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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I**

JOAQUÍN DAVID RICO-TAPIA
Plaintiff/Petitioner

vs.

**Michael J.D. Smith, Warden, Federal Detention
Center, Honolulu, Hawai'i; Polly Kaiser,
Acting Field Office Director, San Francisco
Field Office, Immigration and Customs
Enforcement; Pam Bondi, Attorney General
of the United States; Kristi Noem, Secretary
of Homeland Security, in their official capacities,
Defendant/Respondent**

No.1:25-cv-00379-SASP KJM

**DECLARATION OF JULIO J.
RAMOS IN SUPPORT OF
MOTION FOR EX PARTE
TEMPORARY RESTRAINING
ORDER**

**Judge: Shanlyn A. S. Park
Hearing:TBD**

Related Document: Dkt 1.



DECLARATION OF JULIO J. RAMOS IN SUPPORT OF
MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER

1. Julio J. Ramos, declared under penalty of perjury:
2. I am an attorney licensed to practice law in California, and I am admitted in the United States District Court for Hawaii Pro Hac Vice (ECF/dkt. 7). I represent Joaquín David Rico Tapia (“Mr. Rico-Tapia”) in connection with his detention by U.S. Immigration and Customs Enforcement (ICE), his petition for a writ of habeas corpus, and his request for temporary restraining order. I submit this declaration based on my personal knowledge; where matters are stated on information and belief, I believe them to be true. Mr. Tapia has no criminal record and has filed tax returns.
3. Ex parte relief is warranted because Mr. Tapia could be deported unlawfully and his detention has resulted in the loss of liberty for an unspecified amount of time. On September 4, 2025 I did call the office of the United States Attorney for the District of Hawai’i to direct a stipulation or motion regarding this unjust detention however without a case number nobody could assist me a clerk and suggested I first obtain a case number and overnight hardcopies of papers to the attention of civil-habeas corpus United States Attorney for the District of Hawai’i. On September 13, 2025 I emailed a copy of the verified habeas corpus petition to the United States Attorney for the District of Hawai’i and mailed by overnight to the same and all defendants.

4. On or about October 14, 2022 Mr. Rico-Tapia was paroled into the United States under INA § 212(d)(5). (See Exhibit A to this declaration a true and correct copy of parole) fleeing the political and social upheaval in his native Venezuela. He has worked in online delivery and construction and diligently studies English at night school.
5. On 07/23/2025, the Immigration Court dismissed Mr. Rico-Tapia's proceedings without prejudice. (See Exhibit B to this declaration a true and correct copy of IJ Order attached) Shortly thereafter, Mr. Rico-Tapia was taken into ICE custody as he was heading home on the freeway. He has no criminal antecedents.
6. Upon reviewing online ICE Detainee Locator I confirmed that Mr. Rico Tapia is detained at Federal Detention Center Honolulu. (See Exhibit C to this declaration that I downloaded from website <https://locator.ice.gov/odls/#/details>).
7. On or about August 21, Mr. Rico-Tapia's cousin and roommate, Luz Dari Orjuela Rico, retained me and provided documentation and conveyed her knowledge concerning Mr. Rico-Tapia's lifestyle conveying that he was hard working, eager to learn English and that he had preserved his immigration records in the apartment they shared. Drawing on my experience routinely reviewing ICE, USCIS, and EOIR documents, I reviewed and organized those materials and, where possible, compared them against other similar documents contained in my business records. Upon

information and belief, these are true and accurate copies of the documents they purport to be.

8. Further Exhibits attached to this declaration in support of the petition for habeas corpus:

- Asylum Filing-USCIS issued an I-797C Receipt Notice acknowledging receipt of Mr. Rico-Tapia's Form I-589 (Application for Asylum and for Withholding of Removal) as of 08/14/2025. (Exhibit D).
- USCIS approved Mr. Rico-Tapia's employment authorization (category C08) valid from 01/22/2024 through 01/21/2029. (Exhibit E)
- Letters and school records document Mr. Rico-Tapia's ESL enrollment and positive work and character references, including materials from   and adult education records spanning 2023–2024. (Exhibit F).
- Tax Filings-Mr. Rico-Tapia's 2024 tax records (Exhibit G).
- Attached is a true and correct copy of the State Department Country Conditions Report for Venezuela (Exhibit H).

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Sworn to on September 12, 2025, in San Francisco
California. /s/ *Julio J. Ramos*