

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

ISAIAS TAPIA-SANCHEZ,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-239-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,¹	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On July 21, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”). ECF No. 1. Petitioner challenges his detention at Stewart Detention Center in Lumpkin, Georgia. Pet. 1, ECF No. 1. As explained below, the Petition should be dismissed.

BACKGROUND

Despite the paucity of information from Petitioner’s counseled petition, Respondent gathered the following information on Petitioner’s case. Petitioner is a native and citizen of Mexico who is detained post-final order of removal under 8 U.S.C. § 1231(a) pursuant to a reinstated removal order. Declaration of Deportation Officer Jeffrey Knowles (“Knowles Decl.”) ¶¶ 3, 9 & Ex. A. Petitioner first entered the United States on June 30, 2001 at a port of entry with fraudulent

¹ Petitioner names the United States Attorney General, United States Secretary of the Department of Homeland Security, and 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.

documentation, was processed for expedited removal, and was ordered removed the same day. *Id.* ¶ 4-5 & Exs. B, C, D, and E. Petitioner was removed to Mexico on June 30, 2001. *Id.* ¶ 5 & Ex. F.

Petitioner reentered the United States at an unknown date and unknown location. *Id.* ¶ 7 & Ex. G. On February 20, 2025, Petitioner pled guilty to false imprisonment, simple battery, and criminal trespass in Cherokee County, Georgia Superior Court. *Id.* ¶ 8 & Ex. H. Petitioner was sentenced to 9 months on probation and 40 hours of community service. *Id.* Petitioner was encountered by Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE/ERO”) personnel on April 16, 2025 at the Cherokee County Probation building in Canton, Georgia and served with a Form I-871 Notice of Intent/Decision to Reinstate a Prior Order. Knowles Decl. ¶ 9 & Exs. G and I. On May 13, 2025, Petitioner was turned over to the United States Marshals Service pursuant to prosecution for illegal reentry in the United States District Court for the Northern District of Georgia. *Id.* ¶ 10 & Ex. J. On June 2, 2025, Petitioner was convicted of illegal reentry under 8 U.S.C. § 1326(a) and sentenced to time served. *Id.* ¶ 11 & Ex. K.

Petitioner returned to ICE/ERO custody on June 10, 2025. *Id.* ¶ 12. ICE/ERO processed Petitioner for removal to Mexico under the reinstated removal order of June 30, 2001, but identified that Petitioner previously made an assertion requiring an interview with U.S. Citizenship and Immigration Services (USCIS), which has prevented effectuation of his removal. *Id.*

Diplomatic and working relationships with Mexico are positive and ICE/ERO is presently removing Mexican aliens to Mexico. Knowles Decl. ¶ 13. Mexican nationals do not require a travel document for removal to Mexico. *Id.* Pending completion of the review of Petitioner’s assertion, there is a significant likelihood of Petitioner’s removal in the reasonably foreseeable future. *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 relief from removal—an assertion that he cannot be removed to a specific country. 8 U.S.C. § 1231(b)(3)(A). However, a grant of relief from removal does not affect the validity of a final order of removal. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 428 n.6 (1987). Relief from removal “bars [removing] a[] [non-citizen] to a particular country[.]” *INS v. Aguirre-Aguirre*, 526 U.S. 415, 419 (1999); *see also* 8 C.F.R. § 1208.22. But a grant of relief from removal “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). “[T]he 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 [relief from] removal is a form of country specific relief, nothing prevents DHS from removing the alien to a third country. . . .” (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 only that he is in ICE custody, “has neither been deported nor released from custody, even though he is apparently not entitled to any hearing before the immigration judge[,]” and that “ICE has a duty to either remove the Petitioner, or release the Petitioner on an order of supervision.” Pet. 1. Petitioner, represented by counsel, makes no attempt to explain how his detention violates due process or why ICE has, at this time, the duty he asserts he is owed. *Id.* The lack of analysis notwithstanding, 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 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, Petitioner was served with a Notice of Intent/Decision to reinstate a Prior Order on April 16, 2025. Knowles Decl. ¶ 9 & Ex. G. On June 10, 2025, Petitioner entered ICE/ERO custody for the most recent time following his prosecution and conviction for illegal reentry. *Id* ¶ 12. Therefore, the 90-day removal period commenced on the same date and does not end until September 8, 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 December 10, 2025.² *Zadvydas*, 533 U.S. at 700.

