

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

ENIL JOSADAC ZELAYA,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-238-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,¹	:	
	:	
Respondents.	:	

MOTION TO DISMISS

On July 21, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”). ECF No. 1. On the same day, the Court ordered Respondent to file a response within twenty-one days. ECF No. 6. As explained below, the Petition should be dismissed.

BACKGROUND

Petitioner is a native and citizen of Honduras who is detained post-final order of removal under 8 U.S.C. § 1231(a) pursuant to a reinstated removal order. Karwowski Decl. ¶¶ 3, 7, 9 & Ex. A.

Petitioner last entered Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE/ERO”) custody on March 20, 2025. Karwowski Decl. ¶ 4 & Ex. A. Petitioner was previously detained by ICE/ERO in 2006. *Id.* On April 22, 2006, Petitioner was ordered

¹ Petitioner names the United States Attorney General, United States Secretary of the Department of Homeland Security along with officials from United States Immigration and Customs Enforcement 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.

removed from the United States. *Id.* ¶ 5 & Ex. B. On June 9, 2006, Petitioner was removed from the United States to Honduras. *Id.* ¶ 6 & Ex. C.

On September 1, 2016, Petitioner entered the United States without inspection and was apprehended by U.S. Border Patrol. *Id.* ¶ 7. Petitioner was served with a Notice of Intent/Decision to Reinstate Prior Order (Form I-871). *Id.* ¶ 7 & Ex. D. On September 3, 2016, Petitioner was placed on an Order of Supervision and released from custody. Karwowski Decl. ¶ 8 & Ex. E.

On March 20, 2025, Petitioner was issued a Notice of Revocation of Release letter, a Warning for Failure to Depart (I-229a) and a Notice of Intent/Decision to Reinstate Prior Order (I-871) and taken into ICE/ERO custody. *Id.* ¶ 9 & Ex. F. On April 23, 2025, at a bond re-determination hearing, the Immigration Judge (“IJ”) determined that Petitioner is ineligible for an immigration bond due to the reinstated final order of removal. *Id.* ¶ 10 & Ex. G.

On June 11, 2025, Petitioner appeared for the initial master calendar hearing before an IJ and requested a continuance to file an application for relief from removal. *Id.* ¶ 11. The IJ granted Petitioner’s request and re-set the master calendar hearing to August 6, 2025. *Id.* ¶ 11 & Ex. H. On August 6, 2025, Petitioner appeared in court and filed an application for relief from removal. *Id.* ¶ 12. The case was set to a hearing on the merits of the application on September 18, 2025. Karwowski Decl. ¶ 12 & Ex. I.

Pending resolution of Petitioner’s hearing, removal to Honduras is likely to occur in the reasonably foreseeable future. *Id.* ¶ 13. Honduras is open for international travel and is issuing travel documents to facilitate removals of Honduran nationals. *Id.* ICE/ERO is currently removing non-citizens to Honduras. *Id.*

LEGAL FRAMEWORK

Title 8 United States Code Section 1231(a)(5) provides for the reinstatement of a prior order of removal “from its original date” if DHS “finds that an [non-citizen] has reentered the United States illegally after having been removed . . . under an order of removal[.]” *See also* 8 C.F.R. § 1241.8(a). A reinstated removal order “is not subject to being reopened or reviewed[.]” 8 U.S.C. § 1231(a)(5). Further, a non-citizen subject to a reinstated removal order “has no right to a hearing before an immigration judge,” 8 C.F.R. § 1241.8(a), and “is not eligible and may not apply for any relief” from removal, 8 U.S.C. § 1231(a)(5). *See Fernandez-Vargas v. Gonzales*, 548 U.S. 30, 35 (2006) (recognizing that section 1231(a)(5) “applies to all illegal reentrants, explicitly insulates the removal orders from review, and generally forecloses discretionary relief from the terms of the reinstated order”).

Even though a non-citizen may not challenge his reinstated removal order, he may claim that he is entitled to withholding of removal—an assertion that he cannot be removed to a specific country. 8 U.S.C. § 1231(b)(3)(A). However, a grant of statutory withholding does not affect the validity of a final order of removal. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 428 n.6 (1987) (discussing differences in relief between asylum and withholding). Withholding “bars [removing] a[] [non-citizen] to a particular country,” but leaves the removal order intact and leaves the government free to remove the alien to a different country. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 419 (1999); *see also* 8 C.F.R. § 1208.22. Similarly, a grant of CAT protection “does not disturb the final order of removal” and “does not affect the validity of the final order of removal[.]” *Nasrallah v. Barr*, 590 U.S. 573, 582 (2020). CAT protection instead “means only that, notwithstanding the order of removal, the noncitizen may not be removed to the designated country of removal, at least until conditions change in that country;” “the noncitizen still ‘may be removed

at any time to another country[.]” *Id.* (citing 8 C.F.R. §§ 1208.17(b)(2), 1208.16(f)); *see also Johnson v. Guzman Chavez*, 594 U.S. 523, 531-32 (2021) (“[B]ecause withholding of removal is a form of country specific relief, nothing prevents DHS from removing the alien to a third country other than the country to which removal has been withheld or deferred” (internal quotations, alterations, and citations omitted)).

