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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EKA PHANTSULAIA,

Petitioner,

v.

GREGORY J. ARCHAMBEAULT; et al.,

Respondents.

Case No.: 25-cv-2269-JES-DDL

RESPONDENTS' RETURN TO HABEAS PETITION

I. INTRODUCTION

This Court should deny Petitioner's habeas petition for four reasons. First, this Court does not have jurisdiction to hear Petitioner's claims because she is not in custody in this district. Second, Petitioner requests that this Court find her detention unlawful and order her release from Immigration and Customs Enforcement (ICE) custody. But as Petitioner's claims stem from the Department of Homeland Security's (DHS) decision to detain Petitioner pending removal proceedings, jurisdiction over her claims is barred under 8 U.S.C. § 1252. Third, Petitioner's Administrative Procedure Act (APA) claim is not properly sought through a habeas petition. And finally, Petitioner's claims fail on the merits. Respondents respectfully request that the Court deny Petitioner's requests for relief.

II. FACTUAL BACKGROUND

Petitioner is a native and citizen of [redacted] ECF No. 1 at ¶ 1. In January 2025, Petitioner arrived at the San Ysidro Port of Entry and applied for admission to the United States from Mexico. *Id.* at ¶ 15. Petitioner did not possess legal documentation to be in or enter the United States. Pet. Ex. A, ECF No. 1 at 19 (Form I-213). Petitioner was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) as an immigrant not in possession of a valid entry document. *Id.* at 20. Petitioner was also subject to the January 20, 2025 Presidential Proclamation 10888, *Guaranteeing the States Protection Against Invasion*, 90 Fed. Reg. 8,333, 8,334 (Jan. 20, 2025), and was therefore detained and processed for expedited removal under 8 U.S.C. § 1182(f). *Id*; *see also* Declaration of Jorge E. Hernandez ("Hernandez Decl.") ¶ 6. She was issued a Notice and Order of Expedited Removal under section 235(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(1). *Id.*; *see also* Pet. Ex. B, ECF No. 1 at 23 (Form I-860). She was detained in ICE custody under 8 U.S.C. § 1225(b)(1). Hernandez Decl. ¶ 8.

Petitioner expressed fear she would be tortured if returned to her country of origin. Hernandez Decl. ¶ 9. On March 4, 2025, she was referred to an asylum officer with U.S. Citizenship and Immigration Services for assessment under the Convention Against Torture. Ex. 1 (Convention Against Torture Assessment Notice). The interview with the asylum officer resulted in a positive determination. Hernandez Decl. ¶ 9. On August 29, 2025, Petitioner was issued a Notice to Appear, charging Petitioner as an arriving alien inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an immigrant not in possession of a valid entry document. Hernandez Decl. ¶ 10; *see also* Ex. 2 (Notice to Appear). The filing of the Notice to Appear commenced full removal proceedings under 8 U.S.C. § 1229a, section 240 of the INA, also known as "240 proceedings." Hernandez Decl. ¶ 11. Within her 240 proceedings, Petitioner has the opportunity to apply for relief from removal before an immigration judge, including asylum under 8 U.S.C. § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under the Convention

Against Torture. Hernandez Decl. ¶ 11. Petitioner's 240 proceedings remain ongoing. Petitioner appeared before an immigration judge on September 11 and October 9, 2025, for master calendar hearings. Hernandez Decl. ¶ 12; *see also* Ex. 3 (Record of Master Calendar dated Sept. 11, 2025). Her next hearing in front of the immigration judge is scheduled on November 14, 2025. Hernandez Decl. ¶ 12. While Petitioner's removal proceedings remain ongoing, she continues to be detained under 8 U.S.C. § 1225(b)(1)(B)(ii). *See Matter of M.S.*, 27 I&N Dec. 509 (A.G. 2019); *see also* Hernandez Decl. ¶ 13. Petitioner is in custody at the San Luis Detention Center in San Luis, Arizona. Hernandez Decl. ¶ 14. She has been in custody at the San Luis Detention Center since April 24, 2025. Hernandez Decl. ¶ 14.

On September 2, 2025, Petitioner commenced this case, seeking to have this Court order her release from ICE custody. *See generally* ECF No. 1. Subsequently, the Court issued an order requiring Respondents to file a response to Petitioner's habeas petition. ECF No. 4.