The Petition was filed on July 21, 2025. Pet. 1. Thus, at the time the Petition was filed, Petitioner remained mandatorily detained within the 90-day removal period under 8 U.S.C. § 1231(a)(2). Further, the *Zadvydas* six-month presumptively reasonable detention period will not expire for over four more months, in December 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.

² Even if the April 16, 2025 date, when Petitioner was first encountered by ICE/ERO, is considered the appropriate starting point (which it should not be), the 90-day removal period would have expired only on July 15, 2025, and the six-month presumptively reasonable detention period under *Zadvydas* will not expire until October 16, 2025.

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. He gives no legal basis to find that his detention is unduly prolonged, nor does he cite a single statute or case. Even if he had cited to *Zadvydas* and argued that he has been detained too long, 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 only that he “has neither been deported nor released from custody . . . [and] ICE has a duty to either remove the Petitioner, or to release the Petitioner on an order of

supervision.” Pet. 1. Setting aside the inaccurate legal analysis, 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’s removal is likely 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 Mexico because diplomatic and working relationships with Mexico are positive and ICE/ERO is presently removing Mexican nationals to Mexico. Knowles Decl. ¶ 13. Further, Mexican nationals do not require a travel document for removal to Mexico. *Id.* Thus, there is a significant likelihood of the petitioner’s removal in the reasonably foreseeable future to Mexico.

The only current impediment to Petitioner’s removal is the need for Petitioner to complete an interview with U.S. Citizenship and Immigration Services (USCIS). 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 quotations 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 ICE/ERO has successfully removed him once before and removals to Mexico occur regularly. Knowles 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

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DECLARATION OF JEFFREY KNOWLES

I, Jeffrey Knowles, 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 May 2024. I am currently employed as a Deportation Officer working at Stewart County Detention Center in Lumpkin, Georgia.
2. In my capacity as a Deportation Officer, I am the officer assigned to the case involving Isaias Tapia-Sanchez (the petitioner), whose alien registration number is [REDACTED] and who entered the United States previously under an alias "David Davalos." I have reviewed the relevant documents from the petitioner's alien files (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 a citizen of Mexico. Exhibit A, Photocopy of Petitioner's Biographical information from Mexican Passport, dated December 4, 2023.
4. The petitioner first entered the United States on June 30, 2001 when he presented himself at the San Ysidro Port of Entry with a counterfeit I-94 bearing the name of David Davalos. Exhibit B, Form I-213 Record of Deportable/Inadmissible Alien, dated June 30, 2001; Exhibit C, Counterfeit Form I-94 Arrival/Departure Record, dated September 25, 2000.
5. On June 30, 2001, the petitioner was ordered removed under section 235(b)(1) of the Immigration and Nationality Act. He provided a sworn statement admitting his alienage and fraudulent document and denying fear of removal to Mexico. Exhibit D, Form I-860 Notice and Order of Expedited Removal, dated June 30, 2001; Exhibit E, Form I-867A Record of Sworn Statement in Proceedings Under Section 235(b)(1), dated June 30, 2001.
6. On June 30, 2001, the petitioner was removed to Mexico. Exhibit F, Form I-296 Notice to Alien Ordered Removed/Departure Verification, dated June 30, 2001.
7. The Petitioner reentered the United States at an unknown date, time, and location. Exhibit G, Form I-213 Record of Inadmissible Alien, dated April 16, 2025.
8. On February 20, 2025, the petitioner pled guilty to false imprisonment, simple battery, and criminal trespass in Cherokee County Superior Court, Georgia. He was required to, *inter alia*, report to probation for nine months and complete 40 hours of community service. Exhibit H, Cherokee County Superior Court, Georgia, Criminal Records, dated February 20, 2025.
9. The petitioner entered ICE/ERO custody on April 16, 2025, when ICE/ERO encountered the petitioner at the Cherokee County Probation building in Canton, Georgia. He was served a Form I-871 Notice of Intent/Decision to Reinstate a Prior Order. Exhibit G, Form

I-213 Record of Inadmissible Alien, dated April 16, 2025; Exhibit I, Form I-871 Notice of Intent/Decision to Reinstate a Prior Order, dated April 16, 2025.

