

OSCAR ERNESTO LOPEZ SANTOS
A-FILE # [REDACTED]
PRO SE
MESA VERDE PROCESSING CENTER
425 GOLDEN STATE AVE
BAKERSFIELD, CA 93301

DETAINED

FILED

JUL 21 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

OSCAR ERNESTO LOPEZ SANTOS
A-FILE # [REDACTED]
Pro Se, Petitioner,
v.
Minga Wofford, Warden
Mesa Verde Ice Processing Center,
PAMELA BONDI,
Unites States Attorney General,
Current or Acting Field Office Director,
San Francisco Field Office;
Immigration and Customs Enforcement,
Current or Acting Director;
Department of Homeland Security,
Current or Acting Director;
Respondents

Case No: 1:25 CV 00884 - SAB (H)
Petition for Writ of Habeas
Prolong Detention
Due Process Violation

RECEIVED

JUL 21 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner Acting Pro Se respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondent's as follows:

INTRODUCTION

Petitioner is currently incarcerated by Immigration and Custom Enforcement(ICE) at the Mesa Verde Ice Processing Center, after a successful appeal to the Board Of Immigration Appeals (BIA), wherein the BIA granted reopening and pending a VAWA.

Petitioner has been detained in immigration custody for over twenty-one months without being refer to a neutral decision maker, whether a federal judge or immigration judge (IJ) has conducted a hearing to determine whether this lengthy incarceration is warranted based on danger or flight risk.

Petitioners prolonged incarceration without a hearing on dangerous or flight risk violates the Due Process Clause of the Fifth Amendment.

Petitioner therefore respectfully request that this Court issue a writ of habeas corpus, determining that Petitioner's incarceration is not justified because the government had not established by clear and convincing evidence that petitioner presents a risk of flight or danger, in light of available alternatives to detention, and order petitioner's release, with appropriate conditions of supervision if necessary, taking into account Petitioner's ability to pay bond.

Alternatively, Petitioner request that this Court issue a writ of habeas corpus and order Petitioner's release within 30 days unless Respondent schedule a hearing before an IJ where (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to incarceration that could mitigate any risk that Petitioner's release would present; and (2) if the government can't meet its burden, this court shall order Petitioner release on appropriate conditions of supervision, and also taking into account Petitioner's ability to pay bond.

JURISDICTION

Petitioner is detained in the custody of Respondent at the Mesa Verde Ice Processing Center. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Const. Art.1,§ 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure Act), Non-Detention Act, 18 USCS 4001(a). This Court may grant relief under the habeas corpus statutes. 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writ Act, 28 U.S.C. § 1651.

Congress has presented judicial review of challenges to prolonged immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-841 (2018) (holding that 8 U.S.C. § 1226(e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also *id.* at 876 (Breyer, J., dissenting). (8 U.S.C. § 1252(b)(9)... by its terms applies only with respect to review of an order of removal) (internal quotation marks and brackets omitted).

VENUE

Venue is proper in this District under 28 U.S.C. § 1391 (b)(1) petitioner is incarcerated in this District and a least one Respondent is in this District and because petitioner is presently detained under the authority of the Director of the San Francisco ICE Field Office, a respondent in this action.

Mesa Verde Ice Processing Center is operated by a private contractor and controlled by the San Francisco Field Office of ICE Enforcement and Removal Operations (ERO). The San Francisco Field Office of ICE ERO is responsible for carrying out ICE's detentions operations, at this Processing center and for adjudicating request for release from those incarcerated there.

Respondent Acting or Current Director of the San Francisco ICE Field Office exercise his authority in this district for venue purposes because their official duties are performed in this district. See *Lopez-Marroquin v. Barr*, 955 F.3d 759, 760 (9th Cir. 2020)(holding in context of challenge to immigration detention that "[t]he plain

language of the habeas statute confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement").

Petitioner is detained at the, Mesa Verde Ice Processing Center, in the County of Kern, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Under the rationale of *Lopez-Marroquin*, jurisdiction/venue for this habeas challenge to Petitioner's immigration detention lies only in the Eastern District of California. See 955 F.3d at 760.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court may grant the petition for a writ of habeas corpus or issue and Order to Show Cause (OSC) to Respondent forthwith unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If the Court issues an OSC, it must require Respondent to file a return with three days unless for good cause additional time is needed, not exceeding twenty, allowed days.

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful incarceration. The Great Writ affords a swift and imperative remedy in all cases of illegal restraint or confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added); see also *Yong v. INS*, 208 F.3d 116, 1120 (9th Cir. 2000) (explaining that habeas statute requires expeditious determination of petitions).

PARTIES

Petitioner is a native and citizen of Honduras. Respondent Secretary of the U.S. Department of Homeland Security, an agency of the United States, is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). they are a legal custodian of petitioner. They are named in their official capacity. Respondent Acting or Current Attorney General of the United States is the most senior official in the U.S. Department of Justice (DOJ). They have the authority to interpret the immigration laws and adjudicate removals cases. They delegate this responsibility to the Executive office for Immigration Review (EOIR), which administers the immigration proceedings. They are

name in their official capacity. Respondent Acting or Current Field Office Director of the San Francisco ICE Field office is responsible for the San Francisco Field office of ICE with administrative jurisdiction over Petitioner's case. They are a legal custodian of Petitioner and are named in their official capacity. Respondent Acting or Current Director of ICE is responsible for ICE policies, practices, and procedures, including those relating to the incarceration of immigrants, but not of Citizens. They are a legal custodian of petitioner and are name in their official capacity.

STATEMENT OF FACTS

Petitioner is a foreign born national of Honduras. Who entered the United States on or about January of 2000, at the age of Five years, Petitioner has remained in the Untied States since. The United States is the only home Petitioner has ever known, Petitioner has no meaningful ties to Honduras. If deported, he fears dangerous and unstable conditions, including lack of mental health care and community or family support.

Petitioner is a survivor of domestic violence by his U.S. citizen spouse and currently has an active VAWA by receiving a prima facie determination under the Violence Against Women Act (VAWA) based on credible evidence of repeated abuse. He is currently pursuing dissolution of marriage and custody of his U.S. citizen son, De'Angelo Ortega Lopez, in San Francisco Unified Family Court.

Petitioner has been detained in DHS custody since September 12, 2023 Exactly one week before scheduled custody hearing. Petitioner abuser had expressed concern that Petitioner would raise her criminal record at that hearing. After his detention , ICE agents asked his aggressor, where Petitioner's son was at. In a family court declaration, Petitioner's aggressor stated that she feared Petitioner would be apprehended by ICE while Petitioner had custody of his son. Demonstrating how she used his immigration status to gain leverage in family court. Petitioner is the primary caregiver for his child before his detention. Petitioner's Detention exacerbates serious mental health conditions, disrupts his child's stability, and perpetuates the very harm VAWA was designed to

prevent. Continued confinement violates the fundamental rights of both Petitioner and his U.S. citizen child.

