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Nester Paul Hernandez-Morales

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

	) Case No. 25cv2629-BAS
	)
	) FIRST AMENDED
NESTER PAUL HERNANDEZ-	) PETITION FOR WRIT OF
MORALES,	) HABEAS CORPUS AND
Petitioner,	) COMPLAINT FOR
	) DECLARATORY AND
v.	) INJUNCTIVE RELIEF
PAM BONDI, Attorney General of the	)
United States, in her official capacity;	)
KRISTI NOEM, Secretary of the U.S.	)
Department of Homeland Security, in her	)
official capacity; TODD LYONS, Acting	)
Director of U.S. Immigration and Customs	)
Enforcement, in his official capacity;	)
PATRICK DIVVER, ICE Field Office	)
Director for San Diego County, in his	)
official capacity, WARDEN OF OTAY	)
MESA DETENTION CENTER.	)
	)
Respondents.	)

## INTRODUCTION

1. Petitioner Néstor Paul Hernandez-Morales has resided in the United States for more than twenty years, with deep family, business, and community ties. He is the beneficiary of an approved I-130 petition filed by his U.S.-citizen spouse. On June 25, 2025, after voluntarily appearing for a scheduled USCIS adjustment-of-status interview, ICE arrested him and transferred him to the Otay Mesa ICE Processing Center.

2. On August 18, 2025, the Immigration Judge ("IJ") held a custody redetermination hearing under INA § 236(a). DHS argued that Petitioner was detained under § 235(b)(2) and therefore ineligible for bond.

3. By contrast, the INA and its implementing regulations provide that individuals like Petitioner — long-term residents apprehended in the interior and placed in § 240 proceedings — are detained, if at all, under § 236(a), which expressly authorizes Immigration Judges to conduct custody redeterminations. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). The Ninth Circuit has confirmed that an ‘application for admission’ is a discrete event that occurs when a noncitizen presents themselves for entry, not a permanent status that attaches to everyone who entered without inspection. *Torres v. Barr*, 976 F.3d 918, 932 (9th Cir. 2020) (en banc).

4. The IJ rejected DHS’s argument, finding that Petitioner is not an “arriving alien,” that § 236(a) governs custody, and that Petitioner posed no danger and only a mitigated flight risk. The IJ set a \$1,500 bond with Alternative to Detention (ATD) as appropriate.

5. DHS filed a Notice of Intent to Appeal (Form EOIR-43), which under

1 8 C.F.R. § 1003.19(i)(2) automatically stayed the IJ's bond order and barred  
2 Petitioner's release while the appeal is pending. In practice, such appeals extend  
3 detention for months or years, making habeas the only timely remedy.  
4

5 6. Petitioner's ability to obtain relief from the pending BIA appeal is  
6 futile. In July 2025, ICE issued a memorandum instructing its attorneys to  
7 coordinate with EOIR to reject bond redetermination hearings for all individuals  
8 who entered without inspection, regardless of length of residence or location of  
9 arrest.  
10

11 7. That outcome effectively deprives Petitioner of liberty for years and  
12 directly conflicts with Ninth Circuit precedent, the statutory framework, and due  
13 process of law, leaving habeas as the only timely and effective remedy.

14 8. Despite recent federal court rulings rejecting Respondents' position,  
15 DHS and EOIR continue to maintain that all noncitizens who entered the United  
16 States without inspection are categorically ineligible for bond redetermination  
17 hearings, treating them as perpetual "applicants for admission" under 8 U.S.C. §  
18 1225(b)(2)(A), regardless of how long they have lived in this country or where  
19 they were apprehended. This interpretation directly contravenes the statute, binding  
20 Ninth Circuit precedent, and the Fifth Amendment's Due Process Clause. See  
21 *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. Apr. 24,  
22 2025), Dkt. 29, 38; *Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.  
23 July 2025), Dkt. 14; *Torres v. Barr*, 976 F.3d 918 (9th Cir. 2020).  
24  
25

26 9. In September 2025, the BIA formally adopted the new position in a  
27 precedential decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025),  
28



1 holding that such individuals fall under § 235(b)(2) and are categorically ineligible  
2 for bond. Given that ruling, DHS is effectively guaranteed to prevail before the  
3 BIA, forcing Petitioner to seek relief in the Ninth Circuit Court of Appeals  
4 regardless of the facts of his case.  
5

