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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

VINCENTE ESTEBAN GUZMAN CORDOVA,

Petitioner,

v.

FERNANDO VALENZUELA, Assistant Field Office Director, San Diego Field Office, Imperial Regional Detention Facility; et al.,

Respondents.

Case No.: 25-cv-2426-BAS-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 he failed to name as a respondent the warden of the facility where he is detained. Second, Petitioner requests that this Court find his detention unlawful and order his 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 his 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[1]

Petitioner is a native and citizen of Chile. ECF No. 1 at ¶ 2. In June 2024, Petitioner entered the United States from Mexico near Calexico, California, without being admitted, paroled, or inspected. Ex. 1. Petitioner was determined to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as an immigrant present in the United States without being admitted or paroled, and was initially placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1). Ex. 1. On June 9, 2024, he was referred for an interview with an asylum officer with U.S. Citizenship and Immigration Services. Declaration of Concepcion Arredondo ("Arredondo Decl.") ¶ 6. The interview with the asylum officer resulted in a positive determination that Petitioner demonstrated credible fear of persecution or torture. Ex. 1.

On June 10, 2024, Petitioner was issued a Notice to Appear, charging Petitioner as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as an immigrant present in the United States without being admitted or paroled. Ex. 1. The filing of the Notice to

[1] The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

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." Arredondo Decl. ¶ 8. Within his 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. Arredondo Decl. ¶ 8.

Petitioner's 240 proceedings remain ongoing. Petitioner was originally self-represented in his immigration proceedings, but he retained an attorney who entered an appearance in October 2024. Ex. 2; Arredondo Decl. ¶ 9. Petitioner's attorney requested a continuance of the master calendar hearing to prepare Petitioner's relief application. *See* Exs. 3, 4; Arredondo Decl. ¶ 9. Petitioner filed an application for asylum, withholding of removal, and Convention Against Torture on November 15, 2024. Arredondo Decl. ¶ 10. Petitioner's master calendar hearing was continued to January 2025, then February 2025 to allow his attorney to submit corroborating evidence and request parole. Exs. 5, 6. The immigration court scheduled an individual merits hearing in Petitioner's 240 proceedings in April 2025 and set a deadline in March for both parties to file briefs. Ex. 6. Petitioner filed evidence and a pre-hearing statement in support of his relief application on March 27, 2025. Arredondo Decl. ¶ 13. In April, Petitioner's attorney attempted to appear remotely for Petitioner's hearing without first requesting leave of the court to do so. Arredondo Decl. ¶ 14. Accordingly, the immigration court continued that hearing to May 2025. Arredondo Decl. ¶ 14. Petitioner sought Special Immigrant Juvenile Status (SIJS), but to qualify he was required to have a state court declare him dependent and state it is not in his best interest to return to his home country. Arredondo Decl. ¶ 15; *see* 8 CFR § 204.11. As of October 2, Petitioner had not scheduled the state court guardianship hearing. Arredondo Decl. ¶ 15.

On October 6, 2025, a master calendar hearing was held, and the immigration judge issued an order providing Petitioner until November 19 to file any supplemental evidence, briefs, and amendments and providing DHS until November 19 to submit any

evidence and motions. Ex. 8. The immigration judge also scheduled Petitioner's individual merits hearing, on his applications for relief from removal, for December 3 and specifically noted that the "[p]arties must be prepared to present their case and should not expect further continuances, absent good cause." Ex. 8.

While Petitioner's removal proceedings remain ongoing, he 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* Arredondo Decl. ¶ 17.

On September 16, 2025, Petitioner commenced this case, seeking to have this Court order him released from ICE custody or order the immigration judge to provide him with a bond hearing.[2] *See generally* ECF No. 1. Subsequently, the Court issued an order requiring Respondents to file a response to Petitioner's petition. ECF No. 3.