III. ARGUMENT

A. This Court does not have jurisdiction over Phantsulaia's Petition.

The Court does not have jurisdiction over the Petition because Phantsulaia failed to file in the district where she is confined. Petitioner was in custody in the District of Arizona when she filed her petition, and she remains confined in that district. Therefore, the Court should dismiss the Petition for lack of jurisdiction.

The federal habeas statute, 28 U.S.C. § 2241, provides that:

> Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

The Supreme Court in *Rumsfeld v. Padilla* observed that, under § 2241, "[d]istrict courts are limited to granting habeas relief 'within their respective jurisdictions.'" 542 U.S. at 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)). The Court explained that a

"core challenge[ ]" habeas petitions challenge "present physical confinement." *Id.* at 435. The Court further explained that "[t]he plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Id.* at 443. The Court stated succinctly, "[w]henever a § 2241 habeas petitioner seeks to challenge [her] present physical custody within the United States, [she] should name [her] warden as respondent and file the petition in the district of confinement." *Id.* at 447. The Ninth Circuit in *Doe v. Garland* affirmed the application of the district of confinement rule to a § 2241 petition filed by an immigrant detainee, holding that the district court erred in exercising jurisdiction over the petition when the petitioner failed to file in the district of confinement. 109 F.4th 1188, 1199 (9th Cir. 2024).

As an initial matter, the text of Phantsulaia's Petition indicates that her Petition is a core challenge because it is an attack on her present physical confinement at San Luis Detention Center. Petitioner requests the Court "[g]rant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody[.]" Pet. at 13 (Prayer for Relief). Petitioner's request for a bond hearing does not change the character of her petition from a core challenge. The Ninth Circuit in *Garland* confronted this issue and held that a petition that requested "a writ of habeas corpus and release order from the district court unless Respondents provide him a bond hearing before an immigration judge" was still a core habeas petition. *Garland*, 109 F.4th at 1194. The same is true here.

Since Phantsulaia's Petition is a core habeas petition, the district court with jurisdiction over the petition is the district of confinement. *Padilla*, 542 U.S. at 447. Here, Petitioner is in custody at the San Luis Detention Center in San Luis, Arizona, which is in the District of Arizona. Petitioner has been detained at the San Luis Detention Center since April 24, 2025. Hernandez Decl. ¶ 14. Although Petitioner claims that San Luis Detention Center is "under the joint supervision of Enforcement and Removal Operations (ERO) of the San Diego Field Office and/or the Calexico Sub

Field Office," Pet. ¶ 1, the statutory provisions governing habeas petition jurisdiction and Supreme Court precedent are clear. The district court in the district of confinement has jurisdiction over the Petition. Thus, the Court lacks jurisdiction over the Petition.

B. Petitioner's claims and requested relief are barred by 8 U.S.C. § 1252.

Further, the Court lacks jurisdiction to hear Petitioner's claims, which stem from DHS's decision to detain Petitioner pending removal proceedings. *See Ass'n of Am. Med. Coll.*, 217 F.3d at 778–79; *Finley*, 490 U.S. at 547–48. Petitioner brings her habeas action under 28 U.S.C. § 2241, but jurisdiction over her claims is barred under 8 U.S.C. § 1252(b)(9), § 1252(e), and § 1252(g).

In general, courts lack jurisdiction to review a decision to commence or adjudicate removal proceedings or execute removal orders. *See* 8 U.S.C. § 1252(g) ("[N]o court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders."); *Limpin v. United States*, 828 Fed. App'x 429 (9th Cir. 2020) (holding district court properly dismissed under 8 U.S.C. § 1252(g) "because claims stemming from the decision to arrest and detain an alien at the commencement of removal proceedings are not within any court's jurisdiction"). In other words, § 1252(g) removes district court jurisdiction over "three discrete actions that the Attorney may take: her 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders.'" *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (emphasis removed). Petitioner's claims necessarily arise "from the decision or action by the Attorney General to commence proceedings [and] adjudicate cases," over which Congress has explicitly foreclosed district court jurisdiction. 8 U.S.C. § 1252(g).

Section 1252(g) also bars district courts from hearing challenges to the *method* by which the government chooses to commence removal proceedings, including the decision to detain a noncitizen pending removal. *See Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) ("By its plain terms, [§ 1252(g)] bars us from questioning ICE's

discretionary decisions to commence removal" and also to review "ICE's decision to take [the plaintiff] into custody to detain him during removal proceedings.").

