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Pro Bono Attorney for Petitioner-Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Guillermo MEDINA REYES,

Petitioner-Plaintiff,

v.

POLLY KAISER, in her official capacity as
Acting ICE San Francisco Field Office Director;
TODD M. LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement; KRISTI NOEM, in her
official capacity as Secretary of the U.S.
Department of Homeland Security; PAM
BONDI, in her official capacity as Attorney
General of the United States,

Respondents-Defendants.

Case No. 3:25-cv-05436-RFL

**SUPPLEMENTAL
DECLARATION OF VICTORIA
SUN IN SUPPORT OF
PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF, AND
MOTION FOR TEMPORARY
RESTRAINING ORDER**

IMMIGRATION HABEAS CASE

1 I, Victoria Sun, hereby declare as follows:

2 1. I am an attorney licensed to practice by the state of California and admitted to practice
3 before this court. I currently work as an immigration attorney at Pangea Legal Services, a
4 nonprofit organization which is located at 391 Sutter Street, Suite 500, San Francisco, CA 94108.

5 2. I am Petitioner-Plaintiff Guillermo Medina Reyes's ("Mr. Medina Reyes") attorney in the
6 instant matter. I also represent Mr. Medina Reyes in his withholding-only proceedings before the
7 San Francisco Immigration Court. I have been representing him *pro bono* since July 20, 2023.

8 3. I make this declaration in connection with Mr. Medina Reyes's petition for writ of habeas
9 corpus and complaint for declaratory and injunctive relief and his motion for a temporary
10 restraining order.
11

12 4. The facts stated in this declaration are true and of my own personal knowledge, except as
13 to any matters stated on information and belief, and as to those matters, I am informed and
14 believed them to be true.
15

16 **July 1, 2025 ISAP Appointment**

17 5. On July 1, 2025 at 8 a.m., Mr. Medina Reyes had his ISAP "Case Review" appointment
18 at the San Jose BI Office at 393 Blossom Hill Road, Suite 260, San Jose, California, 95123. I,
19 along with a law clerk, accompanied Mr. Medina Reyes to this appointment. The following
20 information is based on my own observations, my notes, and my law clerk's notes.
21

22 6. This office is located in a privately owned building primarily consisting of medical offices.
23 The office is leased by BI Incorporated ("BI"), a subsidiary of GEO Group, Inc. BI is a contractor
24 that runs ICE's Alternatives to Detention, Intensive Supervision and Appearance Program
25 ("ISAP"). See Exhibit LLL. ICE also has deportation officers present and, based on signage at
26 the door, has office hours every weekday morning at this office.
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1 7. A community rally in support of Mr. Medina Reyes and a press conference took place
2 outside of the building prior to his appointment.

3 8. At approximately 7:30 a.m., I spoke in person outside the building with Douglas A.
4 Plummer, Supervisory Detention and Deportation Officer ("SDDO Plummer") of the ICE
5 Enforcement and Removal Operations ("ERO") San Jose Sub-Office of the San Francisco Field
6 Office. He stated he was aware of the Temporary Restraining Order ("TRO") issued the previous
7 evening. He stated that they were working with their attorneys on determining whether they could
8 place a GPS monitor on Mr. Medina Reyes. I responded that I believed that would be a change in
9 the status quo regarding custody, in violation of the TRO. SDDO Plummer also notified me that
10 only Mr. Medina Reyes, my law clerk, and I would be allowed into the appointment.
11

12 9. At 7:48 a.m., I called opposing counsel, Mr. Kelsey Helland, and left a voicemail. At 7:57
13 a.m., I emailed opposing counsel Mr. Helland and Ms. Pamela Johann to inform them of ICE's
14 intent to place a GPS monitor on Mr. Medina Reyes, which would be a violation of the TRO's
15 order to preserve the status quo. I provided multiple case citations in support. At 8:01 a.m., Mr.
16 Helland responded that they did not read the order as precluding ICE from re-installing a GPS
17 device. Email communications attached at Exhibit EEE.
18

19 10. Shortly after 8 a.m., Mr. Medina Reyes, my law clerk, and I entered the building with
20 SDDO Plummer to attend the appointment. Clergy members, media, and other community
21 members followed us into the lobby of the building. SDDO Plummer asked everyone to leave,
22 which they did not, and he then called the San Jose Police Department. Mr. Medina Reyes and I
23 waited with SDDO Plummer in the lobby, and I eventually asked whether we could go up to his
24 appointment. SDDO Plummer allowed us to go up into the elevator while he stayed behind in the
25 lobby.
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1 11. When Mr. Medina Reyes and I entered the ISAP office, we first met with ISAP Supervisor
2 Sergio Perez. He stated that the Deportation Officer (“DO”) assigned to Mr. Medina Reyes’s case
3 was DO Michael Canning, who was also in the office at that time, though we did not interact
4 directly with him.

