

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAZARO EZEQUIEL AJCAC CULAY,

Petitioner,

v.

Case No. 1:25-cv-00900-JLS

JOHN DOE, Facility Director, Buffalo
Federal Detention Facility; TODD LYONS,
Acting Director, U.S. Immigration and
Customs Enforcement; KRISTI NOEM, U.S.
Secretary of Homeland Security; PAMELA
BONDI, U.S. Attorney General; JANE DOE,
Director of Executive Office for Immigration
Review,

Respondents.

DECLARATION OF BENJAMIN B. TYMANN, ESQ.

BENJAMIN B. TYMANN, an attorney duly admitted to practice before this Court pro hac vice, hereby declares as follows under penalty of perjury:

1. I am counsel for Petitioner in this action and am familiar with the facts and circumstances of this action.
2. I make this declaration in opposition to Respondents' Motion to Dismiss Petitioner's Petition for Writ of Habeas Corpus and in support of Petitioner's Request for Court Order Entitling Him to Bond Hearing on the Merits.
3. Submitted herewith at ***Exhibit 1*** is a true copy of the Affidavit of Lazaro Ezequiel Ajcac Culay, dated June 12, 2022.
4. Submitted herewith at ***Exhibit 2*** is a true copy of a Notice to Appear dated January 15, 2021.

5. Submitted herewith at **Exhibit 3** is a true copy of USCIS's approval of Mr. Ajcac Culay's petition for Special Immigrant Juvenile with Deferred Action, dated June 15, 2023.
6. Submitted herewith at **Exhibit 4** is a true copy of Mr. Ajcac Culay's Employment Authorization issued October 11, 2023.
7. Submitted herewith at **Exhibit 5** is a true copy of Mr. Ajcac Culay's high school diploma.
8. Submitted herewith at **Exhibit 6** is a true copy of Life Alive Café's Employment Verification for Mr. Ajcac Culay.
9. Submitted herewith at **Exhibit 7** is a copy of *Black v. Almodovar, et al.*, 20-3224 / *G.M. v. Almodovar, et al.*, 22-70 (2nd Cir. Oct. 24, 2025) (Decision Denying Rehearing En Banc)
10. Submitted herewith at **Exhibit 8** is a copy of the relevant decisions and orders in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).
11. Submitted herewith at **Exhibit 9** is a copy of *A.C.R. et al. v. Kristi Noem*, 25-CV-3962 Memorandum and Order, November 19, 2025.

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

Dated: December 5, 2025

/s/ Benjamin B. Tymann
Benjamin B. Tymann, Mass. BBO #652011
Admitted Pro Hac Vice
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CERTIFICATE OF SERVICE

I, Benjamin B. Tymann, hereby certify that on this 5th day of December, 2025, I served a copy of the foregoing via ECF filing on:

Adam A. Khalil
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