6 10. Following *Matter of Yajure Hurtado*, DHS and most immigration  
7 judges have treated noncitizens who entered without inspection as categorically  
8 ineligible for bond under § 235(b)(2). In the rare instance where an IJ grants bond  
9 under § 236(a), DHS automatically appeals, triggering an indefinite stay of release  
10 while the new policy is litigated before the BIA and federal appellate courts. In  
11 practice, this regime ensures that all such individuals remain detained—regardless  
12 of their length of residence, family ties, or humanitarian equities. The resulting  
13 blanket denial of effective bond relief demonstrates that administrative remedies  
14 are foreclosed, leaving judicial intervention as the only avenue to secure timely  
15 release consistent with § 236(a), Ninth Circuit precedent, and due process.  
16

17 Petitioner seeks habeas corpus, declaratory, and injunctive relief prohibiting  
18 Respondents from categorically applying § 235(b)(2) to him as a long-term  
19 resident in § 240 proceedings, and to prevent irreparable harm to himself and his  
20 family.  
21

## 22 JURISDICTION AND VENUE

23 5. This Court has jurisdiction under 28 U.S.C. §§ 2241 and 1331. The  
24 Suspension Clause protects habeas review of civil immigration detention. See U.S.  
25 Const. art. I, § 9, cl. 2.  
26

27 6. Venue properly lies in the Southern District of California under 28  
28 U.S.C. § 1391(e)(1)–(2). Petitioner was arrested in this District, the Immigration

1 Judge conducted bond proceedings here, and the ICE Field Office Director  
2 responsible for Petitioner's custody resides in this District.

3 7. The Court may grant declaratory and injunctive relief under 28 U.S.C.  
4 §§ 2201–2202 and the APA, 5 U.S.C. § 702, to the extent necessary.  
5

#### 6 PARTIES

7 8. Petitioner Néstor Paul Hernandez-Morales is a native and citizen of El  
8 Salvador who has resided continuously in the United States for more than twenty  
9 years. He was arrested in this District on May 14, 2025, following his voluntary  
10 appearance for a USCIS adjustment interview, and remains detained in ICE  
11 custody  
12

13 9. Respondent Pam Bondi is the Attorney General of the United States  
14 and is sued in her official capacity as the head of the Department of Justice. The  
15 Attorney General is responsible for the fair administration of the laws of the United  
16 States.  
17

18 10. Kristi Noem, Secretary of the U.S. Department of Homeland Security  
19 (DHS), is sued in his official capacity as the Cabinet official charged with  
20 administration and enforcement of the immigration laws, including custody and  
21 release authority. See 8 U.S.C. § 1103(a).

22 11. Respondent Executive Office for Immigration Review is a  
23 component agency of the Department of Justice responsible for conducting  
24 removal and bond hearings of noncitizens. EOIR is comprised of a lower  
25 adjudicatory body administered by immigration judges and an appellate body  
26 known as the Board of Immigration Appeal (BIA). Immigration judges issue bond  
27 redetermination hearing decisions, which are then subject to appeal to the BIA.  
28



1 EOIR is sued as an agency respondent because its policies and decisions are at  
2 issue in this action.

3 12. Respondent Todd Lyons is the Acting Director of U.S. Immigration  
4 and Customs Enforcement (ICE) and is sued in his official capacity. ICE is  
5 responsible for the detention of Petitioners.  
6

7 13. Respondent Patrick Divver is the Immigration and Customs  
8 Enforcement (ICE) Field Office Director for San Diego County, including Otay  
9 Mesa Detention Center, and is sued in his official capacity. As Field Office  
10 Director, he exercises legal custody and control over Petitioner's detention and is  
11 responsible for making custody, transfer, or release determinations.  
12

13 14. The Warden of Otay Mesa Detention Center is sued in his official  
14 capacity as the officer with immediate physical custody of Petitioner. The Warden  
15 is responsible for Petitioner's day-to-day detention but lacks authority to make  
16 custody or release determinations. He is named as a Respondent pursuant to the  
17 immediate custodian rule established in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).  
18