Once a removal order is reinstated, the non-citizen’s detention is governed by 8 U.S.C. § 1231. 8 C.F.R. § 1231(a)(5); 8 C.F.R. § 1241.8(c); *see also Guzman Chavez*, 594 U.S. at 533-47. Congress provided in § 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 v. Davis*, 533 U.S. 678 (2001), 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. 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).

In sum, a non-citizen in withholding-only proceedings cannot challenge *whether* he will be removed; he may only challenge *where* he will be removed to, and during his challenge, he continues to be detained pursuant to section 1231.

ARGUMENT

Petitioner states in his Petition that his “continued detention by respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6).” Pet. 4. Petitioner believes that his “continued detention violates [his] right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.” Pet. 5. Petitioner also asserts that “[t]here is no administrative mechanism in place for [him] to obtain a decision from a neutral arbiter or appeal a custody decision that violates Martinez.” Pet. 5. The Petition should be denied because (1) Petitioner has not been detained beyond the six-month presumptively reasonable removal period following his re-detention in ICE/ERO custody, (2) Petitioner cannot meet his evidentiary burden under

Zadvydas, and (3) there is a significant likelihood of Petitioner's removal in the reasonably foreseeable future.

I. Petitioner fails to state a claim because the Petition is premature under *Zadvydas*.

In evaluating *Zadvydas* claims, the Eleventh Circuit has made clear that the “six-month period thus must have expired at the time [Petitioner's] § 2241 petition was filed in order to state a claim under *Zadvydas*.” *Akinwale*, 287 F.3d at 1052; *see also Themeus v. U.S. Dep't of Justice*, 643 F. App'x 830, 833 (11th Cir. 2016); *Guo Xing Song v. U.S. Att'y Gen.*, 516 F. App'x 894, 899 (11th Cir. 2013).

Here, the Petitioner was served with a Notice of Intent/Decision to reinstate a Prior Order on March 20, 2025. Karwowski Decl. ¶ 9 & Ex. F. On the same day, Petitioner entered ICE/ERO custody. *Id.* While the 90-day removal period commenced on the same date and ended on June 18, 2025, 8 U.S.C. § 1231(a)(1)(A), (a)(1)(B)(iii), the six-month presumptively reasonable detention period under *Zadvydas* will not end until September 20, 2025. *Zadvydas*, 533 U.S. at 700. The Petition was filed on July 10, 2025. Pet. 10. The *Zadvydas* six-month presumptively reasonable detention period will not expire until September 20, 2025. Thus, Petitioner cannot state a claim under *Zadvydas* because his detention is presumptively reasonable. *Akinwale*, 287 F.3d at 1052.

Courts throughout the Eleventh Circuit—including this Court—have dismissed non-citizens' habeas petitions raising *Zadvydas* claims where the presumptively reasonable six-month period had not expired when they filed their petitions. *S.H. v. Warden, Stewart Det. Ctr.*, No. 4:21-CV-185-CDL-MSH, 2022 WL 1280989, at *2 (M.D. Ga. Feb. 15, 2022), *recommendation adopted*, 2022 WL 1274385 (M.D. Ga. Apr. 28, 2022); *Singh v. Garland*, No. 3:20-cv-899, 2021 WL 1516066, at *2 (M.D. Fla. Apr. 16, 2021); *Elieenist v. Mickelson*, No. 15-61701-Civ, 2015 WL 5316484, at *3 (S.D. Fla. Aug. 18, 2015), *recommendation adopted*, 2015 WL 5308882 (S.D. Fla.

Sept. 11, 2015); *Maraj v. Dep't of Homeland Sec.*, No. CA 06-0580-CG-C, 2007 WL 748657, at *3 (S.D. Ala. Mar. 7, 2007); *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1363-65 (N.D. Ga. 2002). The Court should similarly dismiss the Petition here.

II. In the alternative, Petitioner fails to show that he is entitled to relief under *Zadvydas*.

Even if the Court ignores that Petitioner's *Zadvydas* claim is premature on its face—which it should not—Petitioner fails to show that he is entitled to release under *Zadvydas*.

To be entitled to relief under *Zadvydas*, Petitioner has the burden to show 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. Here, the Petition should be denied because Petitioner presents no evidence to meet his burden. Petitioner cites to *Zadvydas* and argues that he has been detained indefinitely; however, 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)).

Petitioner states that “[a]s of today ICE has been unable to remove the petitioner to Honduras.” Pet. 3. Petitioner also states that he “is unlikely to be removed to Honduras.” Pet. 5. Petitioner’s conclusory statement that he has not yet been removed or released is 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*.