10. On May 13, 2025, ICE/ERO turned the petitioner over to the United States Marshals Service pursuant to an Order of Detention Pending Trial. Exhibit J, Order of Detention Pending Trial, dated May 13, 2025.
11. On June 2, 2025, the petitioner was convicted upon his guilty plea to Illegal Reentry under 8 U.S.C. § 1326(a). He was sentenced to time served. Exhibit K, Judgment in a Criminal Case, dated June 2, 2025.
12. The petitioner returned to ICE/ERO custody on June 10, 2025. ICE/ERO processed the petitioner for removal to Mexico and identified that the petition previously made an assertion requiring an interview with U.S. Citizenship and Immigration Services (USCIS).
13. Diplomatic and working relationships with Mexico are positive and ICE/ERO is presently removing Mexican aliens to Mexico. Mexican nationals do not require a travel document for removal to Mexico. Pending completion of the review of petitioner's assertion, there is a significant likelihood of the petitioner's removal in the reasonably foreseeable future to Mexico.

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 7th of August 2025.



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

[illegible][illegible]

Exhibit C



09

PROCESSED FOR T-551
 TEMPORARY EVIDENCE OF
 LAWFUL ADMISSION FOR
 PERMANENT RESIDENCE
 VALID UNTIL 12-5-2001
 EMPLOYMENT AUTHORIZED

100

1. Family Name <u>Garcia Davalos</u>		3. Birth Date (Day/Mo/Yr) <u>[REDACTED] 17 3</u>	
2. First (Given) Name <u>David</u>		5. Sex (Male or Female) <u>Male</u>	
4. Country of Citizenship <u>Mexico</u>		7. Airline and Flight Number	
6. Passport Number		9. City Where You Boarded	
8. Country Where You Live		11. Date Issued (Day/Mo/Yr)	
10. City Where Visa Was Issued		12. Address While in the United States (Number and Street) <u>[REDACTED]</u>	
13. City and State <u>Anaheim CA 92805</u>			

DETERMINATION OF INADMISSIBILITY

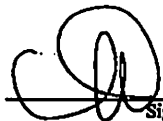
File No: 
Date: June 30, 2001

In the Matter of: GARCIA-Davalos, David

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:

- On or about June 29, 2001, you applied for admission into the United States.
- You presented an INS form I-94 with counterfeit temporary resident alien admit stamp not lawfully issued to you.
- You are a citizen and national of Mexico.
- You have no legal right to enter, pass through, or remain in the United States.
- You willfully misrepresented your true identity and are not in possession of a legal Immigration document as is required by the Act.

M. Castellano Immigration Inspector
Name and title of immigration officer (Print)

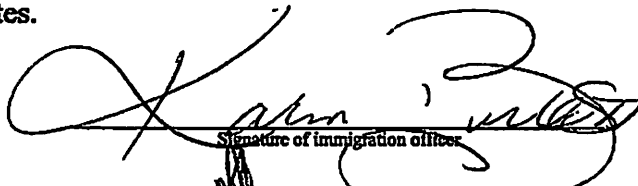
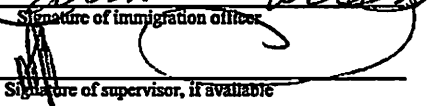

Signature of immigration officer

**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.

K. Butler, SII
Name and title of immigration officer (Print)

M. Minor, AAPD
Name and title of supervisor (Print)


Signature of immigration officer

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

June 30, 2001
(Date)

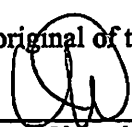

Signature of immigration officer

Exhibit E

U.S. Department of
Immigration and Naturalization Service

**Record of Sworn Statement in Proceedings
under Section 235(b)(1) of the Act**

Office: San Ysidro Port of Entry, San Ysidro, California File No: [REDACTED]
Statement by: GARCIA-Davalos, David
In the case of: GARCIA-Davalos, David
Date of Birth: [REDACTED] 973 Gender (circle one): Male Female
At: San Ysidro, California Date: June 30, 2001
Before: M. Castellano II/SDP
(Name and Title)
In the Spanish language. Interpreter M. Castellano SDP Employed by. USINS

I am an officer of the United States Immigration and Naturalization Service. I am authorized to administer the immigration laws and to take sworn statements. I want to take your sworn statement regarding your application for admission to the United States. Before I take your statement, I also want to explain your rights, and the purpose and consequences of this interview.