5 12. Supervisor Perez told Mr. Medina Reyes and me that ICE was going to place a GPS ankle
6 monitor on him. I asked whether it would be possible to have a GPS wrist monitor instead. Based
7 on my experience with other clients, the GPS wrist monitor looks more like a smartwatch, is
8 generally less obtrusive, and still provides ISAP/ICE with GPS tracking capabilities. Supervisor
9 Perez went to speak with ICE, who refused to allow a switch to the GPS wrist monitor.
10

11 13. I called opposing counsel Ms. Johann to notify her of what was happening, reiterate that
12 the GPS monitor is a new form of custody, and ask whether at minimum, it would be possible to
13 switch to the wrist monitor. She stated that she would speak with ICE’s legal counsel to discuss
14 the wrist monitor.
15

16 14. SDDO Plummer arrived to observe the conversation and Mr. Medina Reyes informed him
17 that placement of the GPS monitor was against his will. During the conversation, SDDO Plummer
18 made statements to Mr. Medina Reyes including the following:
19

- 20 • “The fact that you’re still in this country, you should be thankful of that given your
21 history.”
22 • “Anytime you want to give up your case and leave the country, you’re free to do so.”
23 • “My job is to deport immigrants who have done crimes.”
24 • Referring to the GPS ankle monitor as a “piece of jewelry.”
25 • Referring to Mr. Medina Reyes’s prior conviction for attempted murder: “You’re handy
26 with knives.”
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1 15. Around 9 a.m., Supervisor Perez told us that he was notified that the switch to the GPS
2 wrist monitor was approved, and ISAP Officer Christopher Rubio would assist us with the
3 placement. However, Mr. Rubio then told us that the GPS wrist monitor requires daily biometrics
4 photo check-ins, rather than the status quo of weekly photos. As a result, Mr. Medina Reyes then
5 elected for the GPS ankle monitor rather than the wrist monitor due to the onerous reporting
6 burden, even though the ankle monitor often causes injuries and blisters. Mr. Rubio placed the
7 GPS ankle monitor on Mr. Medina Reyes. Photo at Exhibit FFF. Mr. Rubio advised Mr. Medina
8 Reyes that the GPS ankle monitor's battery lasts 24 hours, but suggested he charge the GPS ankle
9 monitor every 12 hours. Mr. Medina Reyes refused to sign the ISAP GPS Agreement due to legal
10 disagreement with the language of the Acknowledgement of Review section. GPS Agreement at
11 Exhibit GGG.
12

13
14 16. In addition to the GPS monitor, Mr. Rubio also notified us that ICE had increased Mr.
15 Medina Reyes's ISAP supervision requirements. I reiterated that we believed the dramatic
16 increase in ISAP supervision frequency was a violation of the TRO's status quo. Whereas
17 previously he had In-Person Office Visits at the San Jose ISAP office once every four months, he
18 would now be required to report in person once per month. Virtual Office Visits increased from
19 once per month to once per week. Office virtual visits consist of video calls with an ISAP officer.
20 Virtual Home Visits increased from once every two months to once per month. Home virtual
21 visits require that Mr. Medina Reyes be at his home all day from 8 a.m. to 5 p.m., because the
22 videocall from ISAP can come at any time during that time period and the location must show
23 that he is at home. In-Person Home Visits increased from once every eight months to once every
24 four months. In-person home visits also require Mr. Medina Reyes to be at home all day from 8
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1 a.m. to 5 p.m., because the ISAP officer can visit him at any time during that time period.
2 Screenshots from BI SmartLINK at Exhibit JJJ.

3 17. SDDO Plummer also reminded Mr. Medina Reyes that he has a “grid” and he has to stay
4 within the grid. I asked for clarification, because the only geographic restriction in ICE’s Order
5 of Supervision (ECF No. 7-1) is that Mr. Medina Reyes may not travel outside of California
6 without ICE’s permission. They then provided me with a map of boundaries of Mr. Medina
7 Reyes’s geographical travel restrictions. This map is found at Exhibit III. This was my first time
8 seeing this map. SDDO Plummer stated that Mr. Medina Reyes should’ve been notified of these
9 geographical restrictions when he was released from detention. Mr. Medina Reyes believed that
10 the previous map he had seen was of a 50 mile radius. SDDO Plummer stated that if Mr. Medina
11 Reyes were to travel outside of this map’s boundaries, the GPS ankle monitor will notify them
12 and he will be in violation.
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15 18. At the end of the appointment, Mr. Rubio and Supervisor Perez presented Mr. Medina
16 Reyes with the “Individual Service Plan” for him to sign. Mr. Medina Reyes refused to sign the
17 document due to disagreement with the legality of the placement of the GPS monitor and the
18 increase in ISAP supervision requirements. This document is found at Exhibit HHH. Mr. Medina
19 Reyes and I then left the appointment. On our way out, Mr. Medina Reyes spoke with SDDO
20 Plummer to inform him that he had refused to sign the documents.
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23 Subsequent Events