III. Petitioner is likely to be removed in the reasonably foreseeable future.

Even assuming Petitioner offered evidence sufficient to shift the burden to Respondent to show a likelihood of removal—which he has not—Respondent meets his burden. ICE/ERO is able to remove Petitioner to Honduras because diplomatic and working relationships with Honduras are positive and ICE/ERO is presently removing Honduran nationals to Honduras. Karwowski Decl. ¶ 13. Thus, there is a significant likelihood of the petitioner’s removal in the reasonably foreseeable future to Honduras.

The only current impediment to Petitioner’s removal the pending resolution of Petitioner’s hearing before the Immigration Judge. This impediment will cease when an Immigration Judge makes a determination of any country-specific claims for relief from removal that Petitioner may seek. Furthermore, that determination will have no impact on Petitioner’s reinstated order of removal; it affects only the country to which Petitioner can be removed. *Guzman Chavez*, 594 U.S. at 531-32. Thus, at best, Petitioner can show only uncertainty as to the precise date he will be removed due to circumstances outside ICE/ERO’s control.

Multiple circuit courts of appeals have addressed the circumstance where a non-citizen is entitled to relief under *Zadvydas* (which is not the case here) but removal has been delayed only by the non-citizen's pursuit of an ongoing legal proceeding. Those courts have held that "this uncertainty alone does not render [a non-citizen's] detention *indefinite* in the sense the Supreme Court found constitutionally problematic in *Zadvydas*." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008); *see also G.P. v. Garland*, 103 F.4th 898, 903 (1st Cir. 2024) ("[B]ecause [the legal proceedings] have a definite ending point, then so too must the detention pending the resolution of those proceedings." (internal quotations and citation omitted)); *Castaneda v. Perry*, 95 F.4th 750, 758 (4th Cir. 2024) ("[O]ngoing withholding-only proceedings do not, standing alone, cast doubt on the foreseeability of an alien's removal in the future."); *Martinez v. Larose*, 968 F.3d 555, 565-66 (6th Cir. 2022) ("[W]e agree with the district court that [the non-citizen's] removal is reasonably foreseeable. If [he] does not prevail in his pending actions before this court and the BIA, nothing should impede the government from removing him"); *Andrade v. Gonzales*, 459 F.3d, 543-44 (5th Cir. 2006) (finding *Zadvydas* claim meritless where the non-citizen "offered nothing beyond his conclusory statements suggesting that he will not be immediately removed . . . following the resolution of his appeals"); *Soberanes v. Comfort*, 388 F.3d 1305, 1311 (10th Cir. 2004) (affirming dismissal of *Zadvydas* claim where the non-citizen's continued detention was "clearly neither indefinite nor potentially permanent like the detention held improper in *Zadvydas*; it [was], rather, directly associated with a judicial review process that has a definite and evidently impending termination point.").

Further, while the Eleventh Circuit has not yet addressed the issue, one district court in the Eleventh Circuit has similarly held that a non-citizen is not entitled to relief under *Zadvydas* based solely upon the non-citizen's pursuit of relief from removal. *Rodriguez v. Meade*, No. 20-cv-

24382, 2021 WL 671333, at *5 (S.D. Fla. Feb. 22, 2021) (“It is reasonably foreseeable that a termination point (i.e., removal) will occur after the conclusion of Petitioner’s withholding-only proceeding.” (internal quotation and citation omitted)).

This Court should reach this same conclusion and deny the Petition because there is a significant likelihood of removal in the reasonably foreseeable future. The Supreme Court created its test in *Zadvydas* to address one specific issue: the possibility of “indefinite detention” where a non-citizen is detained for the purpose of removal but cannot be removed. *Zadvydas*, 533 U.S. at 690-96. In that narrow circumstance, a non-citizen is placed in a “removable-but-unremovable limbo[.]” *Jama v. Immigr. & Customs Enf’t*, 543 U.S. 335, 347 (2005). But in *Zadvydas*, the non-citizens were placed in this limbo because no country would accept them for removal, meaning there was no possibility of removal whatsoever. *Zadvydas*, 533 U.S. at 684-86. Their detention was therefore “potentially permanent.” *Id.* at 691.

Here, however, those concerns are not present. Petitioner is detained pending the completion of possible relief from removal “proceedings that he voluntarily initiated.” *Castaneda*, 95 F.4th at 757. But for those proceedings, Petitioner likely would have been removed shortly after detention commenced given that removals to Honduras occur regularly. Karwowski Decl. ¶ 13. But “[c]ritically, [relief from removal] proceedings are *finite*.” *Castaneda*, 95 F.4th at 757 (emphasis in original). “[I]f he is ultimately denied relief, [ICE/ERO] will be able to move forward with removing him[.]” *G.P.*, 103 F.4th at 902. And even if Petitioner is granted relief, he is still subject to an executable final order of removal, and ICE/ERO “may still remove [him] to another country[.]” *Castaneda*, 95 F.4th at 757. “In either case, however, the withholding-only proceedings *end*. And if the withholding-only proceedings have a definite ending point, then so too must the detention *pending* the resolution of those proceedings.” *Id.* (citations omitted) (emphasis in

original). “There thus appears to be little chance of a removable-but-unremovable limbo for” Petitioner such as the one that motivated the Supreme Court’s opinion in *Zadvydas. G.P.*, 103 F.4th at 902.