You do not appear to be admissible or to have the required legal papers authorizing your admission to the United States. This may result in your being denied admission and immediately returned to your home country without a hearing. If a decision is made to refuse your admission into the United States, you may be immediately removed from this country, and if so, you may be barred from reentry for a period of 5 years or longer.

This may be your only opportunity to present information to me and the Immigration and Naturalization Service to make a decision. It is very important that you tell me the truth. If you lie or give misinformation, you may be subject to criminal or civil penalties, or barred from receiving immigration benefits or relief now or in the future.

Except as I will explain to you, you are not entitled to a hearing or review.

U.S. law provides protection to certain persons who face persecution, harm or torture upon return to their home country. If you fear or have a concern about being removed from the United States or about being sent home, you should tell me so during this interview because you may not have another chance. You will have the opportunity to speak privately and confidentially to another officer about your fear or concern. That officer will determine if you should remain in the United States and not be removed because of that fear.

Until a decision is reached in your case, you will remain in the custody of the Immigration and Naturalization Service.

Any statement you make may be used against you in this or any subsequent administrative proceeding.

Q. Do you understand what I've said to you?

A: Yes.

Q. Do you have any questions?

A: No.

Q. Are you willing to answer my questions at this time?

A: Yes.

**Jurat for Record of Sworn Statement in
Proceedings under Section 235(b)(1) of the Act**

Q. Do you swear or affirm that all the statements you are about to make are true and complete?

A: Yes

Q. What is your true and correct name?

A: David Garcia Davalos.

Q. What is your date of birth?

A: [REDACTED] 1973.

Q. In what City, State and Country were you born?

A: Edo de Mexico, Mexico.

Q. Of what country are you a citizen ?

A: Mexico.

Q. Of what country is your mother a citizen?

A: Mexico.

Q. Of what country is your father a citizen?

A: Mexico.

Q. When did you attempt to enter the United States?

A: Yesterday (06/29/01)

Q. How did you attempt to enter the United States?

A: Walking.

Q. What did you present to the primary officer when you made application for admission to the United States?

A: A permit (I-94 with counterfeit ADIT).

Q. How did you obtain the document you presented?

A: I bought it in Tijuana on the street.

Q. How much money did you pay for the document you presented?

A: Fifty dollars.

Q. Was the document you presented lawfully issued to you?

A: No.

Q. Have you ever been removed or deported from the United States?

A: No.

Q. Have you ever lived in the United States?

A: No.

Q. Have you ever been arrested in the United States?

A: No.

Q. Why did you leave your home country or country of last residence?

A: To work.

Q. Where you attempting to go in the United States?

A: To work.

Q: Do you have a legal document to enter or reside in the United States?

A: No.

Q: Do you have an application or petition pending with the Immigration Service?

A: No.

Q: Do you have family in the United States?

A: No.

Q: Do you understand you are being removed from the United States for five years?

A: Yes.

Q: You you understand it is against the law to attempt to enter the United States without legal documents to do so?

A: Yes.

Q: Do you have any fear or concern about being returned to your home country or being removed from the United States?

A: No.

Q: Would you be harmed if you are returned to your home country or country of last residence?

A: No.

Q: Do you have any questions or is there anything else you would like to add?

A: No.

I have read (or have had read to me) this statement, consisting of three pages (including this page). I state that my answers are true and correct to the best of my knowledge and that this statement is a full, true and correct record of my interrogation on the date indicated by the above-named officer of the Immigration and Naturalization Service. I have initialed each page of this statement (and the corrections noted on page(s) _____).

Signature: X David Garcia Davalos

Sworn and subscribed to before me at
on June 30, 2001

San Ysidro Port of Entry, San Ysidro, California

M. Castellano II/SDP

Officer, United States Immigration and Naturalization Service

Witnessed by: D. Matthews II/SDP

Certificate of Translation

This written sworn statement ☒ was ☐ was not read to the alien in the Spanish language, which is his/her native language or a language which he/she understands.