Petitioner has not been provided a bond hearing before a neutral decision maker to determine whether his prolonged detention is justified based on dangerousness or flight risk. Petitioner has not been convicted of a qualifying Violent Offense as describe in INA § 101(a)(43)(F), Aggravated Felony; see *Gomez v. U.S.*, 115 F.4th 987,990 (9th Cir.2024).

Petitioner has completed one year of parole without any violations and is currently enrolled in the Clean Slate Program to resolve his past criminal charges. A licensed clinician has diagnosed him with PTSD and major depressive disorder stemming from both the abuse he endure and the trauma of ICE detention

Pursuant to the Code of Federal Regulations, Petitioner is subject to be detain under 8 C.F.R § 241.4 (b) (1) during the removal period or after Respondent have obtain a Removal order Petitioner must be detained under 8 U.S.C. § 1231 (a) (Removal Period) and this period is limited under certain circumstances. It is unclear why Petitioner has not been advice of any custody determination establish in 8 C.F.R. § 241.13. There is no statutory or regulatory pathway for Petitioner to seek a bond hearing before a neutral decision maker (IJ).

Absent intervention by this Court, Petitioner cannot and will not be provided with a bond hearing by a neutral decision maker to assess the propriety of Petitioner's continued incarceration.

LEGAL BACKGROUND

Numerous courts in this District have determined that a violation of the Due Process Clause occurs when the Government detains a person suspected of being removable from the United States without demonstrating a bond hearing that he or she does not pose a risk of flight or a danger to the community. Many Courts agrees that the Government bears the burden of making such showing by clear and convincing evidence. Every court to have considered the constitutional issue, has agreed that under

the Due Process Clause of the Fifth Amendment, it's the government's burden to justify the detention of an immigrant at a bond hearing. The United States Court of Appeals for the Ninth Circuit has reached the same conclusion. See *Singh v. Holder*, 638 F.3d 1196, 1205 (9th Cir. 2011). This is especially so when the Ninth Circuit has expressed "grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so" *Rodriguez v. Marin*, 909 F.3d 252,256 (9th Cir. 2018).

The Courts were persuaded by the reasoning underlying that precedent. Under the Due Process Clause of the Fifth Amendment, "no person shall, be deprived of, liberty, without due process of law." U.S. Const. amend. V. The liberty guaranteed by that clause does not extend to United States citizens alone. Both the language of the Constitution and the case law under it establish that the protection extends to all persons, including persons whom the Government alleges to be non-citizens and to be removable. It is also established that the protection afforded by the Due Process Clause includes the right to receive a full and fair hearing that provides a meaningful opportunity to be heard before one's liberty is taken away. *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993)); see *Zadvydas v. Davis*, 533 U.S. 678, 693, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001) ("The Due Process clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Indeed, the Supreme Court has repeatedly reaffirmed that freedom from civil detention is a core tenet of constitutional due process. See *Addington v. Texas*, 441 U.S. 418, 425, 99 S. Ct. 1804, 60 L. Ed. 2d 323 (1979) Many Courts have repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection. see also *Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty [the Due Process Clause] protects."); *Foucha v. Louisiana*, 504 U.S. 71, 80, 112 S. Ct. 1780, 118 L. Ed. 2D 437 (1992)

("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.").

Thus, courts have concluded that balancing the Government's recognized interest in "ensuring the appearance of aliens at future immigration proceedings," *Zadvydas*, 533 U.S. at 690, against the weighty constitutional interest in freedom from civil detainment, "supports imposing the greater risk of error on the Government specifically, by allocating to it the burden of proof," *Martinez*, 2018 U.S. Dist. LEXIS 178577, 2018 WL 5023946, at *3. The reasons supporting this consensus view are multiple, have been persuasively articulated elsewhere, and need not be repeated here. See *id.* (discussing the equities, the proper allocation of the risk of error to the Government, the proper burden on the Government as the party seeking the Court's intervention, and the better position of the Government to gather and present evidence); see also *Darko v. Sessions*, 342 F. Supp. 3d 429, 434-35 (S.D.N.Y. 2018).

ARGUMENT

First

Petitioner has been detained since September 12, 2023. "Four statutes grant the Government authority to detain noncitizens who have been place in removal proceedings: 8 U.S.C. § 1225(b) , 1226(a) , 1226(c) and 1231(a). A noncitizen's place within this statutory scheme can affect whether his detention is mandatory or discretionary, as well as the kind of review process available to him if he wishes to contest the necessity of his detention." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008). Only Subsection 8 U.S.C. § 1231(a) is at issue in this petition.

"When an alien has been found to be unlawfully present in the United States and a final order of removal has been entered, the Government ordinarily secures the alien's removal during a subsequent 90-day statutory "removal period," during which time the alien normally is held in custody". *Zadvydas v. Davis*, 533 U.S. 678, 682, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001).

Section 1231(a) applies to detention after the entry of a final order of removal.

Section 1231(a) does not apply to detention during the pendency of administrative or judicial removal proceedings. Section 1231 instead governs detention during a ninety-day "removal period" after the conclusion of removal proceedings. *Id.* 1231(a)(1)-(2). This "removal period" begins on the latest of either (1) the date a noncitizen's "order of removal becomes administratively final," (2) the date of a court's final order, if the noncitizen's removal order is judicially reviewed and this court stays the noncitizen's removal, or (3) the date the noncitizen is released from criminal detention or confinement. *Id.* § 1231(a)(1)(B)(i)-(iii).

Petitioner's absentia removal order was entered on February 18, 2019. On October 4, 2023 Petitioner filed a motion to reopen and rescind an in absentia removal order on account of a deficient Notice to Appear (NTA).

On October 24, 2023, without citing supporting caselaw, the IJ denied Petitioner Motion to Reopen. The IJ stated that Petitioner had admitted the allegations in the NTA in 2011, appeared in court multiple times since 2011, filed an application for relief, and received hearings notices via mail and in person. Thus, the IJ found Petitioner had received proper notice and the in absentia order was proper.

On November 30, 2023, Petitioner appealed the decision of the IJ to the BIA, too the denial of a Motion to Reopen. This petition addresses whether the length of an alien's detention under the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., entitled Petitioner to the writ of habeas corpus under 28 U.S.C. § 2241 and *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001).

The question to this Honorable Court, did the appeal to the BIA of a Motion to Reopen toll the 90 day removal period?