#### 19 LEGAL BACKGROUND

20 15. The Immigration and Nationality Act (INA) establishes four distinct  
21 detention regimes for noncitizens in removal proceedings. Section 236(a) (8 U.S.C.  
22 § 1226(a)) is the default, discretionary authority for individuals "*found in the*  
23 *United States*" and placed in § 240 proceedings; it expressly authorizes an  
24 immigration judge to conduct custody redeterminations at the outset of detention  
25 (see 8 C.F.R. §§ 1003.19(a), 1236.1(d)).  
26

27 16. Section 236(c) (8 U.S.C. § 1226(c)) mandates detention for  
28 noncitizens charged with or convicted of certain criminal and terrorism-related

1 offenses. Section 235(b)(1) & (b)(2) (8 U.S.C. § 1225) governs custody at the  
2 inspection stage, with expedited removal under subsection (b)(1) and other  
3 applicants for admission under subsection (b)(2). Finally, section 241 (8 U.S.C. §  
4 1231) provides for post-final-order detention (not at issue here).

5  
6 17. Section 236(a) governs the detention of long-term residents arrested in  
7 the interior and placed in § 240 removal proceedings. By its plain terms, it applies  
8 “*pending a decision on whether the [noncitizen] is to be removed from the United*  
9 *States,*” and the implementing regulations vest an immigration judge with bond-  
10 hearing jurisdiction (8 C.F.R. §§ 1003.19(a), 1236.1(d)).

11  
12 18. By contrast, section 235(b) applies exclusively at ports of entry. Its  
13 text and structure confirm that an “*application for admission*” is a single event  
14 occurring at entry, triggering inspection or fear-screening procedures. The  
15 Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), and this Court en  
16 banc in *Torres v. Barr*, 976 F.3d 918, 932 (9th Cir. 2020), held that “*applicant for*  
17 *admission*” is not a perpetual status but a discrete event at the border.

18  
19 19. Regulatory history under IIRIRA reinforces this textual split. In its  
20 1997 rulemaking, EOIR explained that persons who entered without inspection but  
21 are placed in § 240 proceedings remain detained under § 236(a), not § 235. See  
22 Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens;  
23 Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312,  
24 10,323 (Mar. 6, 1997).

25  
26 20. Despite that clear framework, ICE’s July 8, 2025 internal guidance  
27 directed field offices to reject § 236(a) bond hearings for all individuals who  
28 entered without inspection, irrespective of their length of residence or place of



1 arrest.

2 21. In September 2025, the BIA adopted this position in *Matter of Yajure*  
3 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that those individuals are  
4 categorically ineligible for bond under § 235(b)(2).  
5

6 22. Several district courts in this Circuit have enjoined that categorical  
7 policy and ordered bond hearings under § 236(a) for long-term residents arrested in  
8 the interior. See *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D.  
9 Wash. Apr. 24, 2025); *Bautista v. Sec’y of DHS*, No. 5:25-cv-01873 (C.D. Cal.  
10 July 2025).  
11

12 23. Petitioner is a long-term California resident arrested in the interior and  
13 placed in § 240 proceedings. Under the INA’s text, its implementing regulations,  
14 and controlling Ninth Circuit authority, § 236(a) governs his detention and bond-  
15 hearing rights. The government’s contrary, categorical reliance on § 235(b)(2)  
16 directly conflicts with this statutory and regulatory scheme and forecloses any  
17 administrative remedy—necessitating this Court’s intervention.  
18

#### 19 FACTUAL AND PROCEDURAL BACKGROUND

20 24, Petitioner Néstor Paul Hernandez-Morales is a native and citizen of El  
21 Salvador who has resided in the United States for over two decades. He lives in  
22 California with his U.S.-citizen family, provides daily care for his grandson with  
23 Level-3 autism, and assists his spouse following major spinal surgery. He holds a  
24 valid California contractor’s license and owns a construction company that  
25 employs U.S. citizens—who have been left without work since his detention.  
26

27 25. On May 14, 2025, after voluntarily appearing for a scheduled USCIS  
28 adjustment-of-status interview based on an approved I-130 petition filed by his