24 19. Later that afternoon of July 1, 2025, the Department of Homeland Security, through
25 Assistant Chief Counsel Ihsan U. Ahmed (“ACC Ahmed”), filed a Motion to Advance in Mr.
26 Medina Reyes’s immigration court proceedings.
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1 20. On July 7, 2025, I emailed ISAP Officer Rubio to seek clarification as to whether Mr.
2 Medina Reyes is still required to provide weekly biometric photo check-ins. Mr. Rubio responded
3 that biometrics are no longer needed.

4 21. On July 8, 2025, Mr. Medina Reyes opened his BI SmartLINK smartphone application to
5 prepare for his virtual office visit that was scheduled on July 1, 2025 for July 8, 2025 at 9 a.m.
6 However, he noticed that many of the new ISAP supervision appointments scheduled on July 1,
7 2025 had been removed. I emailed Mr. Rubio to confirm whether this was the correct current
8 ISAP supervision schedule. Mr. Rubio responded that ISAP supervision was back to the previous
9 frequency. Screenshot from BI SmartLINK at Exhibit KKK.

10
11 22. On July 10, 2025, I learned that the Santa Clara County District Attorney's Office filed a
12 complaint on July 2, 2025 against Mr. Medina Reyes, charging one count of California Penal
13 Code ("PC") section 594(a), vandalism. They did not file any charge for PC 211, robbery. He
14 plans to enter a not guilty plea at his arraignment hearing and request appointment of the public
15 defender.
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17
18 **Other Background Information**

19 23. Respondents filed evidence of ISAP biometrics check-in violations at ECF No. 7-2. At a
20 previous ISAP in-person appointment to which I accompanied Mr. Medina Reyes, Mr. Rubio
21 explained to me how ISAP biometric check-ins work. Within the same two-hour window each
22 week, BI SmartLINK sent a notification at a random time for Mr. Medina to log in to the
23 application, take a live photo, and share his current location. That must be done within 15 minutes
24 of the notification, otherwise he is "late," and 45 minutes after the notification, the biometric
25 check-in is considered "missed." See Screenshots from BI SmartLINK at Exhibit JJJ. Usually
26 whenever a biometric check-in is missed, the ISAP officer assigned to the case follows up
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1 directly. At two in-person ISAP appointments at which I was present, Mr. Rubio assured Mr.
2 Medina that missing these photo check-ins was not a big deal so long as he got in contact with
3 ISAP within the next day or so.

4 24. In my and my colleagues' experiences, the approximate time to receive a merits decision
5 in detained immigration court is 3-6 months. The approximate average processing time for
6 detained appeals before the Board of Immigration Appeals is 6 months.
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8 Attachments

9 25. In support of Mr. Medina Reyes's Petition for Writ of Habeas Corpus, Complaint for
10 Declaratory and Injunctive Relief, and Motion for Temporary Restraining Order I submit the
11 following documents. All of the following attachments are true and correct copies of the
12 documents listed below:
13

14 Exhibit DDD. Unofficial Transcript of March 14, 2023 Bond Hearing (Jul. 9, 2025)

15 Exhibit EEE. Email Correspondence with Assistant U.S. Attorneys Kelsey Helland and
16 Pamela Johann and Attachment (Jul. 1, 2025)
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18 Exhibit FFF. Photo of GPS Ankle Monitor placed on Mr. Medina Reyes (Jul. 1, 2025)

19 Exhibit GGG. ISAP GPS Agreement (Jul. 1, 2025)

20 Exhibit HHH. BI Individual Service Plan (Jul. 1, 2025)

21 Exhibit III. BI ISAP San Jose Map (dated Jun. 26, 2025, provided to Counsel and Mr.
22 Medina Reyes on Jul. 1, 2025)
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24 Exhibit JJJ. Screenshots of Mr. Medina Reyes's BI SmartLINK Application from July 1,
25 2025, showing Calendar of upcoming appointments and Notification History
26 (Jul. 1, 2025)
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1 Exhibit KKK. Screenshot of Mr. Medina Reyes's BI SmartLINK Application from July 8,
2 2025, showing Calendar of upcoming appointments (Jul. 8, 2025)

3 Exhibit LLL. U.S. Immigration and Customs Enforcement, "Alternatives to Detention,"
4 available at <https://www.ice.gov/features/atd> (updated Feb. 27, 2025)
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6
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct to the best of my own personal knowledge. Executed this 10th day
9 of July of 2025, at Oakland, California.
10

11 /s/ Victoria Sun
12 Victoria Sun
13 Declarant/Attorney for Petitioner-Plaintiff
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