Because Petitioner’s present detention (1) has not exceeded the presumptively reasonable six-month period, (2) is not “indefinite” or “potentially permanent,” *Zadvydas*, 533 U.S. at 691, and (3) is significantly likely to end in Petitioner’s removal in the reasonably foreseeable future, his detention complies with due process. The Court should therefore dismiss the Petition as premature or, in the alternative, deny the Petition.

CONCLUSION

Petitioner’s Petition is premature and should be dismissed. Alternatively, the record is complete in this matter and the case is ripe for adjudication on the merits. For the reasons stated herein, Respondent respectfully requests that the Court deny the Petition.

Respectfully submitted, this 11th day of August, 2025.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: /s/ Michael P. Morrill
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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the 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:

Enil Josadac Zelaya
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 11th day of August, 2025.

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

DECLARATION OF Deportation Officer (DO) Dennis Karwowski

I, Dennis Karwowski, 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 July 28, 2024. I am currently employed as a Deportation Officer working at Stewart Detention Center in Lumpkin, Georgia.
2. In my capacity as a Detention & Deportation Officer, I am the officer assigned to the case involving Enil Zelaya-Urvina (the petitioner), whose alien registration number is A-~~XXXXXXXXXX~~. 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 Honduras. Exhibit A, Form I-213: Record of Deportable/Inadmissible Alien.
4. The petitioner last entered ICE/ERO custody on March 20, 2025. The petitioner was previously detained by ICE/ERO in 2006. *See id.*
5. On April 22, 2006, the petitioner was ordered removed from the United States. *See id*; *See* Exhibit B, Form I-860: Notice and Order of Expedited Removal
6. On June 9, 2006, the Petitioner was removed from the United States to Honduras. *See* Exhibit C, Form I-296: Notice to Alien Ordered Removed/Departure Verification
7. On September 1, 2016, the Petitioner entered the United States without inspection and was apprehended by U.S. Border Patrol. He was served with a Notice of Intent/Decision to Reinstate Prior Order (Form I-871). *See* Exhibit D, Form I-871: Notice of Intent/Decision to Reinstate Prior Order, dated September 2, 2016.
8. On September 3, 2016, the Petitioner was placed on an Order of Supervision and released from custody. *See* Exhibit E, Form I-220B: Order of Supervision.
9. On March 20, 2025, the petitioner was issued a Notice of Revocation of Release letter, a Warning for Failure to Depart (I-229a) and Notice of Intent/Decision to Reinstate Prior Order (I-871) and taken into ICE/ERO custody. *See* Exhibit F
10. On April 23, 2025, at a bond re-determination hearing, the IJ determined that the Petitioner is ineligible for an immigration bond due to the re-instated final order of removal. Exhibit G, IJ Bond Order.

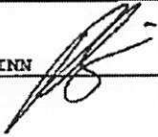
11. On June 11, 2025, the petitioner appeared for the initial master calendar hearing before an immigration judge (IJ) and requested a continuance to file an application for relief from removal. The IJ granted the Petitioner's request and re-set the master calendar hearing to August 6, 2025. Exhibit H, Notice of Hearing, dated June 11, 2025.
12. On August 6, 2025, the petitioner appeared in court and filed an application for relief from removal. The case was set to a hearing on the merits of the application on September 18, 2025. Exhibit I, Notice of Hearing, dated August 6, 2025.
13. Pending the resolution of petitioner's hearings, Honduras is open for international travel and is issuing travel documents to facilitate removals of Honduran nationals. ICE/ERO is currently removing non-citizens to Honduras.

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.

DENNIS R
KARWOWSKI

Digitally signed by
DENNIS R KARWOWSKI
Date: 2025.08.08
08:58:54 -04'00'

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

Alien's Name ZELAYA-URBINA, ENIL JOSADAC	File Number XXXXXXXXXX	Date 03/20/2025
Event No: XXXXXXXXXX		
09/01/2016 - 212a9Aii - ALIEN PREVIOUSLY REMOVED ONCE, NOT AS AN ARRIVING ALIEN (NOT AGGRAVATED FELONS)		
Previous Criminal History Subject has no criminal history		
Records Checked XXXXXXXXXX		
ARRESTING AGENTS XXXXXXXXXX		
FUNDS IN POSSESSION United States Dollar 597.00		
At/Near Charlotte, NC		
Record of Deportable/Excludable Alien: ENCOUNTER/ METHOD OF APPREHENSION: On March 20, 2025, Enil ZELAYA-Urbina (XXXXXXXXXX), a citizen and national of Honduras, reported to the BI office located at 3411 St Vardell Ln, Ste B, Charlotte, NC as required on his enrollment in the Alternative to Detention program (ATD). ICE ERO Deportation Officer XXXXXX interviewed and positively identified ZELAYA-Urbina. A case review determined ZELAYA-Urbina was subject to a final order and did not have any impediment to removal. ICE Officers arrested him without incident and transported him to ERO Charlotte for further processing.		
IMMIGRATION HISTORY: On April 22, 2006, ZELAYA-Urbina was apprehended by US Border Patrol (USBP) agents after entering the US without inspection near Animas, NM. ZELAYA-Urbina was processed as an Expedited Removal XXXXXXXXXX . XXXXXXXXXX On May 22, 2006, ZELAYA-Urbina was served a Notice and Order of Expedited Removal (I-860). On June 9, 2006, ZELAYA-Urbina was removed from the US via ICE AIR Operations out of Laredo, TX.		
Signature R8078 FINN 	Title Deportation Officer	