Other courts have held, "[f]or the purposes of § 1252, the Attorney General commences proceedings against an alien when the alien is issued a Notice to Appear before an immigration court." *Herrera-Correra v. United States*, No. 08-2941 DSF (JCx), 2008 WL 11336833, at *3 (C.D. Cal. Sept. 11, 2008). "The Attorney General may arrest the alien against whom proceedings are commenced and detain that individual until the conclusion of those proceedings." *Id.* at *3. "Thus, an alien's detention throughout this process arises from the Attorney General's decision to commence proceedings" and review of claims arising from such detention is barred under § 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d 947, 949 (9th Cir. 2007)); *Wang v. United States*, No. CV 10-0389 SVW (RCX), 2010 WL 11463156, at *6 (C.D. Cal. Aug. 18, 2010); 8 U.S.C. § 1252(g).

Moreover, under 8 U.S.C. § 1252(b)(9), "[j]udicial review of all questions of law and fact . . . *arising from any action taken or proceeding brought to remove an alien from the United States* under this subchapter shall be available only in judicial review of a final order under this section." Further, judicial review of a final order is available only through "a petition for review filed with an appropriate court of appeals." 8 U.S.C. § 1252(a)(5). The Supreme Court has made clear that § 1252(b)(9) is "the unmistakable 'zipper' clause," channeling "judicial review of all" "decisions and actions leading up to or consequent upon final orders of deportation," including "non-final order[s]," into proceedings before a court of appeals. *Reno*, 525 U.S. at 483, 485; *see J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (noting § 1252(b)(9) is "breathtaking in scope and vise-like in grip and therefore swallows up virtually all claims that are tied to removal proceedings"). "Taken together, § 1252(a)(5) and § 1252(b)(9) mean that *any* issue—whether legal or factual—arising from *any* removal-related activity can be reviewed *only* through the [petition for review] PFR process." *J.E.F.M.*, 837 F.3d at 1031; *see id.* at 1035 ("[Sections] 1252(a)(5) and [(b)(9)] channel

review of all claims, including policies-and-practices challenges . . . whenever they 'arise from' removal proceedings.").

Critically, "1252(b)(9) is a judicial channeling provision, not a claim-barring one." *Aguilar v. ICE*, 510 F.3d 1, 11 (1st Cir. 2007). Indeed, 8 U.S.C. § 1252(a)(2)(D) provides that "[n]othing . . . in any other provision of this chapter . . . shall be construed as precluding review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section." *See also Ajlani v. Chertoff*, 545 F.3d 229, 235 (2d Cir. 2008) ("[J]urisdiction to review such claims is vested exclusively in the courts of appeals[.]"). The petition-for-review process before the court of appeals ensures that aliens have a proper forum for claims arising from their immigration proceedings and "receive their day in court." *J.E.F.M.*, 837 F.3d at 1031–32 (internal quotations omitted); *see also Rosario v. Holder*, 627 F.3d 58, 61 (2d Cir. 2010) ("The REAL ID Act of 2005 amended the [INA] to obviate . . . Suspension Clause concerns" by permitting judicial review of "nondiscretionary" determinations by the Board of Immigration Appeals and "all constitutional claims or questions of law"). These provisions divest district courts of jurisdiction to review both direct and indirect challenges to removal orders, including decisions to detain for purposes of removal or for proceedings. *See Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (stating section 1252(b)(9) includes challenges to the "decision to detain [an alien] in the first place or to seek removal").

Here, Petitioner's claims stem from her detention during removal proceedings. But that detention arises from DHS's decision to commence such proceedings against her. *See, e.g.*, *Valecia-Meja v. United States*, No. 08-2943 CAS (PJWz), 2008 WL 4286979, at *4 (C.D. Cal. Sept. 15, 2008) ("The decision to detain plaintiff until his hearing before the Immigration Judge arose from this decision to commence proceedings."); *Wang*, 2010 WL 11463156, at *6; *Tazu v. Att'y Gen. U.S.*, 975 F.3d 292, 298–99 (3d Cir. 2020) (holding that 8 U.S.C. § 1252(g) and (b)(9) deprive district court of jurisdiction to review action to execute removal order).

Thus, as Petitioner's claims arise from the decision to commence proceedings, this Court lacks jurisdiction under 8 U.S.C. § 1252.

C. Petitioner's APA claim is improper under habeas jurisdiction.

Notwithstanding the lack of jurisdiction, the APA does not provide an avenue for relief in this case.