III. ARGUMENT

A. This Court does not have jurisdiction over the Petition.

At the outset, the Court should deny Petitioner's habeas petition because he has failed to name as a respondent the warden of the facility where he is detained. *See* 28 U.S.C. § 2243 ("The writ, or order to show cause shall be directed to the person having custody of the person detained."). Petitioner's habeas claims challenge his current physical confinement. "[C]ore habeas petitioners challenging their present physical confinement [must] name their immediate custodian, the warden of the facility where they are detained, as the respondent to their petition." *Doe v. Garland*, 109 F. 4th 1188, 1197 (9th Cir. 2024) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). "[T]he Court cannot exercise jurisdiction over [Petitioner's] Petition so long as he fails to name as respondent the warden of the detention facility where he is being detained." *Mukhamadiev v. U.S. Dep't of Homeland Security*, No. 25-cv-1017-DMS-MSB, 2025

[2] To the extent Petitioner also seeks an order enjoining his relocation, ICE has agreed that Petitioner will not be moved out of the Southern District of California during the pendency of this matter.

WL 1208913, at *3 (S.D. Cal. Apr. 25, 2025). As Petitioner has failed to name his immediate custodian, the petition should be dismissed for lack of jurisdiction.

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 his habeas action under 28 U.S.C. § 2241, but jurisdiction over his 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 his detention during removal proceedings. But that detention arises from DHS's decision to commence such proceedings against him. *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.

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's claims fail on the merits.

a. Petitioner is lawfully detained.

Even assuming the Court has jurisdiction over his 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 [his] 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, he continues to be subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(ii). As the statutory authority Petitioner is detained under does not afford him a right to a determination by this Court as to whether his release is warranted nor a right to a bond hearing before an immigration judge, the Court should reject his claim that his detention violates the Fifth Amendment's Due Process Clause and deny his 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.

b. Petitioner's mandatory detention is not unreasonably prolonged.

Even if the Court infers a constitutional right against prolonged mandatory detention, Petitioner's claims still fail. Under the 6-factor balancing test discussed in *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020), the test weighs in Respondents' favor.

Kydyrali involved a habeas petitioner's claim that his detention of more than 27 months was unreasonably prolonged. In addressing the claim, Judge Battaglia applied the following 6 factors: (1) total length of detention to date; (2) likely duration of future detention; (3) conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings caused by the government; and (6) the likelihood that the removal proceedings will result in a final order of removal. *Kydyrali*, 499 F. Supp. 3d at 773 (citing *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019)). If the Court considers this balancing test,

the Court should nevertheless reject Petitioner's assertion that his detention has been unreasonably prolonged.

First, Petitioner's approximate 16-month detention should not favor granting his release. The length of detention in *Kydyrali* was 27 months, almost a year longer than Petitioner's detention. *See Kydyrali*, 499 F. Supp. 3d at 773. This duration does not justify habeas relief. *See Prieto-Romero v. Clark*, 534 F. 3d 1053, 1065 (9th Cir. 2008) (finding no constitutional violation in detention of more than three years under § 1226(a)); *Yagao v. Figueroa*, No. 17-CV-2224-AJB-MDD, 2019 WL 1429582, at *1 (S.D. Cal. Mar. 29, 2019) (affording petitioner another bond hearing after 42 months of detention under § 1226(c) pending removal proceedings). Notably, "the length of detention . . . is the most important factor." *Banda*, 385 F. Supp. 3d at 1118. In short, the period of Petitioner's detention is reasonable.

Second, in light of Petitioner's individual merits hearing in front of the immigration judge scheduled for December 3, 2025, Respondents expect the immigration judge will issue a determination in Petitioner's removal proceedings resulting in either a final order of removal or a grant of relief and withholding of removal. Therefore, the likely length of future detention, two months, is minimal. This factor weighs in Respondents' favor.

Third, as to the conditions of confinement, this factor is neutral as the record does not evidence any constitutional concerns regarding the conditions of confinement.

The fourth and fifth factors (delays in the removal proceedings caused by Petitioner and the government) weighs slightly in favor of Respondents, or are neutral. The majority of the delays in Petitioner's removal proceedings are attributable to Petitioner.[3] Petitioner retained an attorney, who asked for continuances to review the case and file an application for relief from removal. Petitioner's attorney also tried to

[3] Petitioner alleges there has been some delay on the side of the government because the case was reassigned to a new immigration judge. *See* ECF No 1 at ¶ 48. The record does reflect that the immigration court continued Petitioner's master calendar hearing.

appear for a hearing remotely without leave of the court, resulting in another continuance. All together, these occurrences have resulted in some delays in the proceedings; however, Petitioner's removal proceedings are progressing and are scheduled for a final merits hearing this December.