Alien's Name ZELAYA-URBINA, ENIL JOSADAC	File Number  Event No: CLT2503000209	Date 03/20/2025		
On September 1, 2016, ZELAYA-Urbina was apprehended by USBP after entering the US without inspection near Hidalgo, TX with his son, . Following arrest, ZELAYA-Urbina claimed fear of returning to his country of citizenship. On September 2, 2016, ZELAYA-Urbina was served a Notice of Intent/Decision to Reinstate Prior Order (I-871). On September 3, 2016, ICE placed ZELAYA-Urbina on an Order of Supervision with enrollment on ATD. On November 9, 2023, ZELAYA-Urbina filed a Application for a Stay of Deportation or Removal (I-246), which was denied on November 14, 2023.  On March 20, 2025, ICE issued ZELAYA-Urbina a Notice of Revocation of Release letter and ZELAYA-Urbina was taken into ICE custody without incident.  Nothing pending with the BIA. FAMILY/ DERIVATIVE CITIZENSHIP: ZELAYA-Urbina makes no claim to United States Citizenship, nor does he have any circumstances which would allow him to derive such citizenship. Both parents are both citizens of Honduras who currently reside in Honduras. CRIMINAL HISTORY: None known HEALTH AND HUMANITARIAN:  ZELAYA-Urbina claimed he is in good health and is not taking any medication. PHONE CALL/ CONSULAR NOTIFICATION: On March 20, 2025, ZELAYA-Urbina was offered the opportunity to contact the Consulate of Honduras and stated he would not like the Honduran consulate to be contacted on his behalf. ZELAYA-Urbina was allowed to make a phone call, he spoke to his brother,  at , as well as his mother-in-law, . TRAVEL DOCUMENT: Honduras passport ( is in the A-File. PROPERTY / CURRENCY ZELAYA-Urbina retained possession of his \$597.00 USD. His other property was retained in a property bag for transport to the Alamance County Detention Center. HISTORY OF US MILITARY SERVICE: ZELAYA-Urbina service in the U.S. Military or the armed forces of any other nation. DISPOSITION: <table border="1"><tr><td>Signature  R8076 FINN</td><td>Title Deportation Officer</td></tr></table>			Signature  R8076 FINN	Title Deportation Officer
Signature  R8076 FINN	Title Deportation Officer			

Alien's Name
ZELAYA-URBINA, ENIL JOSADACFile Number


Date

03/20/2025

Event No: 

ICE served ZELAYA-Urbina a Notice of Revocation of Release, a Warning for Failure to Depart (I-229a), and Notice of Intent/Decision to Reinstate Prior Order (I-871).

ICE detained ZELAYA-Urbina at the Alamance County Detention Center pending transfer to the Stewart Detention Facility.

Other Identifying Numbers
-----ALIEN- 

Signature

R8078 FINN 

Title

Deportation Officer

4 of 4 Pages

Exhibit B

U.S. Department of Justice

Immigration and Naturalization Service

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

File No: 

Date: April 22, 2006

In the Matter of: ENIL A. ZELAYA-URVINA

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Immigration and Naturalization Service has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1) You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; To wit you entered illegally at port near Columbus, New Mexico on 04/18/2006. You were enroute to Miami, Florida to reside and seek employment.

MARIO A. REYES ARENAS
U.S. BORDER PATROL AGENT
Name and title of Immigration officer (Print)

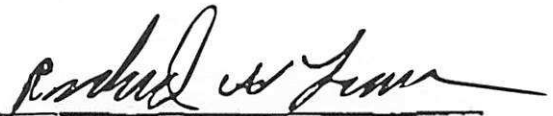

Signature of Immigration officer

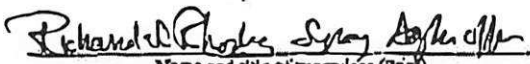
ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Richard Learn


Name and title of Immigration officer (Print)


Signature of Immigration officer


Name and title of supervisor (Print)


Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on _____
(Date)


Signature of Immigration officer

May 22, 2006

Form I-850 (Rev. 3-1-07)

Exhibit C

PINS: [REDACTED]

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Alien Ordered Removed/Departure Verification

File No: [REDACTED]

Date: 04/22/2006

Alien's full name: Enil Josadac ZELAYA-Urvina

You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States

- ☒ for a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- ☐ for a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of your having been ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- ☐ for a period of 20 years from the date of your departure from the United States as a consequence of your having been found Inadmissible and of your having been previously excluded, deported, or removed from the United States.
- ☐ at any time because in addition to having been found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your deportation or removal has been effected, if you desire to reenter the United States within the period during which you are barred, you must request and obtain permission from the Attorney General to reapply for admission to the United States. You must obtain such permission before commencing your travel to the United States. Application forms for requesting such permission may be obtained by contacting any United States Consulate or office of the United States Immigration and Naturalization Service.

WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Attorney General's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to \$250,000.

REYES ARENAS, Mario *[Signature]*
(Signature of officer serving warning)

U.S. BORDER PATROL AGENT
(Title of officer)

LOB
(Location of INS office)

Verification of Removal

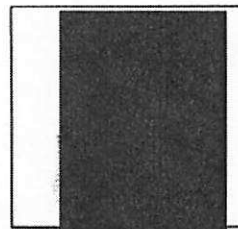
(Complete this section for file copy only)

Departure date 6-9-2006	Port of departure Laredo, TX	Manner of departure Flight: DTEW 750 13/5
Signature of verifying officer <i>Fernando Da Costa</i>		Title of Officer Fernando R. DaCosta, AEO U.S. Marshals Service Mesa, AZ



Photograph of alien removed

Enil Josadac Zeloya
(Signature of alien whose fingerprint and photograph appear above)



Right index fingerprint
of alien removed

[Signature]
(Signature of official taking fingerprint)

RETURN TO:
ABO/CE/DRO
1720 RANDOLPH RD SE
ALBUQUERQUE, NM 87106

Exhibit D

U.S. Department of Homeland Security

Notice of Intent/Decision to Reinstate Prior Order

File No. XXXXXXXXXX

Event No. XXXXXXXXXX

FINS #: XXXXXXXXXX

Date: September 02, 2016

Name: ENIL JOSADAC ZELAYA-URBINA

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 24.1.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of REMOVAL entered against you. This intent is based on the following determinations:
(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on April 22, 2006 at LORDSBURG, NEW MEXICO
(Date) (Location)

2. You have been identified as an alien who:

☒ was removed on June 09, 2006 pursuant to an order of deportation / exclusion / removal.
(Date)

☐ departed voluntarily on _____ pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).
(Date)

3. You illegally reentered the United States on or about September 01, 2016 at or near HIDALGO, TEXAS
(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You do not have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the SPANISH language.

FRANK A. LASLEY

(Printed or typed name of official)

(Signature of officer)

Border Patrol Agent

(Title of officer)

Acknowledgment and Response

I ☐ do ☐ do not wish to make a statement contesting this determination.

(Date)

Subject Refused to sign. Witnessed by:

(Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

September 02, 2016

(Date)

MCALLEN, TEXAS

(Location)

CHRISTIAN ALVAREZ

(Printed or typed name of official)

(Signature of authorized deciding official)

ACTING PATROL AGENT IN CHARGE

(Title)

Name: ZELAYA-URBINA, ENIL JOSADAC

File No: 

Date: September 3, 2016

on April 22, 2006 you were ordered:

(Date of final order)

Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.

Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.

That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.

That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.

That you do not travel outside Miami Field Office for more than 48 hours without first
(Specify geographic limits, if any)

having notified this Service office of the dates and places of such proposed travel.

That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.

That you report in person on September 14, 2016 at 10:00 A.M. to this Service office at:
2805 SW 145th Avenue Miramar, FL 33027 Telephone: 212-264-4213
unless you are granted written permission to report on another date.

That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.

Other:

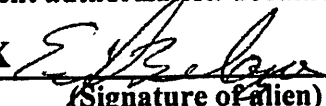
See attached sheet containing other specified conditions (Continue on separate sheet if required)


Pedro Olivarez, Assistant Field Office Director

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language), the contents of this order and addendum, a copy of which has been given to me. I understand that failure to comply with the terms of this order and addendum may subject me to a fine, more restrictive release conditions, detention, criminal prosecution, and/or revocation of my employment authorization document.

Wayne Sypher 
(Signature of ICE official serving order)

X 
(Signature of alien)

September 3, 2016
(Date)

Please note that all references in this order/addendum to "INS" or "Service" should now be considered to refer to U.S. Immigration and Customs Enforcement (ICE).

Please note that all references in this order/addendum to "INS" or "Service" should now be considered to refer to U.S. Immigration and Customs Enforcement (ICE).

