

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

RUBEN ABELARDO ORTIZ-LOPEZ,

Petitioner,

v.

LADEON FRANCIS, *et al.*,


Respondents.

Case No. 25 Civ. 7985 (KPF)

**DECLARATION OF
SUPERVISORY DETENTION AND
DEPORTATION OFFICER
JOSEPH HARRINGTON**

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

1. I am a Supervisory Detention and Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I started as a Deportation Officer in February of 2007. I have been serving in my current capacity as a Supervisory Detention and Deportation Officer (“SDDO”) since August of 2008. As an SDDO, I oversee a team of Deportation Officers who manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, my team facilitates the alien’s removal by coordinating with the government of the alien’s country of removal to obtain proper travel documents.

2. I have prepared this declaration in connection with an Amended Petition for a Writ of Habeas Corpus filed by the petitioner, Ruben Abelardo Ortiz-Lopez (“Ortiz-Lopez”) on October 2, 2025. Ortiz-Lopez 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

Ortiz-Lopez's temporary file,¹ consultation with my colleagues, and ICE electronic records and databases.

3. Ortiz-Lopez is a native and citizen of Ecuador.

4. On or about March 20, 2024, a Border Patrol Officer with U.S. Customs and Border Protection ("CBP") encountered Ortiz-Lopez and determined that he entered the United States at or near Rio Grande City, Texas. Ortiz-Lopez admitted that at the time of his entry, he was not inspected by an Immigration Officer. Ortiz-Lopez was arrested and transported to a nearby Border Patrol facility for processing.

5. On March 22, 2024, Ortiz-Lopez was served a Notice to Appear ("NTA"), charging him as removable pursuant to Immigration and Nationality Act ("INA") § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as 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.

6. Ortiz-Lopez was subsequently released on his own recognizance as a conditional parole pursuant to INA § 1226(a)(2)(B) due to lack of bed space. CBP prepared and served Ortiz-Lopez with a Notice of Custody Determination Form I-286. On March 24, 2024, prior to release Ortiz-Lopez was enrolled in the Alternatives to Detention ("ATD") program, fitted with a GPS ankle monitor and referred to New York Enforcement and Removal Operations for monitoring and implementation of any other necessary conditions.

7. On April 10, 2024, ICE filed the NTA, dated March 22, 2024, with the Executive Office for Immigration Review, thereby commencing removal proceedings. The NTA directed

¹ As of the date of this declaration, ICE does not have the complete administrative file available, and thus ICE compiled a temporary administrative file based on the information contained within ICE's databases.

Ortiz-Lopez to appear for a hearing before an Immigration Judge on December 12, 2024, at 26 Federal Plaza, 12th Floor, Room 1237, New York, New York 10278.

8. On April 24, 2024, Ortiz-Lopez filed an application for relief for himself and his family, a wife and two minor children, with the immigration court.

9. On June 6, 2024, Ortiz-Lopez was processed by ATD in NYC and given the conditions of office visits every four weeks in addition to continued use of the GPS monitor.

10. On June 18, 2024, Ortiz-Lopez was arrested by the New York Police Department for Third Degree Assault (with intent to cause physical injury), in violation of New York Penal Law § 120.00(1), Criminal Obstruction of Breathing or Blood Circulation, in violation of and New York Penal Law § 121.11. Ortiz-Lopez was never charged.

11. On June 21, 2024, Ortiz-Lopez missed an in-office check-in under the ATD program. Ortiz-Lopez missed virtual check-ins, tracker calls, and biometric check-ins 20 times between May 29, 2024, and September 25, 2025, in violation of the ATD program rules.

12. On December 12, 2024, Ortiz-Lopez appeared *pro se* at his first master calendar hearing where he was informed of his rights by the Immigration Judge, and his case was adjourned to September 25, 2025, to permit him an opportunity to secure counsel. That same day Ortiz-Lopez was taken off of a GPS ankle monitor and placed on the smartLINK monitoring system, but the requirements of office check-ins once every four weeks remained, in addition to periodic random check-ins via the smartLINK application.

13. On September 25, 2025, Ortiz-Lopez appeared *pro se* for his second master calendar hearing. At this hearing, Ortiz-Lopez requested more time to secure counsel. The Immigration Judge granted his request and adjourned the case to May 14, 2026.

14. On September 25, 2025, following the master calendar hearing, ICE revoked Ortiz-Lopez's order of release on recognizance and took him into custody at 26 Federal Plaza, New York, New York 10278, pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). During processing Ortiz-Lopez was served with an I-200 Warrant for Arrest dated September 25, 2025.

15. On September 26, 2025, long-term bedspace was secured for Petitioner at Moshannon Valley Processing Center ("Moshannon"), 555 Geo Drive, Clearfield County, Pennsylvania 16866. On that same date, ICE transferred Petitioner to Moshannon.

16. As of the date of this declaration, Ortiz-Lopez remains detained at Moshannon pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), pending removal proceedings.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
this 7th day of October 2025.


JOSEPH HARRINGTON
Supervisory Deportation and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security