

Liao Kun
El Paso SPC
8915 Montana Avenue
El Paso, TX 79925

Detained

FILED
SEP 24 2025
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Liao Kun

Petitioner,

v.

Angel Garite

ASSISTANT FIELD OFFICE DIRECTOR
EL PASO SERVICE PROCESSING CENTER

Mary De Anda Ybarra

ICE FIELD OFFICE DIRECTOR

Kristi Noem

SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY

Pamela Bondi

ATTORNEY GENERAL

Respondents.

Civil Action No. : _____

EP25CV0418

MEMORANDUM OF UNDERSTANDING

- Annex 1: Constitution Of The United States Of America
*Amendment IV, Amendment V, Amendment VI, Amendment XIV: section 1, 2, 3, 4, 5***
- Annex 2: The Universal Declaration Of Human Rights
*Article 7, 9, 10***
- Annex 3: Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment
*PART 1, Article 11***
- Annex 4: Subject's Requests**
- Annex 5: Notice To Appear from DHS (copy)**
- Annex 6: The Order of dismissal of Petition for Review with Fifth Circuit Court, case No. 25-60256 (copy) from 08/11/2025**
- Annex 7: A summary denied custody re-determination from 01/24/2025**
- Annex 8: Sponsor's declaration**
- Annex 9: Sponsor's passport (copy)**
- Annex 10: Sponsor's documents to prove good standing**
- Annex 11: Immigration Appeal from 04/10/2025**
- Annex 12: Immigration Appeal from 06/03/2025**
- Annex 13: Immigration Appeal from 07/02/2025**
- Annex 14: Facts and Legal standing**

Annex 1-1

CONSTITUTION OF THE UNITED STATES OF AMERICA

1. Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

3. Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

4. Amendment XIV

Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunity of citizens of the United States; nor shall any state deprive any person of life, liberty, or property,

Annex 1.2

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each States, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a States, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously -taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, -including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Annex 2

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 7

All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Annex 3

**CONVENTION AGAINST TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

PART 1

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Annex 4

SUBJECT'S REQUESTS

- The subject demands the application of the U.S. Constitution's Amendment IV declaring the Right of the People to be secure against unreasonable seizures.
- The subject challenges the time he has been under custody (more than 28 months) and demands just compensation for being deprived of freedom as stated on the U.S. Constitution's Amendment V.
- The subject demands the application of the U.S. Constitution's Amendment VI declaring the Right to a speedy trial.
- The subject demands the application of the U.S. Constitution's Amendment XIV, section 1, declaring that no State shall deprive any person within its jurisdiction the equal protection of the laws.
- The subject demands the application of Article 7 of the Universal Declaration of Human Rights stating that all are equal before the law and are entitled without any discrimination to equal protection.
The subject demands the application of Article 9 of the Universal Declaration of Human Rights stating that no one shall be subjected to arbitrary arrest, detention or exile.
- The subject demands the application of Article 10 of the Universal Declaration of Human Rights stating that everyone is entitled in full equality to a fair hearing.
- The subject demands the application of Article 11, PART 1 of the International Convention Against Torture stating that each adopting State shall keep under systematic review methods and practices as well as treatment of persons subjected to any form of arrest, detention or imprisonment.

In conclusion, the subject demands the compensation equal to the amount of # \$155,000#, one hundred and fifty-five thousand dollars; the subject demands an investigation to find out whether there has been negligent misshandling of his case and undertake any retaliatory measures necessary. The subject also demands a revision of methods and practices of arrest, detention and imprisonment of immigrants subject to Torture Convention and receiving a written notice at his sponsor's address explaining the measures taken to prevent a situation like this to happen again.

respectfully submitted on 9. 22, 2025.