The Ninth Circuit has answered this question on different occasions see, *Diouf v. Mukasey*, 542 F.3d 1222, 1230 (9th cir 2008). Other recent decisions are *Prieto-Romero* and *Casas-Castrillon* support that conclusion as *Diouf*. Most recent see *Fonua v. U.S.*, 2024 U.S. Dist. Lexis 175199 *8. It is clear Petitioner is appealing a Motion to Reopen, Petitioner is not appealing a Final Order of Removal as required by § 1231 (a)(1)(B)(ii),

The removal period has not been toll by Petitioner exercising his judicial right to appeal a Motion to Reopen. If the removal period has not been toll, Petitioners detention is not authorize without providing a custody determination in front of a neutral decision maker an IJ.

A statute permitting indefinite detention of an alien would raise a serious constitutional problem. The Fifth Amendment's Due Process Clause forbids the Government to "deprive" any "person" of liberty without due process of law." Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty that Clause protects. See *Foucha v. Louisiana*, 504 U.S. 71, 80, 118 L. Ed. 2d 437, 112 S. Ct. 1780 (1992). The Supreme Court has said that government detention violates that Clause unless the detention is ordered in a criminal proceeding with adequate procedural protections, see *United States v. Salerno*, 481 U.S. 739, 746, 95 L. Ed. 2d 697, 107 S. Ct. 2095 (1987), or, in certain special and "narrow" non-punitive "circumstances," *Foucha*, supra, at 80, where a special justification, such as harm-threatening mental illness, outweighs the "individual's constitutionally protected interest in avoiding physical restraint." *Kansas v. Hendricks*, 521 U.S. 346, 356, 138 L. Ed. 2d 501, 117 S. Ct. 2072 (1997).

The proceedings at issue here are civil, not criminal, and this court should assume that they are non-punitive in purpose and effect. There is no sufficiently strong special justification here for indefinite civil detention at least as administered under 8 U.S.C.S. § 1231(a)(6) statute.

The statute, says the Government, has two regulatory goals: "ensuring the appearance of the alien to comply with the order of removal" and "preventing danger to the community." But by definition the first justification -- preventing flight -- is weak or nonexistent where removal seems a remote possibility at best. As the Supreme Court said in *Jackson v. Indiana*, 406 U.S. 715, 32 L. Ed. 2d 435, 92 S. Ct. 1845 (1972), where detention's goal is no longer practically attainable, detention no longer "bears a reasonable relation to the purpose for which the individual was committed." *Id.* At 738.

The Government will argue Petitioners Status and his petition to the BIA gives them authority to denied Petitioner's Due Process by not providing a Custody Determination to Petitioner, see 8 C.F.R. § 241.4 (b)(1). Petitioner remains subject to § 1231(a)(6), detention under 8 U.S.C.S. § 1231(a)(6) does not render Petitioner categorically ineligible for release on bond. Section 1231(a)(6) provides the Attorney General with the authority either to detain an alien beyond the removal period or to release him subject to the terms of supervision specified under § 1231(a)(3). The United States Court of Appeals for the Ninth Circuit has specifically construed § 1231(a)(6) to permit release on bond. The regulations that implement the statute also expressly permit bond as a condition of release. 8 C.F.R. § 214.5(b).

Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent; see *Plyler v. Doe*, 457 U.S. 202, 210, 72 L. Ed. 2d 786, 102 S. Ct. 2382 (1982); *Mathews v. Diaz*, 426 U.S. 67, 77, 48 L. Ed. 2d 478, 96 S. Ct. 1883 (1976); *Kwong Hai Chew v. Colding*, 344 U.S. 590, 596-598, 97 L. Ed. 576, 73 S. Ct. 472, and n. 5 (1953); *Yick Wo v. Hopkins*, 118 U.S. 356, 369, 30 L. Ed. {121 S. Ct. 2501} 220, 6 S. Ct. 1064 (1886); cf. *Mezei*, *supra*, at 212 ("Aliens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law"). Indeed, The Supreme Court has held that the Due Process Clause protects an alien subject to a final order of deportation, see *Wong Wing v. United States*, 163 U.S. 228, 238, 41 L. Ed. 140, 16 S. Ct. 977 (1896), though the nature of that protection may vary depending upon status and circumstance, see *Landon v. Plasencia*, 459 U.S. 21, 32-34, 74 L. Ed. 2d 21, 103 S. Ct. 321 (1982);

The regulations governing post-removal-order detention of aliens were amended to comply with Due Process concerns. The amended regulations, 8 C.F.R. § 241.3 and 8 C.F.R. § 241.4, also 8 C.F.R. § 241.5 were drafted to provide necessary procedural safeguards to ensure the detention of an alien beyond the removal period comports with

due process requirements.

Because these regulations confer important rights upon aliens ordered removed, the Department of Homeland Security is bound by these regulations. The immigration regulations do not merely facilitate internal agency housekeeping, but rather afford important and imperative procedural safeguards to detainees. The United States Supreme Court has consistently demanded governmental compliance with regulations designed to safeguard individual interests even when the rules were not mandated by the Constitution or federal statute; see *U.S. v. Caceres*, 440 U.S. 741 at 759

Petitioner has been detain for over twenty-two months without giving the opportunity to present evidence at a Custody determination hearing.

Second

Due Process Requires Consideration of Alternatives to Detention

Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a non-citizens appearance during civil removal proceedings. *Zadvydas*, 533 U.S. at 697. Here Petitioner has been denied the process to a hearing. Detention is not reasonable related to this purpose if there are alternative condition of release that could mitigate risk of flight. See *Bell v. Wolfish* 411 U.S. 520, 538-39 (1979) (civil pretrial detention may be unconstitutional punitive if it is excessive in relation to its legitimate purposes). ICE's alternatives to detention to program the Intensive Supervision Appearance Program (ISAP) has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rate close to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings). Thus alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

Due process likewise requires consideration of a non-citizens ability to pay a bond. Detention of an indigent for inability to post money bail is impermissible if the individuals appearance at trial could reasonably be assured by one of the alternate forms

of release, Hernandez 872 F.3d at 990 (quoting Pugh v. Rainwater, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). Therefore, when determining the appropriate conditions of release for people detained for immigration purposes, due process requires consideration of financial circumstances and alternative conditions of release. Id.; see also Martinez v. Clark, 36 F.4th 1219, 1231 (9th Cir 2022) (While the government had a legitimate interest in protecting the public and ensuring the appearance of a non-citizens in immigration proceedings, we held in Hernandez that detaining an indigent alien without consideration of financial circumstances and alternative release conditions was unlikely to result in a bond determination reasonably related to the government's legitimate interests.)(citation omitted)

CLAIMS FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

Petitioner re-alleges and incorporates by reference the paragraphs above. The Due Process of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V.. To justify petitioners ongoing prolonged incarceration, due process requires that the government establish, at an individualized hearing before a neutral decision maker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, taking into account whether alternatives to detention could sufficiently mitigate that risk. With sufficient evidence of Petitioners removal in the foreseeable future, for these reasons, Petitioners ongoing prolonged incarceration without being provided a custody determination violates Due Process.

