OF SERVICE**

**(Officer to complete both (a) and (b) below.)**

(a) I L Atkinson DEPORTATION OFFICER ,
Name of ICE Officer Title

certify that I served DE LA Puente, Carlos with a copy of
Name of detainee

this document at STEWART DETENTION CENTER on 5/6/2025, at 10:07.
Institution Date Time

(b) I certify that I served the custodian ____________________,
Name of Official

____________________, at ____________________, on
Title Institution

__________ with a copy of this document.
Date

Detainee Signature: ____________________ Date: 05/06/2025

( ) cc: Attorney of Record or Designated Representative
( ) cc: A-File