Liao Kun
Liao Kun, pro se

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Annex 5-1

Name: Liankun 1-07-2025

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:
Subject ID: [REDACTED] FINS #: [REDACTED]
In the Matter of: [REDACTED] DOB: [REDACTED] 982 File No: [REDACTED]
Respondent: KUN LIAO
EL PASO SERVICE PROCESSING CENTER 8915 MONTANA AVENUE EL PASO, TEXAS, 79925 +1 (915)-225-1941
(Number, street, city, state and ZIP code) (Area code and phone number)
currently residing at:

- ☐ You are an arriving alien.
☒ You are an alien present in the United States who has not been admitted or paroled.
☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF ;
3. You arrived in the United States at or near SANTA TERESA, NM , on or about May 7, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(6)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:
8915 Montana Avenue El Paso TX US 79925
(Complete Address of Immigration Court, including Room Number, if any)

on June 02, 2023 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.
MICHAEL SHAW
Acting/Patrol Agent in Charge MS
(Signature and Title of Issuing Officer) (Sign in Ink)

Date: May 16, 2023

El Paso, Texas
(City and State)

Annex 5.2

Name: L. Adun 1.07.2025

Notice to Respondent**Warning:** Any statement you make may be used against you in removal proceedings.**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge. You will be advised by the Immigration Judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the Immigration Judge.**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the Immigration Judge in your absence, and you may be arrested and detained by the DHS.**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an Immigration Judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in Ink)

Border Patrol Agent

(Signature and Title of Immigration Officer) (Sign in Ink)

Date: 05/16/2023

Certificate of Service

This Notice To Appear was served on the respondent by me on May 16, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ In person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
- ☒ Attached is a credible fear worksheet.
- ☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the MANDARIN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.**Refused to Sign**

(Signature of Respondent if Personally Served) (Sign in Ink)

YVETTE ZAVALA, Border Patrol Agent

(Signature and Title of officer) (Sign in Ink)

Annex 5.3
Name: Lido Fun

1.07.2025
Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

RECEIVED
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2025 FEB 13 PM 12:00
U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE CLERK

Annex 6

**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

August 11, 2025

Lyle W. Cayce
Clerk

No. 25-60256

KUN LIAO,

Petitioner,

versus

PAMELA BONDI, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A240 514 352

CLERK'S OFFICE:

Under 5TH CIR. R.42.3, the petition is dismissed as of August 11, 2025, for want of prosecution. The Petitioner failed to timely file the Petitioner's brief.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

Dantrell Johnson

By: _____
Dantrell L. Johnson, Deputy Clerk

Annex 7



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
EL PASO SPC IMMIGRATION COURT

8D
9C

Respondent Name:

LIAO, KUN

To:

LIAO, KUN
EL PASO SERVICE PROCESSING CEN
8915 MONTANA AVENUE
EL PASO, TX 79925

A-Number:

240514352

Riders:

In Custody Redetermination Proceedings

Date:

01/24/2025

DETAINEE MAIL

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because
The respondent has a removal order on appeal to the Board.

☐ Granted. It is ordered that Respondent be:
☐ released from custody on his own recognizance.
☐ released from custody under bond of \$
☐ other:

☐ Other:

Annex 8

June 13, 2025

Dear ICE Officer,

My name is Karen Hester and I am a United States citizen. I am writing to you on behalf of KUN LIA [REDACTED] whom I heard about through Welcome.US. I understand that he is detained and I can sponsor him if he is released. I will provide financial support as needed and I will support him with his immigration case, ensuring that he is compliant and has access to the resources necessary to follow through with the requirements of ICE and the immigration court.

My address is [REDACTED] 96778 where I have lived for 9 years.

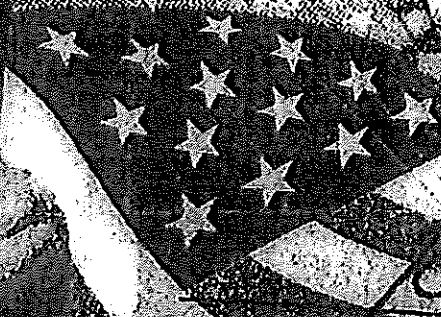
I am hopeful that I will have the chance to help him be safe as he seeks relief in the United States. If you have any questions, I can be reached by telephone at [REDACTED]


Karen Hester

Annex 9

WE THE PEOPLE

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the Blessings of Liberty to ourselves and
our Posterity, do ordain and establish this
Constitution for the United States of America.*



PASSEPORT
PASSE
PASAPORTE

UNITED STATES OF AMERICA

HESTER

Given Names / Prénoms / Nombres

EAREN LYNN

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