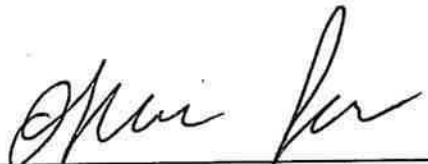

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this court:

- 1) Assume jurisdiction over the matter;
- 2) Issue a Writ of Habeas Corpus, hold a hearing before this court if warranted, determine that Petitioners detention is not justified because the government has not establish by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available . alternatives to incarceration, and order Petitioner release (with appropriate conditions of supervision if necessary), taking into account Petitioners ability to pay a bond.
- 3) In the alternative, issue a Writ of Habeas Corpus and order the Petitioner release within 30 days unless Respondent schedule a hearing before an immigration judge where:(1) to continue detention, the government must establish by clear and convincing evidence that petitioner presents a risk of flight or danger, , even after consideration of alternatives to detention that could mitigate any risk that petitioner release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioners release on appropriate conditions of supervision, taking into account Petitioners ability to pay a bond;
- 4) Issue a declaration that Petitioners ongoing prolonged detention violates the Due process Clause of the Fifth Amendment.
- 5) Grant such further relief as the Court deems just and proper.

Dated; July 13, 2025

Respectfully Submitted


OSCAR ERNESTO LOPEZ SANTOS
A-FILE # 
PRO SE
Mesa Verde ICE Processing Center
425 Golden Ave
Bakersfield, CA 93301

CERTIFICATE OF SERVICE

I here certify that a true copy of this Certificate of service and the, Writ of Habeas Corpus was place in a prepaid postage envelope and deposited at the Mesa Verde ICE Processing Center, mail system authorize for use by the Detainees on July 13 2025 in Bakersfield, CA.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
2500 Tulare St, Suite 1501
Fresno, CA 93721


Enforcement and Removal Operations
630 Sansome St, Ste 590
San Francisco, CA 94111


Headquarters Post-Order Detention Unit
INS Enforcement
801 I Street, NW- suite 800
Washington, DC 20536

DHS/ ICE
OFFICE OF CHIEF COUNSEL
10250 Rancho Rd, Suite 201A
Adelanto, CA 92301

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Executed on July 13 , 2025 at Bakersfield, CA




OSCAR ERNESTO LOPEZ SANTOS
A-FILE # 
PRO SE
Mesa Verde ICE Processing Center
425 Golden Ave
Bakersfield, CA 93301

IMMIGRATION SPONSOR LETTER

August 20, 2024

Kassandra Silva
2812 Humboldt Ave
Oakland, CA 94602
Silva.kassandra@outlook.com
(510) 846-8684

Subject: Sponsor Letter for Oscar Ernesto Lopez Santos A#: 

To whom it may concern,

My name is Kassandra Silva, a US citizen born in California. The County of Alameda has been my primary employer since 2017 as an Eligibility Services Technician IV. Currently, I rent an ADU at 2812 Humboldt Avenue Oakland, CA. 94602. I have lived there since June 2021. It is also the residence where Oscar lived for a year and a month prior to his detention.

With this letter, I wish to express my wholehearted support and commitment to sponsor Oscar Ernesto Lopez Santos. Over the past five years, Oscar and I have been in a loving relationship. Oscar's detention has been incredibly challenging for the both of us and our boys. It has caused significant emotional distress and financial strain, as I have had to manage expenses on my own. It has been necessary for me to work multiple jobs to maintain the household until Oscar returns. Despite these hardships, my commitment to supporting Oscar remains unwavering, as I believe in his character and our future together.

I have known Oscar since 2019 and have witnessed his life transformation. Despite many obstacles, he remains dedicated to being the best father and partner he can be. I am in awe of his resilience and courage. I can confidently attest that Oscar is not a threat to society. He has shown immense growth and genuine dedication to building a stable and positive life. It is evident from his actions and behavior that he is committed to being a responsible and contributing member of our community and to the lives of our boys. I consider Oscar to be a wonderful mentor to both of our boys, teaching them valuable lessons about responsibility and respect. He emphasizes the importance of honesty, discipline, and perseverance, instilling these values in them through his own actions. Oscar encourages them to pursue their education and dreams with determination and integrity.

As his sponsor, I will ensure that Oscar is taken care of financially, emotionally and provide him with all the assistance he needs. It is within my financial capacity to provide him with all his basic needs for as long as needed. I will also ensure that Oscar attends all his court appearances and appointments with Immigration and Customs Enforcement. Oscar is a responsible and hardworking individual who has made a significant contribution to our family's life. It would be an honor for me to sponsor him.

Please do not hesitate to contact me if you need any further information. I am confident that Oscar will be a great asset to our community and our country. I am committed to helping him succeed in his endeavors.

I look forward to your favorable response.


Kassandra Silva

SEE ATTACHED

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Alameda

Subscribed and sworn to (or affirmed) before me on

this 21 day of August, 20 24, by
Date Month Year

(1) Kassandra Silva

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Page 19 of 67
CERTIFICATION OF VITAL RECORD

OFFICE OF RECORDER
COUNTY OF ALAMEDA
OAKLAND, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS

This is a true and exact reproduction of the document officially registered
and placed on file in the office of the Alameda County Recorder.

DATE ISSUED OCT 03 1994

Patrick O'Connell
PATRICK O'CONNELL
ALAMEDA COUNTY RECORDER

This copy not valid unless prepared on engraved border displaying date and signature of Recorder.

March 17, 2024

To whom it may concern,

My name is Kassandra Silva. I am a 30-year-old US citizen and a life-long resident of Oakland CA. For over 7 years I have worked for the County of Alameda in the Social Services department as an Eligibility Services Technician IV. This letter is on behalf of my fiancé Oscar Ernesto Lopez Santos, whom I have known since 2019.

From the start, it was apparent that he was a person of exemplary character and a one-of-a-kind individual. In other words, a unicorn. He is thoughtful, kind, compassionate, and has an amazing sense of humor. He is extremely driven and ambitious as well as striving to ensure everything he does has a positive impact. As a partner, father, and stepfather to both my son and his, I consider him an exceptional individual. He places others' well-being before his own and is always willing to walk the extra mile for others. Oscar not only provides emotional support for our boys and I, but also goes above and beyond to lend a helping hand in physical tasks to anyone else in need. Whether it's helping with household chores or being a shoulder to lean on during tough times, his unwavering support is a testament to his exceptional character. He sets an example of kindness, generosity, and unconditional love. We are so blessed to have him in our lives and eternally grateful for him.