The APA places limits on when agency action is subject to judicial review. "Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review." 5 U.S.C. § 704; *Navajo Nation v. Dep't of the Interior*, 876 F.3d 1144, 1171 (9th Cir. 2017). Reviewable "agency action" is defined to include "the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act." 5 U.S.C. § 551(13). "While this definition is 'expansive,' federal courts 'have long recognized that the term [agency action] is not so all-encompassing as to authorize . . . judicial review over everything done by an administrative agency.'" *Wild Fish Conservancy v. Jewell*, 730 F.3d 791, 800–01 (9th Cir. 2013) (quoting *Fund for Animals, Inc. v. U.S. Bureau of Land Management*, 460 F.3d 13, 19 (D.C. Cir. 2006)).

Here, it is not altogether clear what final agency action Petitioner seeks review over. And importantly, habeas relief is available to challenge only the legality or duration of confinement. *Pinson*, 69 F.4th at 1067; *see also Flores-Miramontes*, 212 F.3d at 1140 ("For purposes of immigration law, at least, 'judicial review' refers to petitions for review of agency actions, which are governed by the Administrative Procedure Act, while habeas corpus refers to habeas petitions brought directly in district court to challenge illegal confinement.").

The Court should therefore reject Petitioner's APA claim because it is beyond the scope of habeas jurisdiction.

D. Petitioner is lawfully detained.

Even assuming the Court has jurisdiction over her petition, which the Court does not, Petitioner has not stated a statutory violation or a Fifth Amendment due process

violation. Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(1).

"To determine whether Congress has authorized [a petitioner's] detention, we must first identify the statutory provision that purports to confer such authority on the Attorney General." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008). Section 1225 applies to "applicants for admission," who are defined as "alien[s] present in the United States who [have] not been admitted" or "who arrive[] in the United States." 8 U.S.C. § 1225(a)(1). Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings*, 583 U.S. at 287. Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid document." *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). Though not relevant here, § 1225(b)(2) is "broader" and "serves as a catchall provision." *Jennings*, 583 U.S. at 287. In this statutory scheme, DHS has the sole discretionary authority to temporarily release on parole "any alien applying for admission to the United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." *Id.* § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C. § 1225(b) and stated that "[r]ead most naturally, §§ 1225(b)(1) and (b)(2) [] mandate detention of applicants for admission until certain proceedings have concluded." 583 U.S. at 297. The Court noted that neither § 1225(b)(1) nor § 1225(b)(2) "impose[] any limit on the length of detention" and "neither § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings." *Id.* The Court added that the sole means of release for noncitizens detained under §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300. The Court observed that because aliens held under § 1225(b) may be paroled for "urgent humanitarian reasons or significant public benefit," "[t]hat express exception to detention implies that there are no *other* circumstances under which aliens detained under 1225(b) may be released." *Id.*

(citations and internal quotation omitted) (emphasis in the original). Courts thus may not validly draw additional procedural limitations "out of thin air." *Id.* at 312. The Supreme Court concluded: "In sum, §§ 1225(b)(1) and (b)(2) mandate detention of [noncitizens] throughout the completion of applicable proceedings." *Id.* at. 302.

As to the Fifth Amendment, the only due process rights Petitioner has are those rights statutorily afforded by Congress. *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (collecting cases); 8 U.S.C. § 1225(b)(1)(B)(iii)(IV); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("This Court has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding [her] application, for the power to admit or exclude aliens is a sovereign prerogative.") (citations omitted); *see generally I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984) ("Consistent with the civil nature of the proceeding, various protections that apply in the context of a criminal trial do not apply in a deportation hearing."). In *Thuraissigiam*, the Supreme Court addressed the due process rights of inadmissible arriving noncitizens and stated that such individuals have no due process rights "other than those afforded by statute." *Thuraissigiam*, 591 U.S. at 107; *id.* at 140 ("[A]n alien in respondent's position has only those rights regarding admission that Congress has provided by statute."). The Supreme Court noted that its determination was supported by "more than a century of precedent." *Id.* at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953); *Landon*, 459 U.S. at 32); *Rauda v. Jennings*, 8 F.4th 1050, 1058 (9th Cir. 2021) ("Congress has already balanced the amount of due process available to petitioners with the executive's prerogative to remove individuals, and we decline to expand judicial review beyond the parameters set by Congress."); *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, at *2 (S.D. Cal. June 10, 2024) ("[T]he Court finds that Petitioner has no Fifth Amendment right to a bond hearing pending his removal proceedings. The only due process due an alien

seeking admission to the United States is 'those rights regarding admission that Congress has provided by statute.'" (quoting *Thuraissigiam*, 591 U.S. at 140)); *Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151 JLS (KSC), 2023 WL 3103811, at *4 (S.D. Cal. Apr. 25, 2023) ("Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond hearing.").