1 U.S.-citizen spouse, DHS arrested and detained Mr. Hernandez-Morales. At the  
2 time of arrest, DHS charged him with inadmissibility under INA § 212(a)(9)(A)(i).  
3 He was transferred to the Otay Mesa ICE Processing Center, where he remains  
4 detained within the jurisdiction of the Otay Mesa Immigration Court.  
5

6 26. Through counsel, Petitioner filed a motion to reopen on or about June  
7 20, 2025, and a supplemental motion on July 7, 2025, including claims based on  
8 changed country conditions and requests for asylum, withholding of removal, and  
9 protection under the Convention Against Torture. Both motions remain pending  
10 before the Board of Immigration Appeals.  
11

12 27. Petitioner is the beneficiary of an approved I-130 petition filed by his  
13 U.S.-citizen spouse. Once placed in removal proceedings, jurisdiction over any  
14 adjustment application based on that petition transferred exclusively to the  
15 Immigration Judge. See 8 C.F.R. § 1245.2(a)(1)(i) (“in the case of any alien who  
16 has been placed in deportation proceedings or in removal proceedings ... the  
17 immigration judge hearing the proceeding has exclusive jurisdiction to adjudicate  
18 any application for adjustment of status the alien may file”); see also 8 C.F.R. §  
19 1240.11(a)(1) (requiring the IJ to advise respondents of apparent eligibility for  
20 relief and afford them an opportunity to apply).  
21

22 28. On August 18, 2025, the Immigration Court held a custody  
23 redetermination hearing. The Immigration Judge rejected Respondents’  
24 classification, finding that INA § 236(a) governs because Petitioner is not an  
25 arriving alien, had resided in the United States for decades, and was arrested in the  
26 interior. On the merits, the IJ found that Petitioner posed no danger and only a  
27 mitigated flight risk, and set bond at \$1,500 with ATD conditions.  
28

1           29. DHS appealed, invoking the automatic stay under 8 C.F.R. §  
2 1003.19(i)(2). In its appeal, DHS advanced the categorical theory that all  
3 individuals who entered without inspection are subject to mandatory detention  
4 under INA § 235(b)(2) and therefore ineligible for bond. The Immigration Judge—  
5 consistent with every federal court to consider the issue—rejected that theory,  
6 explaining that Petitioner’s interior arrest decades after entry placed him squarely  
7 within § 236(a), not § 235(b)(2).  
8

9           30. Nevertheless, in September 2025, the Board of Immigration Appeals  
10 issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), adopting DHS’s  
11 categorical position. That precedential ruling forecloses any possibility of relief on  
12 Petitioner’s pending appeal. Even if the Ninth Circuit ultimately overturns *Yajure*  
13 *Hurtado*, the appellate process will take years—during which Petitioner will  
14 remain in detention without bond.  
15

16           31. This renders administrative remedies illusory and leaves habeas  
17 corpus, injunctive, and declaratory relief from this Court as the only meaningful  
18 mechanism to prevent further irreparable injury resulting from unlawful  
19 government conduct.  
20

21                           CAUSES OF ACTION

22                                   COUNT I

23                                           Violation of 8 U.S.C. § 1226(a):

24                                                   Unlawful Continued Detention Despite Bond Grant

25           32. Petitioner repeats, re-alleges, and incorporates by reference each and  
26 every allegation in the preceding paragraphs as if fully set forth herein.

27           33. Under 8 U.S.C. § 1226(a), noncitizens apprehended in the interior and  
28 placed in INA § 240 removal proceedings are detained, if at all, subject to



1 discretionary bond redetermination by an immigration judge.

2 34. On August 18, 2025, the IJ found that Petitioner is not an “arriving  
3 alien,” determined that he posed no danger and only a mitigated flight risk, and  
4 ordered release on a \$1,500 bond with ATD.  
5

6 35. Although 8 C.F.R. § 1003.19(i)(2) provides for an automatic stay of  
7 release pending appeal, Congress did not intend that mechanism to function as a  
8 categorical override of immigration judges’ bond authority or to perpetuate  
9 detention for years where an IJ has already determined release is appropriate.