The sixth and final factor is neutral. Whether Petitioner's relief applications will be granted or whether the immigration judge will issue a final order of removal is speculation.

On balance, even if the Court were to consider the 6-factor balancing test applied in *Kydyrali*, Petitioner's 16-month detention is not unreasonably prolonged.

IV. CONCLUSION

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

DATED: October 15, 2025

Respectfully submitted,

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

VINCENTE ESTEBAN GUZMAN CORDOVA, Petitioner, v. FERNANDO VALENZUELA, Assistant Field Office Director, San Diego Field Office, Imperial Regional Detention Facility; et al., Respondents.	Case No. 25-cv-2426-BAS-DDL **DECLARATION OF CONCEPCION ARREDONDO**

I, Concepcion Arredondo, 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 Supervisory Detention and Deportation Officer (SDDO) assigned to the Calexico suboffice of the ICE ERO San Diego Field Office.

2. I have been employed by ICE as a law enforcement officer since October of 2006, and serving as a Supervisory Detention and Deportation Officer since September of 2015. I currently remain serving in that position. As an SDDO, I am

responsible for, among other things, supervising the daily operation of ICE ERO deportation officers assigned to the Calexico suboffice of the ICE ERO San Diego Field Office, and ensuring that those officers comply with all relevant laws, regulations, and policies.

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 SDDO 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 Vincente Esteban Guzman Cordova (Petitioner).

4. Petitioner is a native and citizen of Chile. In June 2024, Petitioner entered the United States from Mexico near Calexico, California, without being admitted, paroled, or inspected.

5. Petitioner was determined to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as an immigrant present in the United States without being admitted or paroled, and was initially placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1).

6. On June 9, 2024, Petitioner was referred for an interview with an asylum officer with U.S. Citizenship and Immigration Services. The interview with the asylum officer resulted in a positive determination.

7. On June 10, 2024, Petitioner was issued a Notice to Appear, charging Petitioner as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as an immigrant present in the United States without being admitted or paroled.

8. 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 his 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.

9. Petitioner was originally self-represented in his immigration proceedings, but he retained an attorney who entered an appearance in October 2024. Petitioner's attorney requested a continuance of the master calendar hearing to prepare Petitioner's relief application.

10. Petitioner filed an application for asylum, withholding of removal, and Convention Against Torture on November 15, 2024.

11. Petitioner's master calendar hearing was continued to January 2025, then February 2025 at his attorney's request to allow Petitioner to submit corroborating evidence for his application for asylum and request parole.

12. The immigration court scheduled an individual merits hearing in Petitioner's 240 proceedings in April 2025 and set a deadline in March for both parties to file briefs.

13. Petitioner filed evidence and a pre-hearing statement in support of his relief application on March 27, 2025.

14. In April, Petitioner's attorney attempted to appear remotely for Petitioner's hearing without first requesting leave of the court to do so. The immigration court continued that hearing to May 2025.

15. Petitioner sought Special Immigrant Juvenile Status (SIJS), but to qualify he was required to have a state court declare him dependent and state it is not in his best interest to return to his home country. As of October 2, 2025, Petitioner had not scheduled the state court guardianship hearing.

16. On October 6, 2025, a master calendar hearing was held and the immigration judge issued an order providing Petitioner until November 19 to file any supplemental evidence, briefs, and amendments and providing DHS until November 19 to submit any evidence and motions. The immigration judge also scheduled Petitioner's individual merits hearing, on his applications for relief from removal, for December 3 and specifically noted that the "[p]arties must be prepared to present their case and should not expect further continuances, absent good cause."

17. While Petitioner's removal proceedings remain ongoing, he 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).

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

Executed this 15th day of October 2025.

CONCEPCION ARREDONDO Digitally signed by CONCEPCION ARREDONDO Date: 2025.10.15 13:31:32 -07'00'

Concepcion Arredondo
Supervisory Detention and Deportation Officer
San Diego Field Office