Oscar's upbringing was filled with challenges. He is originally from Honduras, a country that is notorious for its high level of violence, poverty, and corruption within the government. Early in Oscar's life, his survival instinct kicked in forcing him to gain an uncanny ability to navigate difficult situations. In addition to surviving his day-to-day life as a child living in poverty in a crime-ridden country, he survived Hurricane Mitch (1998), a storm like Hurricane Katrina that hit the US in 2005. He came to the United States when he was just a child. He had to learn to adapt to the culture, language and to a life he was not used to. Due to his parents being away at work all the time to be able to provide for their family, he was raised by his sisters that were similar in age. Shortly after his arrival into the United States, his biological father began sexually molesting him. He was too scared to tell anyone and felt like he couldn't trust his own family. He eventually became withdrawn and suffered from anxiety and depression. When he was a preteen, he stopped returning home after school. San Francisco's dangerous streets were his safe haven from his father's abuse at home. He would go many days without food, clean clothing, or even the simplest of showers. Street life became his new reality, where survival meant navigating a world of violence, uncertainty, and constant struggle. He learned to rely on his instincts and formed friendships with others who sought refuge from their own traumas. He soon found a sense of security and belonging on the streets. He found a sense of community with others who were struggling to survive. He was able to find solace in knowing that he was not alone. Despite the hardships, the streets became his temporary escape from the horrors he experienced at home. As he moved through the streets, he felt love from other kids his age who dealt with similar problems. His family never questioned his actions and simply labeled him as a rebellious child despite all his pleas for attention. He sought love and safety, yet he learned love from people who didn't know what love was.

When Oscar met Joy, he experienced what he thought was a form of love for the first time. Oscar and Joy met at a juvenile detention center in San Francisco (YGC). They were both there for different reasons. The fast life was taking them both down the wrong path. It is possible that they found comfort in each other because of the troubled upbringing they both experienced. Oscar and Joy didn't have much affection, but what they did have was more than he had ever had at home. Though they went through many breakups and make-ups, he was determined to endure whatever it was because she loved him, and this was her way of showing it. In 2013, Joy became pregnant. They decided to keep the baby despite its unplanned nature, and Oscar was determined to make it work. He was determined to make a family with De'Angelo and Joy. In late 2015 early 2016 Oscar and Joy began having problems in their relationship because of Joy's repeated infidelity. The repeated verbal attacks by Joy would always lead to him being physically assaulted by her. Neighbors and family members called the San Francisco Police Department multiple times. Oscar refused to press charges against Joy every time the police came by due to threats she made. Joy repeatedly threatened Oscar that she would falsely accuse him of domestic violence if he ever tried to press charges against her. Additionally, she would threaten to send him to jail and to have him deported because he is an immigrant. His fear of losing his

son to jail or deportation made him never pursue charges against her. Joy was in and out of De'Angelo's life because she preferred spending time with her friends. While he worked to provide for them, Oscar continuously tried to get her to spend more time at home with De'Angelo. Despite that, she always argued with him that she did not want to be a housewife. De'Angelo was mostly cared for by Oscar's family. His greatest hope was that by marrying her, she would become a better wife and mother to De'Angelo. In 2017 they decided to get married. Gradually, the abuse escalated, and the relationship deteriorated. Over time, the relationship went on and off, eventually ending in late 2018, early 2019. The breakup would result in Oscar being chastised by Joy, and she wouldn't allow him to see De'Angelo. In order for Oscar to be able to see De'Angelo she would tell Oscar to give her most of his checks in order to bring him back. As soon as Oscar told her he would give her the money, she dropped off De'Angelo. Then Joy would disappear for weeks at a time. De'Angelo would go back with her whenever she decided to return. Her abuse of Oscar and now anyone he chose to date continued. She and her friends on multiple occasions violently attacked women that Oscar was dating to scare them off.

In October 2019, Joy assaulted Oscar and attempted to assault me by breaking into Oscar's home. She was there with a friend, but Oscar did not allow her to physically touch me. Her condition for leaving was that Oscar give her \$200. I did not allow Oscar to give her anything. She became more violent and as a result wouldn't leave. Oscar's oldest sister called 911 after returning home. Joy was told to leave by SFPD when they arrived. A false claim was made by her that we had stolen \$200 from her. As a result, SFPD questioned me, and I explained the events that transpired. Their history of domestic violence disruptions was well known to the officer who showed up, and they have been involved in several domestic violence incidents in the past. As a result of all the incident reports, Oscar was informed that he could go get legal and physical custody of De'Angelo and hopefully put an end to all her abuse. He was then asked by that same officer if he wanted to press charges and he refused. This was my first encounter with Joy, and I got a sense of what Oscar has been dealing with.

In 2022 Oscar and I moved in together. Due to this, Joy has been verbally abusive toward Oscar and me. She did not like that while she's been absent, De'Angelo and I have built a strong relationship. The fact that Oscar wanted custody of De'Angelo wasn't a secret, but Joy told him he couldn't because he was an immigrant. Joy left De'Angelo in December 2022 at his maternal grandmother's home in South San Francisco. Though she claimed to be with him every day, De'Angelo had already told Oscar and me that Joy lived with an aunt in Pacifica, CA, and even though she didn't live far away, she wouldn't come visit. Summer Miranda, Joy's mother, has always encouraged Oscar to have a relationship with De'Angelo as well. She always informed Oscar that Joy had been away and didn't go see De'Angelo, so she had to take care of their son. De'Angelo's needs for stability can be met by living with us. Oscar wanted that and asked Summer to get De'Angelo. Summer feared what problems that would bring, since Joy was also abusive to her verbally. For Oscar to be a more present father, I encourage him to fight for custody and not let his immigration status stand in the way. He filed for custody and divorce in July 2023. Their first hearing was scheduled exactly one week before immigration picked him up outside our Oakland home on September 12th, 2024. Joy has only let Oscar speak to De'Angelo 1 time and soon after that phone call ended, she began harassing me, so I blocked her. She has been back to family court at least three times in Alameda County and San Francisco County. However, no custody or divorce has been granted due to Oscar being detained at an immigration facility. A variety of crimes have been committed by Joy in many different counties in the Bay Area. She has not only been arrested but convicted. She also struggles with alcohol and substance abuse since her teen years. At one point almost losing her life while driving under the influence of both drugs and alcohol. Oscar is worried that her actions could endanger their son's life. Sadly, Oscar fears De'Angelo will end up on the streets like he did, as a result of Joy's inadequate parenting and inability to let Oscar be a positive figure in his life.

On more than one occasion within the last 6 months that Oscar has been detained, Grandmother Summer notified me that De'Angelo had been fighting in school a lot and Joy had found it difficult to handle him. Summer states that De'Angelo struggles with Oscar's absence, and Joy blames Oscar for it. For Oscar to communicate with De'Angelo, he had to write secret letters to Grandmother's place of work. This was her idea as she was trying to find a way for De'Angelo and Oscar to keep in contact since her daughter Joy wouldn't allow it. Her work address was given to me as she was concerned that Joy would get the mail or her other

daughter Grace and that it would be given to Joy rather than herself. De'Angelo gets occasional updates about what's going on from Oscar, even though he can't reply. He is receiving the support he needs from Grandmother Summer to cope with his emotions. Oscar is struggling knowing that his son needs him. As a result of the circumstances, Oscar is unable to maintain a close relationship with De'Angelo. As a result of Joy's selfish decisions, Oscar is currently suffering from PTSD as everything she has ever threatened him with is coming true. Oscar is desperate for a way to reconnect with his son, but he is running out of options. Oscar is determined to find a way to make De'Angelo proud and heal his broken heart. He is determined to find a way to make amends with his son and reclaim their relationship. He is determined to rebuild his life and make a better future not only for them both but for our family!