10 36. The congressional intent is reflected in § 236(a), which expressly  
11 authorizes custody redeterminations and release on bond “pending a decision on  
12 whether the alien is to be removed from the United States,” and is confirmed by §  
13 240A(b)(1), which authorizes cancellation of removal for long-term residents to  
14 prevent exceptional hardship to U.S. citizen spouses and children — not to inflict  
15 that hardship through prolonged and unnecessary detention while removal  
16 proceedings drag on.  
17

18 37. Respondents’ continued reliance on § 235(b)(2) to nullify the IJ’s  
19 order, combined with their invocation of the automatic stay to prolong detention  
20 for years, constitutes a tactical abuse of the limited procedural mechanism  
21 Congress created. This practice exceeds the statutory authority conferred by §  
22 236(a), unlawfully denies Petitioner the release Congress authorized, and frustrates  
23 the very family-unity protections Congress embedded in both bond and  
24 cancellation-of-removal provisions.  
25

26 38. Accordingly, Respondents’ actions violate the Immigration and  
27 Nationality Act, and Petitioner is entitled to habeas, declaratory, and injunctive  
28 relief.

39. Petitioner's pending claims for asylum, withholding of removal, and CAT protection further underscore the need for meaningful access to release while those claims are adjudicated. Continued detention inflicts precisely the type of harm Congress sought to alleviate through discretionary bond authority and humanitarian safeguards embedded in the INA.

COUNT II  
Violation of the Administrative Procedure Act (5 U.S.C. § 706)  
Unlawful Denial of Bond Jurisdiction

40. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

41. The INA and its implementing regulations authorize Immigration Judges to redetermine custody for noncitizens apprehended in the interior and placed in § 240 proceedings. See 8 U.S.C. § 1226(a); 8 C.F.R. §§ 1003.19(a), 1236.1(d). For decades, EOIR and DHS consistently applied § 236(a) to such individuals, affording bond hearings before an IJ, consistent with the statute's text and EOIR's 1997 rulemaking.

42. In July 2025, however, ICE abruptly abandoned this settled practice. Through an internal memorandum, ICE instructed its trial attorneys to resist § 236(a) bond hearings across the board for all who had entered without inspection, regardless of how long they had resided in the United States or where they were arrested. That directive, though aimed at DHS attorneys, has had the practical effect of shifting the adjudicatory framework in practice, including in Petitioner's case, where EOIR adopted the same categorical position.

43. Two months later, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216



1 (BIA 2025), the Board of Immigration Appeals formally ratified that position,  
2 holding that all noncitizens who entered without inspection are detained under §  
3 235(b)(2) and categorically ineligible for bond. That decision stripped Immigration  
4 Judges of jurisdiction to conduct bond hearings, even where an IJ had already  
5 found release appropriate.  
6

7 44. This abrupt reversal of decades of practice was adopted without notice  
8 and comment, lacks reasoned explanation, and is contrary to the governing statute  
9 and regulations. The BIA's post hoc rationale in *Yajure Hurtado* cannot cure those  
10 defects.  
11

12 45. Under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024),  
13 this Court owes no Chevron deference to the agency's construction of § 235(b)(2),  
14 but must apply its own judgment to the statutory text. Properly construed, §  
15 235(b)(2) does not apply to long-term residents arrested in the interior and placed  
16 in § 240 proceedings.  
17

18 46. Accordingly, Respondents' categorical reclassification is unlawful,  
19 arbitrary, capricious, and not in accordance with law within the meaning of 5  
20 U.S.C. § 706(2).  
21

### 22 COUNT III

#### 23 Violation of Procedural Due Process (Fifth Amendment)

24 47. Petitioner repeats, re-alleges, and incorporates by reference each and  
25 every allegation in the preceding paragraphs as if fully set forth herein.

26 48. The Fifth Amendment provides that no person shall be deprived of  
27 life, liberty, or property without due process of law. U.S. Const. Amend. V.  
28 "Freedom from imprisonment—from government custody, detention, or other  
forms of physical restraint—lies at the heart of the liberty that the Clause protects."