Here, Petitioner's removal proceedings are ongoing, and thus, she continues to be subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(ii). Petitioner concedes this point in her Petition where she states that the statute governing regular removal proceedings "provides that she be detained for further consideration of the application for asylum." ECF No. 1 at ¶ 38. As the statutory authority Petitioner is detained under does not afford her a right to a determination by this Court as to whether her release is warranted nor a right to a bond hearing before an immigration judge, the Court should reject her claim that her detention violates the Fifth Amendment's Due Process Clause and deny her requested relief. *See Thuraissigiam*, 591 U.S. at 107, 140; *Mezei*, 345 U.S. at 212; *Guerrier v. Garland*, 18 F. 4th 304, 310 (9th Cir. 2021).

Accordingly, as Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), Petitioner's claims fail on the merits.

IV. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition and dismiss this action.

DATED: October 10, 2025

Respectfully submitted,

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UNITED STATES DISTRICT COURT

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Case No. 25-cv-2269-JES-DDL

DECLARATION OF JORGE E. HERNANDEZ

I, Jorge E. Hernandez, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as a Deportation Officer (DO) assigned to the Calexico suboffice of the ICE ERO San Diego Field Office.

2. I have been employed by the Department of Homeland Security as a law enforcement officer since May of 2007 and have been serving as a Deportation Officer since September of 2016. I currently remain in that position. As a DO, my responsibilities include case management of individuals detained by ICE at the San Luis Detention Center in San Luis, Arizona.

3. This declaration is based upon my personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a DO for the Calexico suboffice of the ICE ERO San Diego Field Office, as well as my review of government databases and documentation relating to Petitioner Eka Phantsulaia (Petitioner).

4. Petitioner is a citizen and national of [redacted] In January 2025, Petitioner arrived at the San Ysidro Port of Entry and applied for admission to the United States from Mexico. Petitioner did not possess legal documentation to be in or enter the United States.

5. Petitioner was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) as an immigrant not in possession of a valid entry document.

6. Petitioner was also subject to the January 20, 2025, Presidential Proclamation 10888, *Guaranteeing the States Protection Against Invasion*, 90 Fed. Reg. 8,333, 8,334 (Jan. 20, 2025), and was therefore detained and processed for expedited removal under 8 U.S.C. § 1182(f).

7. Petitioner was issued a Notice and Order of Expedited Removal under section 235(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(1).

8. Petitioner was detained in ICE custody under 8 U.S.C. § 1225(b)(1).

9. Petitioner expressed fear she would be tortured if returned to her country of origin. On March 4, 2025, she was referred to an asylum officer with U.S. Citizenship and Immigration Services for assessment under the Convention Against Torture. The interview with the asylum officer resulted in a positive determination.

10. On August 29, 2025, Petitioner was issued a Notice to Appear, charging Petitioner as an arriving alien inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an immigrant not in possession of a valid entry document.

11. The filing of the Notice to Appear commenced full removal proceedings under 8 U.S.C. § 1229a, section 240 of the Immigration and Nationality Act (INA), also known as "240 proceedings." Within her 240 proceedings, Petitioner has the

opportunity to apply for relief from removal before an immigration judge, including asylum under 8 U.S.C. § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under the Convention Against Torture.

12. Petitioner appeared before an immigration judge on September 11 and October 9, 2025, for master calendar hearings. Her next hearing in front of the immigration judge is scheduled on November 14, 2025.

13. While Petitioner's removal proceedings remain ongoing, she continues to be detained under 8 U.S.C. § 1225(b)(1)(B)(ii). *See Matter of M.S.*, 27 I&N Dec. 509 (A.G. 2019).

14. Petitioner is currently in custody at the San Luis Detention Center in San Luis, Arizona. She has been in custody at the San Luis Detention Center since April 24, 2025.

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

Executed this 9th day of October 2025.

JQH

Jorge E. Hernandez
Deportation Officer
San Diego Field Office