Name: ZELAYA-URBINA, ENIL JOSADAC

File No: 

Date: September 3, 2016

- ☒ That you do not associate with criminals or members of a gang that are known to be involved in criminal activity.
- ☐ That you register in a substance abuse program within 14 days and provide Immigration and Customs Enforcement (ICE) with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, the duration and objectives of the program, and the name of a program counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency/agencies and provide ICE with written proof of such registration within 10 days.
- ☒ That you do not commit any crimes or be associated with any criminal activity while on this Order of Release on Recognizance.
- ☐ That you report to a parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ You must follow all reporting and supervision requirements as mandated by the parole or probation officer.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological, including taking prescribed medications.
- ☒ That you make good faith and timely efforts to obtain a travel document and assist ICE in obtaining a travel document.
- ☒ That you submit a complete application for a travel document to all appropriate Embassies or Consulates, including those representing the countries of HONDURAS. You must present ICE with evidence that each Embassy or Consulate to which you apply has received your request and all required documents. This may be done, for example, by mailing your application(s) with a request for return receipt and providing the signed return receipt to ICE, by obtaining a tracking number when you mail your application(s) and providing the number to ICE, or by submitting written confirmation of receipt issued by the Embassy or Consulate.
- ☐ That you submit your application(s) for a travel document to all appropriate Embassies or Consulates and provide proof of receipt to ICE on or before _____.
- ☒ That you provide ICE a copy of your application(s) for a travel document that you submit to any Embassy or Consulate, including all supporting documents, photos, and other items provided to the Embassy or Consulate to support your application(s).

Name: ZELAYA-URBINA, ENIL JOSADAC

File No: [REDACTED]

Date: September 3, 2016

- ☒ That you provide ICE a copy of all correspondence related to your travel document application(s) that you send to, or receive from, an Embassy or Consulate.
- ☐ That you contact the Embassy or Consulate within 21 calendar days of making your application(s) to confirm that the information you provided is sufficient.
- ☒ That you comply with any requests from an Embassy or Consulate for an interview and make good faith efforts to submit further documentation if required by the Embassy or Consulate.
- ☐ Every time you report in person under this order of Release on Recognizance, you must inform the local ICE office of all actions you have taken to obtain a travel document. You must provide any available written documentation to ICE regarding these actions and the status of your travel document application(s).
- ☐ That you provide ICE, upon request, with any and all information relevant to application(s) for a travel document. This may include, but is not limited to, information regarding your family history, including dates of birth, nationalities, addresses, and phone numbers as requested for such persons, whether in your country of nationality and/or citizenship or elsewhere, and your past residences, schools attended, etc.
- ☒ You will participate in a supervised release program, as described in the attached document. You will comply with the rules and requirements of this program, and cooperate with its administrators.

I agree to comply with the rules, requirements, and administrators in the supervised release program described in the attached document.

Alien's signature: X 
Signature of Alien

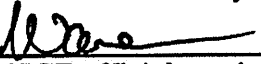
Date: 9/3/16

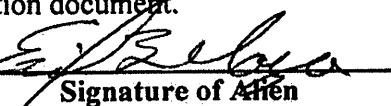
Other: _____

Any violation of any of the above conditions may result in a fine, more restrictive release conditions, return to detention, criminal prosecution, and/or revocation of your employment authorization document.

Alien's Acknowledgement of Conditions of Release under an Order of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me Spanish language) the contents of this order and addendum, a copy of which has been given to me. I understand that failure to comply with the terms of this order and addendum may subject me to a fine, more restrictive release conditions, detention, criminal prosecution, and/or revocation of my employment authorization document.

Wayne Sypher 
(Signature of ICE official serving order)

X 
Signature of Alien

9/3/16
(Date)

Please note that all references in this order/addendum to "INS" or "Service" should now be considered to refer to U.S. Immigration and Customs Enforcement (ICE).

Exhibit F

Office of Enforcement and Removal Operations

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



U.S. Immigration
and Customs
Enforcement

Zelaya-Urbina, Enil
c/o Immigration and Customs Enforcement
Atlanta Field Office

A 

Notice of Revocation of Release

This letter is to inform you that your order of supervision has been revoked, and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.

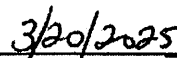
ICE has determined that you can be expeditiously removed from the United States pursuant to the outstanding order of removal against you. On May 22, 2006, you were ordered removed to Honduras by an authorized U.S. Department of Homeland Security (DHS) official and you are subject to an administratively final order of removal. ICE is in possession of a travel document; therefore, removal is imminent.

Based on the above, and pursuant to 8 C.F.R. § 241.4 / 8 C.F.R. § 241.13, you are to remain in ICE custody at this time. You will promptly be afforded an informal interview at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release. If you are not released after the informal interview, you will receive notification of a new review, which will occur within approximately three months of the date of this notice.

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. Section 1253(a).



LaDeon E. Francis, Field Office Director



Date

PROOF OF SERVICE

(1) Personal Service

(a) I R. Finn, Deportation Officer,
Name of ICE Officer Title

certify that I served Zelaya-Urbina, Enil with a copy of
Name of detainee

this document at Charlotte Field Office on 03/20/2025 at 1000.
Institution Date Time

Detainee Signature:  Date: 03/20/25

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

Exhibit G



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT

Respondent Name:

ZELANY URBINA, ENIL

To:

ZELANY URBINA, ENIL

146 CCA RD

PO BOX 248

LUMPKIN, GA 31815

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

04/23/2025

- ☐ Unable to forward - no address provided.
- ☐ Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

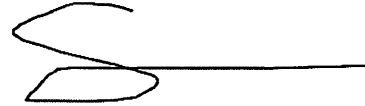
- ☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

- ☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA § 242.

- ☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.
- ☒ Other:
Bond Order (attached).

Date: 04/23/2025



Immigration Judge: Gallow, Sheila 04/23/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [M] Noncitizen c/o custodial officer | [] Noncitizen's atty/rep. | [E] DHS

Respondent Name : ZELANY URBINA, ENIL | A-Number : 098662410

Riders:

Date: 04/23/2025 By: LIPSCOMB, SHEL CIA, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
STEWART IMMIGRATION COURT**

Respondent Name:

ZELANY URBINA, ENIL

To:

ZELANY URBINA, ENIL
146 CCA RD
PO BOX 248
LUMPKIN, GA 31815

A-Number:



Riders:

In Custody Redetermination Proceedings

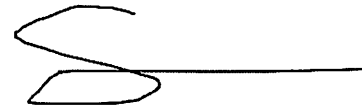
Date:

04/23/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- ☒ Denied, because
Respondent was removed from the United States by written order in June 2006. The DHS has advised the prior removal order has been reinstated. Given he has a final order of removal, Respondent is ineligible for an immigration bond.
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:



Immigration Judge: Gallow, Sheila 04/23/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 05/23/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [M] Noncitizen c/o custodial officer | [] Noncitizen's atty/rep. | [E] DHS

Respondent Name : ZELANY URBINA, ENIL | A-Number :



Riders:

Date: 04/23/2025 By: LIPSCOMB, SHELCIA, Court Staff

Exhibit H

IMMIGRATION COURT
146 CCA ROAD, PO BOX 248
LUMPKIN, GA 31815

ZELAYA-URVINA, ENIL
SDC
146 CCA ROAD
PO BOX 248
LUMPKIN, GA 31815

FILE: A 

RE: ZELAYA-URVINA, ENIL

NOTICE  HEARING

PLEASE TAKE NOTE THAT YOUR  HEARING HAS BEEN
SCHEDULED/RESCHEDULED BEFORE THE IMMIGRATION COURT ON
Aug 6, 2025 AT 10:00 A.M. AT THE FOLLOWING ADDRESS:

146 CCA ROAD, COURTROOM 3
LUMPKIN, GA 31815

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE SO REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

IN THE EVENT THAT YOU ARE RELEASED FROM CUSTODY, YOU MUST IMMEDIATELY REPORT
ANY CHANGE IN YOUR ADDRESS AND TELEPHONE NUMBER TO THE IMMIGRATION COURT ON
THE ATTACHED FORM EOIR-33. IF YOU FAIL TO PROVIDE AN ADDRESS, YOUR SCHEDULED
HEARING MAY BE HELD IN YOUR ABSENCE.

FAILURE TO APPEAR AT YOUR HEARING EXCEPT FOR EXCEPTIONAL CIRCUMSTANCES* MAY
RESULT IN ONE OF THE FOLLOWING ACTIONS:

1. YOUR HEARING WILL BE HELD IN YOUR ABSENCE AND YOUR APPLICATION
MAY BE DENIED BY AN IMMIGRATION JUDGE.
2. YOU MAY BE TAKEN INTO CUSTODY BY THE DEPARTMENT OF HOMELAND
SECURITY AND HELD FOR FURTHER ACTION.
3. YOU MAY BE REMOVED FROM THE UNITED STATES WITHOUT FURTHER HEARING.

*EXCEPTIONAL CIRCUMSTANCES REFERS TO EXCEPTIONAL CIRCUMSTANCES
SUCH AS SERIOUS ILLNESS OF THE ALIEN OR DEATH OF AN IMMEDIATE
RELATIVE OF THE ALIEN, BUT NOT INCLUDING LESS COMPELLING
CIRCUMSTANCES.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE
1-800-898 7180 OR 304-625-2050.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [] ALIEN c/o Custodial Officer [p] ALIEN's ATT/REP [p] DHS
DATE: 6/11/2025 BY: COURT STAFF tc
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Exhibit I

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LUMPKIN IMMIGRATION COURT

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Aug 6, 2025

TO:

ZELAYA-URVINA, ENIL
SDC
146 CCA ROAD
PO BOX 248
LUMPKIN, GA 31815

RE:  ZELAYA-URVINA, ENIL

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

DHS and RC filing deadline: September 5, 2025.

Date: Sep 18, 2025
Time: 09:00 A.M. ET
Court Address: 146 CCA ROAD, PO BOX 248
COURTROOM 3, LUMPKIN, GA 31815

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration

court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]

TO: [] Noncitizen | [p] Noncitizen c/o Custodial Officer |
[] Noncitizen ATT/REP | [p] DHS

DATE: 8/6/2025 BY: COURT STAFF tc

Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

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অনলাইনে নোটিশ পড়ার জন্য এই পৃষ্ঠায় কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

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