1 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Noncitizens in removal proceedings  
2 possess a fundamental interest in liberty and in being free from unnecessary  
3 official restraint.  
4

5 49. Here, Petitioner was afforded an individualized custody  
6 redetermination under § 236(a). The Immigration Judge found that he is not an  
7 “arriving alien,” determined that he posed no danger and only a mitigated flight  
8 risk, and ordered his release on bond with conditions. Due process required that  
9 this individualized determination be honored, absent a lawful statutory basis for  
10 continued detention.  
11

12 50. Respondents’ invocation of § 235(b)(2) and reliance on the automatic  
13 stay provision of 8 C.F.R. § 1003.19(i)(2) to nullify the IJ’s bond order, combined  
14 with their categorical refusal to recognize § 236(a) jurisdiction for noncitizens who  
15 entered without inspection, deprives Petitioner of a meaningful opportunity for  
16 release.  
17

18 51. This tactic amounts to an abuse of process: a procedural device  
19 intended only for temporary review has been converted into an instrument for  
20 indefinite detention, ensuring that even individuals found releasable by an IJ  
21 remain imprisoned for months or years despite a judicial finding that release is  
22 appropriate.  
23

24 52. Further, Congress expressly recognized that long-term residents  
25 develop deep family and community ties and that removal proceedings must  
26 account for the “exceptional and extremely unusual hardship” that detention and  
27 removal inflict on U.S. citizen spouses and children. 8 U.S.C. § 1229b(b)(1).  
28

53. Respondents’ categorical detention policy and their refusal to honor IJ



1 bond determinations defeat that congressional intent, prolonging separation and  
2 inflicting the very harms Congress sought to prevent.

3 54. Such continued detention without effectual access to bond violates  
4 procedural due process. At a minimum, due process requires that individuals in  
5 civil immigration custody receive a bond hearing before a neutral adjudicator, with  
6 consideration of ability to pay, alternatives to detention, and with the government  
7 bearing the burden of proof by clear and convincing evidence.

8 55. By overriding the IJ's bond order and foreclosing further  
9 individualized review, Respondents' policy and practice violate the Fifth  
10 Amendment.

11  
12  
13 PRAYER FOR RELIEF

14 Petitioner respectfully requests that this Court:

15 A. Declare that INA § 236(a), not § 235(b)(2), governs Petitioner's custody  
16 as a long-term resident arrested in the interior and placed in § 240 proceedings, and  
17 that Respondents' contrary application of § 235(b)(2) is unlawful as applied;

18 B. Enjoin Respondents from enforcing any categorical policy or practice that  
19 denies Immigration Judges jurisdiction to conduct bond hearings under § 236(a)  
20 for noncitizens who entered without inspection but are placed in § 240  
21 proceedings;

22 C. Set aside Respondents' unlawful detention policy, including the July  
23 2025 ICE memorandum, and enjoin enforcement of the new policy articulated in  
24 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as applied to Petitioner.

25 D. Issue a writ of habeas corpus directing Respondents to release Petitioner  
26 forthwith under the terms provided for in the IJ hearing order 14, 2025 or, in the  
27  
28

1 alternative, should additional proceedings be necessary, to provide an immediate §  
2 236(a) bond hearing before a neutral adjudicator consistent with *due process*;

3 E. Award reasonable attorneys' fees and costs under the Equal Access to  
4 Justice Act, 28 U.S.C. § 2412, or any other applicable authority;

5 F. Grant such other and further relief as this Court deems just and proper.

6 Dated: October 9, 2025

7  
8 Respectfully submitted,

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11 s/Donovan J Dunnion.  
12 Attorney for Petitioner  
13 Nester Paul Hernandez-Morales  
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**EXHIBIT LIST**

- Exhibit A – I.J. Bond Memorandum & Order
- Exhibit B – BIA Receipt of Appeal by DHS
- Exhibit C – Declaration of Nestor Paul Hernandez-Morales
- Exhibit D – Declaration of Petitioner’s Spouse
- Exhibit E – Letter from Petitioner’s Daughter
- Exhibit F – Medical Records
- Exhibit G - I-30 Approval Notice
- Exhibit H - Contractors License
- Exhibit I - Employment Authorization Card)
- Exhibit J- Receipt -Motion to Reopen
- Exhibit K- Receipt - Supplemental Motion to Reopen
- Exhibit L– July 8, 2025 Internal Custody Policy Memo
- Exhibit M- Matter of Yajure Hurtado, 29 I&N Dec. 216 (2015)