

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELISA FONTANELLI, as Next Friend of  
JUAN BERNAL MARTIN GARCIA,

Petitioner,

v.


LADEON FRANCIS, New York Field  
Office Director for U.S. Immigration and  
Customs Enforcement, *et al.*,

Respondents.

Civil Action No. 1:25-CV-07715 (JLR)

**DECLARATION OF SUPERVISORY  
DETENTION AND DEPORTATION  
OFFICER KAREEM JOHNSON**

Pursuant to 28 U.S.C. § 1746, I, Kareem Johnson, hereby declare under penalty of perjury that the following is true and correct:

1. I am employed with U.S. Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) within the U.S. Department of Homeland Security (“DHS”). I am Supervisory Detention and Deportation Officer at 26 Federal Plaza, New York, NY. I joined ICE on or about February 2017 and have served in my current capacity since then. As a Supervisory Detention and Deportation Officer, I oversee matters related to the removal of aliens in immigration proceedings.
2. I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Juan Martin Bernal Garcia (“Petitioner”), by his next friend, Elisa Fontanelli. The Petitioner has been assigned the following Alien Number  I make this declaration in my official capacity, and the following representations are based on my review of Petitioner’s administrative file, consultation with my colleagues, and ICE electronic records and databases.

3. Petitioner is a native and citizen of Colombia.
4. On October 3, 2022, Petitioner was admitted to the United States as a B-2 nonimmigrant visitor with authorization to stay in the United States until April 2, 2023. Based on the available information, Petitioner failed to depart the country after his visa expired on April 2, 2023.
5. On September 15, 2025, Amtrak Police arrested Petitioner inside New York Penn Station in Manhattan, New York for violating N.Y. Penal Law § 245.00(b)(i), Public Lewdness, intentionally exposing oneself to be seen in public, and N.Y. Penal Law § 245.01, exposure of a person. After arrest, Petitioner was issued a Desk Appearance Ticket (“DAT”) instructing him to appear at Criminal Court of the City of New York on October 1, 2025, at 9:00AM. During arrest processing, Amtrak Police contacted ICE/ERO in New York City and after criminal arrest processing, Amtrak Police transported Petitioner to ICE’s New York City Field Office located at 26 Federal Plaza, New York NY.
6. Later, on September 15, 2025, ICE officers received Petitioner in custody. ICE officers identified themselves as law enforcement agents with DHS and ICE. After corroborating Petitioner’s identity, ICE confirmed that Petitioner was in the United States in violation of the immigration laws because he overstayed his B-2 nonimmigrant visitor visa. ICE prepared and served Petitioner with a Form I-200, Warrant of Arrest of Alien. ICE also issued and personally served Petitioner with a Form I-862, Notice to Appear (“NTA”), which charged Petitioner as removable pursuant to INA § 237(a)(1)(B), 8 U.S.C. § 1227(a)(1)(B), because he is a nonimmigrant who remained in the United States after admission for a time longer than permitted, in violation of the laws of the United States. ICE also conducted an initial custody determination and determined that Petitioner would

be detained pending removal proceedings pursuant to INA § 236(a), 8 U.S.C. § 1226(a), because (i) he has not established he does not present a danger to the public, due to his criminal conduct for which he was arrested and charged earlier that same day; and (ii) he has not established that he is not a flight risk.

7. On September 15, 2025, Petitioner was initially held at ICE's temporary hold room at 26 Federal Plaza for arrest processing. He was then transferred on September 16, 2025, at approximately 6:11 p.m., to Delaney Hall Detention Facility in Newark, New Jersey.
8. The Petitioner remained at Delaney Hall Detention Facility from September 16, 2025, to September 20, 2025.
9. On September 19, 2025, ICE filed the NTA with the Varick Street Immigration Court in New York, to commence removal proceedings against Petitioner, but the NTA was rejected by the Immigration Court on September 21, 2025, because it was missing Form I-830 Notice to EOIR: Alien Address.
10. On September 20, 2025, Petitioner was transferred out of Delaney Hall Detention Facility. After several interim stops at other facilities during the following days, including Port Isabel Service Processing Center in Los Fresnos, Texas, and Florence Service Processing Center in Florence, Arizona, he was admitted at Eloy Detention Center in Eloy, Arizona, on the evening of September 23, 2025, where he remains at present.
11. On September 23, 2025, at approximately 2:25 PM, ICE filed the NTA with the Immigration Court in Florence, Arizona, which accepted the NTA, thereby commencing removal proceeding against Petitioner. Petitioner's initial master calendar hearing is currently scheduled to occur on September 26, 2025.

12. Following the filing of Petitioner's NTA with the Immigration Court, Petitioner is eligible to request a custody redetermination (i.e., a bond hearing) before an immigration judge, as his detention is governed by INA § 236(a), 8 U.S.C. § 1226(a). At this time, Petitioner does not appear to have requested a bond hearing with the Immigration Court yet, but he can do so at any time while his removal proceedings are pending.
13. The Petitioner has no known application for immigration relief pending and no final order of removal has been issued.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed at New York, NY  
This Thursday, September 25, 2025

KAREEM A  
JOHNSON

Digitally signed by KAREEM A  
JOHNSON  
Date: 2025.09.25 17:22:43  
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Kareem Johnson  
Supervisory Detention and Deportation Officer  
U.S. Immigration Customs Enforcement  
U.S. Department of Homeland Security