The State of California placed Oscar on parole in August 18, 2022. He completed his parole within one year without any violations or police contact on August 21, 2023. As a parolee under the state's supervision, Oscar displayed exemplary characteristics. Oscar worked Monday-Friday as an account manager for a Janitorial company in Brisbane CA. Oscar attended all the office visits and on surprise home visits he was always there. Additionally, Oscar has never had a dirty drug test. Oscar's parole officer was proud of him for taking the next step to gain custody of De'Angelo despite the conflict he had with Joy. During a couple of visits, she met De'Angelo and saw how close our family is. The changes Oscar has made to his life have been totally transformative. De'Angelo's voice was full of pride when he talked about his papa. In his words, his papa was someone who changed for the better and was always there for him. In his heart, he prayed that Oscar would get custody of him. I know his dreams were crushed but if Oscar is granted the opportunity to be released, I know he will take full advantage to continue on the right path as he was before he was detained.

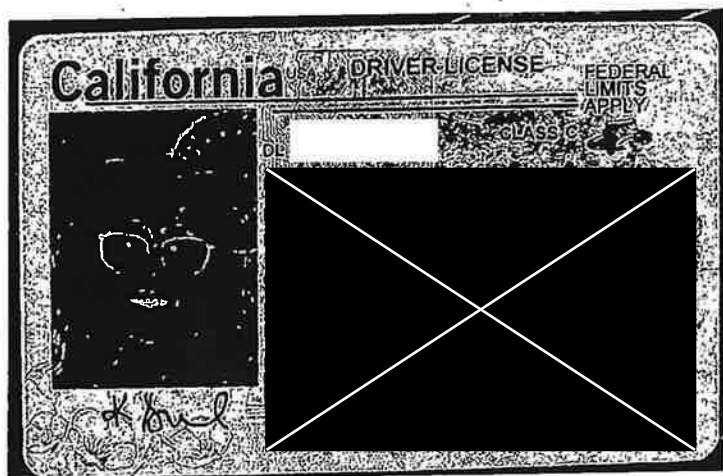
Even though Oscar has been detained, he appeared in family court via phone. He has upcoming family court proceedings on April 30, 2024, in Alameda County and May 30, 2024, in San Francisco County. Oscar's presence in court is essential. It is possible that Oscar's absence in court will delay the divorce and custody proceedings. The delay would continue to impact De'Angelo's stability and well-being. Oscar has already received a prima facie determination under the VAWA as a self-petitioner. Oscar would be able to get a work permit, which would allow him to provide for our family, but also be back in our lives again. Mainly for De'Angelo. Oscar has also applied and been accepted to the City of San Francisco's Clean Slate Program under SB 731. This is in the process and due to Oscar's current circumstances, his case has been expedited by the immigration unit. This is another step in the right direction for a brighter future.

I understand that Oscar has had a difficult upbringing that could have destroyed his life. Despite multiple obstacles, he is still striving to achieve his goals. Oscar is a survivor! There is no reason he shouldn't get a second chance. Oscar has the ability to make a better life for himself and our family. This second opportunity will not be taken lightly by him, he is determined to show that people do change for the better. He is an inspiration to others and an example of how hard work and dedication can lead to success. Oscar's commitment to personal growth and his determination to create a better life for himself and his family make him a low-risk individual. His inspiring journey of transformation demonstrates that he has learned from his past mistakes and is dedicated to making positive changes, making him a valuable member and asset to our community. He is determined to make the most of his second chance and make the most of his life. We are confident that he will succeed in whatever he sets his mind to. De'Angelo, Damian, and I hope Oscar will be released soon.

Thank you for your time and consideration.

Kassandra Silva

Kassandra Silva
(510) 846-8684



02/07/2025

To whom it may concern,

My name is Sofia M. Lopez Santos, I am a US Citizen and a lifelong resident of San Francisco California. I am Oscar Ernesto Lopez Santos' youngest sister. Oscar and I grew up very close despite our age gap. He would always take care of me and take me places. We would go to the nearby parks or stay at home and watch cartoons in our living room. As I got older, I would get to go with him and my older sister Sandy Lopez to the beach or to different parks to BBQ. He made me feel like I could be me and always made sure I was safe. At some point Oscar introduced our family to Joy A. Ortega when they found out she was pregnant. I remember being so happy that there would be a baby around. I remember their baby shower and how happy they were together. They were so excited! It was really nice to see them so happy and when I think back to it I really thought that my brother had his "happily ever after".

I remember many of their good moments together. The first one I remember was when they took me to a bowling alley. It was my first time bowling ever and I was so excited. Their friend had taken us there in his car. I remember sitting in the back of the car with Joy, the hood being down, and just being so excited that they included me in their plans. Another time was De'Angelo's 1st birthday. It was celebrated at a park, and it was minion themed. There were all these cute decorations on the park benches. My favorite memory of that day was of De'Angelo breaking the piñata and how happy he looked. When I looked over at my brother and Joy, I could sense how happy they felt. Whether it was about their son or how great the day had gone, I'm not sure, but all I can remember is how happy everyone was around them.

I felt like Joy was a part of our family. She attended family parties, cooked for us, and they would include me whenever they had family outings or just being at home. They seemed really happy. Their good moments always created good memories for me. There were so many times where I sat in their room watching movies with them and sharing snacks. That's what I loved the most, spending time together and having fun. They made me feel included.

She began to change a lot, and I feel like she started showing her true self once she got comfortable. From her random arguments with my brother where she would yell for what felt like hours straight, to her using De'Angelo to get back into their room just to argue more while he uncontrollably sobbed. She would assault my brother on multiple occasions, and I felt helpless. I couldn't do anything to help my brother as I was so young. After several of these nonstop altercations and arguments I realized she was never truly my family because she didn't respect any of us. She didn't care if my mother saw her arguing with my brother. She didn't care that I or my younger niece watched these physical altercations unfold. She didn't care if her own son was there to watch everything but instead used him as leverage on my brother. Although they had a lot of downs in their time together, I do know with full certainty that at some point my brother and Joy Ortega loved each other in the best way that they could. They weren't perfect, but who truly is?