June 30, 2001

Date

[Signature]
Signature

M. Castellano II/SDP

Printed Name and Title of Translator

STATE OF GEORGIA, COUNTY OF CHEROKEE

IN THE SUPERIOR COURT OF CHEROKEE COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Cherokee, to wit:

1. [REDACTED] Foreperson

2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]

15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]

COUNT 1

IN THE NAME AND BEHALF OF THE CITIZENS OF THE STATE OF GEORGIA, CHARGE AND ACCUSE ISAIAS TAPIA-SANCHEZ with the offense of **FALSE IMPRISONMENT (O.C.G.A. § 16-5-41)** for that the said accused, on or about the 24th day of May, 2024, in Cherokee County, Georgia, did then and there, in violation of the personal liberty of Carolina Saadevra, unlawfully confine and detain said Carolina Saadevra without legal authority, by pushing said victim repeatedly and by blocking a doorway so that said Carolina Saadevra could not leave their residence, contrary to the laws of this State, the good order, peace and dignity thereof.

COUNT 2

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of Georgia, further charge and accuse **ISAIAS TAPIA-SANCHEZ** with the offense of **SIMPLE BATTERY, FAMILY VIOLENCE [O.C.G.A. § 16-5-23(f)]** for that the said accused, on or about the 24th day of May, 2024, in Cherokee County, Georgia, did then and there, intentionally make physical contact of an insulting or provoking nature with the person of Carolina Saadevra, said person and the accused not being siblings but were at the time of the offense living in the same household, by pushing her, contrary to the laws of this State, the good order, peace and dignity thereof.

COUNT 3

AND THE GRAND JURORS AFORESAID, in the name and behalf of the citizens of Georgia, further charge and accuse **ISAIAS TAPIA-SANCHEZ** with the offense of **CRIMINAL TRESPASS [O.C.G.A. § 16-7-21(a)]** for that the said accused, on or about the 24th day of May, 2024, in Cherokee County, Georgia, did then and there, intentionally damage a picture frame, the property of Carolina Saadevra, without her consent, by throwing said picture frame and by shattering said picture frame, said damage being less than \$500.00, contrary to the laws of this State, the good order, peace and dignity thereof.

SUSAN K. TREADAWAY, DISTRICT ATTORNEY

SPECIAL PRESENTMENT



RACHEL M. ASHE, DEPUTY CHIEF ASSISTANT DISTRICT ATTORNEY
BLUE RIDGE JUDICIAL CIRCUIT
GEORGIA STATE BAR# 721780
CHEROKEE JUSTICE CENTER
90 NORTH STREET, SUITE 390
CANTON, GA 30114
PHONE: 770-479-1488; FAX: 770-479-3105
EMAIL: RASHE@CHEROKEECOUNTYGA.GOV

Exhibit K

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

UNITED STATES OF AMERICA

v.

Isaias Tapia Sanchez a/k/a David Davalos

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:25-cr-228-WMR

USM Number: 

Daniel Ortiz
Defendant's Attorney

THE DEFENDANT:

The defendant pleaded guilty to count(s) 1.

The defendant is adjudicated guilty of these offenses:

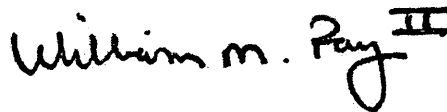
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1326(a)	Illegal Reentry	April 16, 2025	1

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States Attorney for this district within 30 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. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

June 2, 2025

Date of Imposition of Judgment



Signature of Judge

WILLIAM M. RAY, U. S. DISTRICT JUDGE

Name and Title of Judge

June 2, 2025

Date

DEFENDANT: Isaias Tapia Sanchez a/k/a David Davalos
CASE NUMBER: 1:25-cr-228-WMR

Judgment -- Page 2 of 3

Judgment in a Criminal Case
Sheet 2 -- Imprisonment

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **Time Served Sentence**

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: Isaias Tapia Sanchez a/k/a David Davalos
CASE NUMBER: 1:25-cr-228-WMR

Judgment -- Page 3 of 3

Judgment in a Criminal Case
Sheet 5 -- Criminal Monetary Penalties

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

Special Assessment

TOTAL \$100

The Court finds that the defendant does not have the ability to pay a fine and cost of incarceration. The Court waives the fine and cost of incarceration in this case.

Fine

TOTAL \$0