When they got married it did come as a shock to me due to the abruptness of it, but I soon realized it was almost like a last resort for them. They wanted to make it work for their son. They wanted to be a happy family so badly for De'angelo because that's what kept them together, their love for him. That isn't the best reason to stay with someone, but they always tried to make it work and be happy. It wasn't something that they forced just for appearances or pictures, they

genuinely loved each other with flaws and all. Although these moments that I can recall are based on how I felt around them, what they had was real. Maybe it wasn't a healthy or necessarily a good relationship, but it was real to them and to everyone around them. They created hundreds of memories with friends, family, and each other. People that didn't live in our home weren't necessarily aware of all the problems they had. Everyone that remembers when things were good remembers them being truly in love.

One of the last times that Ms. Ortega created havoc for my family was around October of 2019. I came home that day from school hearing about the events that unfolded that morning. From my understanding, Ms. Ortega broke the lock on our backyard fence, ran in and smashed our TV, and threatened my brother and Kassandra with a hammer. Keep in mind Ms. Ortega and my brother were no longer seeing each other. Their relationship ended when he finally told her to move out of our home in late 2017. SFPD was called and they persisted that Oscar or mother press charges on her since this wasn't the first time she did something like this in our home. My brother didn't want to press charges due to all of Joy's threats and my mother decided it was not worth it to press charges on a person like Joy Ortega.

When my brother was arrested in early 2020 the first thing Joy did was drop off De'Angelo at our home. We hadn't heard from her for over 6 months when her family members came to us claiming they were just picking De'Angelo up like usual. What they failed to let us know is that it would be our last time seeing De'Angelo for more than a few hours every time during the Holidays or randomly when they allowed us to see him. Her family refused to let De'Angelo come to our home to be with his family while Joy was neglecting her duties as a mother. She made very minimal contact with De'Angelo and claimed to be at a rehabilitation center. She was seen in San Francisco partying with her friends while De'Angelo was living in South San Francisco with his maternal grandmother Summer Miranda. Joy would not go see him and her mother always made excuses for her.

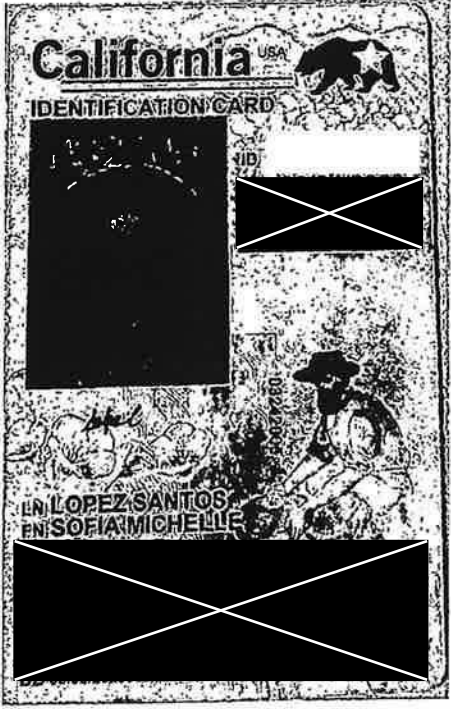
Around December of 2020 my brother's current girlfriend/fiancé Kassandra, began to build a relationship with Summer Miranda and we were able to see more of De'Angelo. Kassandra would help Summer with De'Angelo with his distance learning classes. Around this time Oscar and De'Angelo were able to have a direct line of communication. They spoke daily and even though Oscar was not physically here, he was able to still maintain a relationship with his son. This caused major problems that unfortunately Kassandra and my brother are still dealing with. Joy has harassed Kassandra for being an active motherly figure to De'Angelo. She has always threatened Kassandra to physically assault her but hasn't to this day. Joy decided to come back when her older sister threatened her to call CPS if she didn't come back. She came back mid-2021. Once she came back, she did not allow Oscar to have communication with De'Angelo. She is currently doing the same due to Oscar being at the detention center. Oscar is fighting for custody of De'Angelo due to her neglect and her consistently making decisions without Oscar's consent regarding De'Angelo. She has not let my brother speak to De'Angelo except maybe 1 time and she then started harassing Kassandra again. We only know some information about how De'Angelo is doing because maternal grandmother kept in contact with Kassandra but all of that has ended due to Joy constantly threatening her mother to not let us know what's going on.

There have been so many ups and downs in their relationship but that's what made it so real. It wasn't ever a perfect relationship or a faked one, but instead a real one. They tried making their

relationship work, trying to recuperate the love that they once felt. I believe that they outgrew each other and when Oscar was trying to settle down, she just wasn't ready. I hope that my brother can come home soon. He is a crucial part of not only De'Angelo's life but my life too. I need my big brother and wish you could see the changes he had already made in life before he was detained. He is committed to being the best man and being the example his son needs. He had already made major changes and was continuing to prove to not only himself but everyone around him that these changes are for good. I wholeheartedly know he's changed for the best.

Thank you for your time and consideration. Please don't hesitate to reach out if you need more information.

Sofia M. Lopez Santos
(415) 996-5849



02/15/2025

To whom it may concern,

My name is Sandy Julieth Lopez Santos, I am Oscar Ernesto Lopez Santos' 2nd eldest sister. I lived at 4415 3rd street, San Francisco. CA. 94124 from 2010 to 2022.

I was first introduced to Joy Amelia Ortega when she was dating my brother. We never had a formal introduction, but she was already spending the night at our home. Oscar worked at a recycling plant with my then partner and in the early mornings when they had to go to work, she would sometimes go with my brother. Shortly after she became pregnant, my brother told me, and I spoke with Joy and asked her if she would be moving in. She wasn't planning on it at first but when Joy's mother found out she was pregnant, she kicked her out of their home and that's when she moved in.

Joy moved into the house when she was pregnant sometime in 2013. My nephew was born in May of 2014. Oscar and Joy lived in the bedroom next to mine with my nephew. Oscar and Joy had a normal relationship and they both were very much in love with each other. Oscar would take care of her and her financial needs. Not only for her but also for my nephew. They were both excited about their baby. When my nephew was born, they were both so happy. My brother was constantly working to be able to provide for his family as well as covering his fatherly duties once he got home. He loves being a father.

At the time I had a good relationship with her. She and Oscar would take my eldest daughter with them to the park or to eat. They would not only take her but also our youngest sister Sofia. We also spent time shopping or BBQing. She was part of our family. The girls loved her and so did we. We thought they would be together forever, and we were happy as a family for my brother.

Everything was normal until about a year and a half later when Oscar and Joy started having problems. I would always hear them arguing. From infidelities to petty excuses to just not be home from her part. There were a lot of occasions when Joy left the house for days without notice and would leave her son in the house with my brother. My mother Maria Santos and my sister Osiris Lopez took care of my nephew when Oscar had to go to work.

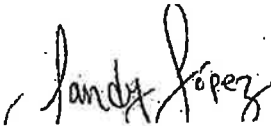
I personally heard and witnessed a couple incidents where she would physically and verbally abuse my brother. SFPD was called during the incidents, but my brother never pressed charges because he was scared to lose custody of his child due to Joy's threats. During one of these incidents Joy was escorted out of the house by SFPD because she was out of control, unfortunately my brother let her back in the house because it was the only way he could get his son back.

Joy also insulted and physically assaulted me on 2 occasions. SFPD was called by me on both occasions. I decided to not press charges because I thought this was only going to make things worse between my brother and her. The last time she assaulted me, she made a false CPS report. An investigator came out to question my daughter and sister at their schools. After CPS investigated, they found there was not a legitimate reason to open a case. The investigator indirectly informed me that it was Joy that called in. She was still living in our home at the time. After that, we just avoided each other even while living in the same home. My brother chose to still be there with her, so I decided to be at home the least possible. It was a very toxic environment that I did not want to be part of. I didn't want that for my brother, but he would just not leave her. He truly loved her and De'Angelo and was willing to do anything to keep his family together.

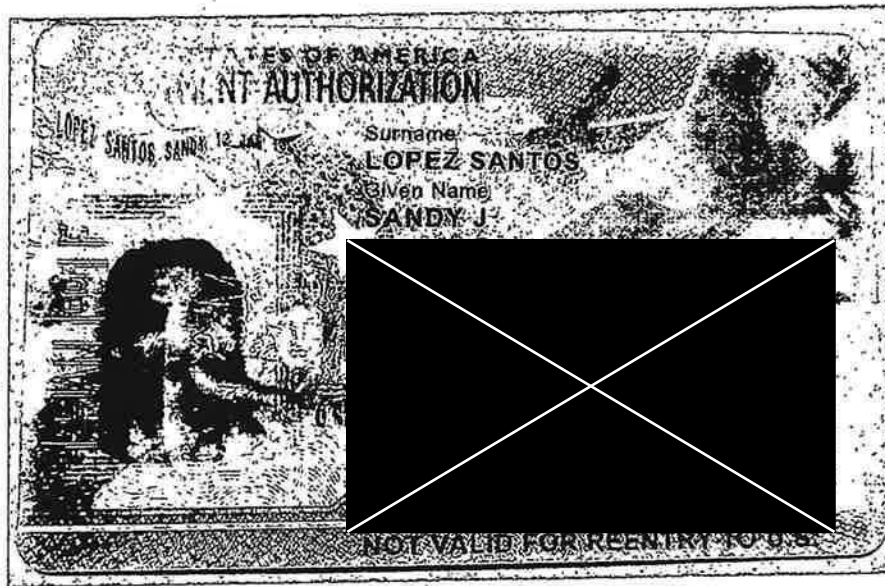
Joy Ortega created property damage in the house, she broke the living room TV with a hammer and broke the back door lock. My mother would try to deescalate the incidents but had no luck, because Joy was out of control all the time. A few times I would get phone calls from my father Ernesto Lopez and my sister Osiris Lopez to let me know that they were concerned about my brother because Joy was in the room yelling and throwing stuff.

His problems kept escalating until one day he just couldn't take it anymore and he finally ended the relationship. Oscar told her to move out, but she did not want to leave. It took more than a couple of times before he was finally able to get her to leave and not come back. Joy Ortega moved out in late 2017 early 2018.

If you have any further questions, please do not hesitate to contact me

A handwritten signature in black ink, appearing to read "Sandy Lopez". The signature is stylized with a large, looped "S" and "L".

Sandy Julieth Lopez Santos
(415) 610-9130
Sandylopez190@gmail.com



03/15/2024

To Whom It May Concern,

I hope this letter finds you well. My name is Benjamin Borrelli and I am a US Citizen. My credentials include a Single Subject Social Science Credential, a BA in History, an Administrative Services Credential with a master's in educational leadership, as well as 18 years of contractual teaching experience in the state of California. It is my pleasure to write this letter on behalf of Oscar Ernesto Lopez Santos who I have known since 2011.

As a teacher in general education as well as with youth in custody, I see myself as both a teacher and a partner with the law enforcement community. It's evident that Oscar has changed over time. His life choices have been improved over time, and I recognize that when a young person makes better choices in life. He has become more responsible and motivated. He has grown more confident in his own abilities and is not afraid to take on new challenges. He has become a better person overall.

Oscar wasn't even a student in any of my classes when I met him for the first time. As a student at Galileo High School in San Francisco, CA, he would wander the halls of the school. When he saw someone he knew in my US History, American Government, and/or Economics classes, he would sit in. Even though he wasn't in the right class, Oscar knew more about the social sciences at the time than most of my students and contributed positively to the class. Oscar became the only participant as the other students became passive learners over time. Oscar was an inspiration to me and to the students in my class. He was an example of the power of curiosity and of taking initiative. He taught me the importance of being open to learning and the importance of being proactive.

It is evident that Mr. Lopez is a lifelong learner and that he has taken action in order to rectify the mistakes of the past and reprioritize his present energies on family and career. He is also committed to providing for his family and willing to take the necessary steps to ensure their future. Oscar's social media posts always show him doing something positive, whether it's personal or work-related. He is always striving to be better and to reach his goals, and to inspire those around him to do the same. Oscar is a positive role model for his family and for those he works with. My worries about Oscar have diminished in recent years as I have witnessed his transformation.

His transformation is like a caterpillar into a butterfly. A deep metamorphosis has occurred in him, and now he is flourishing as a result of hard work and self-discipline. Oscar deserves a chance to stay in the United States where he has not only made lifelong improvements over the last few years, but he is also contributing to the future of his family and himself. Granting him the opportunity to stay would not pose any risk to the community. Oscar has made significant strides in his personal and professional life, and his diligent work and dedication have been recognized. He has a strong support system in the United States, and he has made a commitment to continue making a positive contribution to our country. It is my sincere recommendation that Oscar be given the opportunity to stay in the United States.

Thank you for your time,

Benjamin Borrelli

DIVISION OF ADULT PAROLE OPERATIONS
OAKLAND PAROLE COMPLEX
7717 Edgewater Drive
Oakland, CA 94621



February 26, 2024

Honorable Judge,

The purpose of this letter is to provide a report regarding the parole supervision of Oscar Ernesto Lopez, DOB: 01/13/1995. Mr. Lopez's supervision commenced on 8/19/2022 and terminated on 8/21/2023. He did not sustain any violations, nor was he arrested while on parole. He was readily available for supervision, respectful, and very engaged in family life. He spoke at length about the changes in his attitudes and behaviors and his desire to move on from his past and to be a stabilizing force in his son's life. If you have any additional questions regarding Mr. Lopez's performance on parole, you or your designee may contact me at Rachelle.Pennington@cdcr.ca.gov or (510) 876-1087.

Sincerely,

Rachelle Pennington
Parole Agent-I
Berkeley Parole Unit