

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDIO MARCELO ROCANO BUESTAN,

Petitioner,

v.

BRIAN MCSHANE, *et al.*,

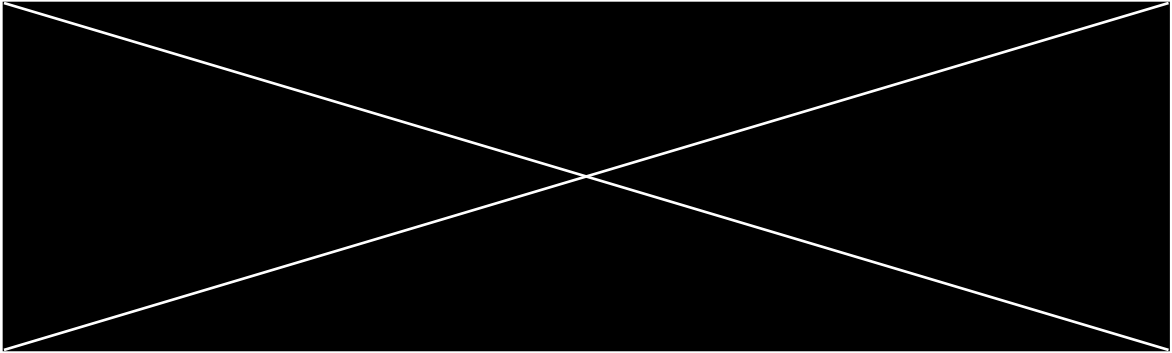
Respondents.

No. 25-cv-8544 (JGLC)

DECLARATION OF DEPORTATION
OFFICER MICHAEL V. CHARLES

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

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served in my current capacity as a Deportation Officer since September 2015. Prior to that, I served ICE as an Immigration Enforcement Agent. As a Deportation Officer, I manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, I facilitate 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 the Petition for a Writ of Habeas Corpus filed by the petitioner Claudio Marcelo Rocano Buestan (“Rocano Buestan”). Rocano Buestan has been assigned the following Alien Number: . I am the Deportation Officer who has been assigned to Rocano Buestan. The following representations are based on my review of Rocano Buestan’s administrative file, consultation with my colleagues, and ICE electronic records and databases.
3. Rocano Buestan is a native and citizen of Ecuador.
4. On August 2, 2019, Rocano Buestan was arrested by the Mount Pleasant Town Police



5. On October 12, 2025, ICE Officers encountered Rocano Buestan in the vicinity of 126 Hudson Avenue, Newburgh, New York while attempting to locate another alien. Upon determining that Rocano Buestan was an alien present in the United States without being admitted or paroled, Rocano Buestan was arrested and transported to ICE's Newburgh, New York Facility for further processing.
6. While at the Newburgh, New York Facility, an ICE Agent advised Rocano Buestan of his administrative rights in removal proceedings. Rocano Buestan acknowledged understanding his rights. Rocano Buestan admitted that he is a citizen and national of Ecuador without the necessary legal documents to enter, pass through, or to remain in the United States and illegally entered the United States at some point in 2010 through the United States/Mexico border. This was Rocano Buestan's first interaction with the Department of Homeland Security since he unlawfully entered the United States.
7. On October 12, 2025, ICE Officers issued and personally served Rocano Buestan with a Notice to Appear ("NTA"), which charged him with removability pursuant to 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 and INA § 212(a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I), due to inadequate documentation at the time of application for admission. The NTA advised Rocano Buestan that he was to appear before an immigration

judge at 201 Varick Street, 5th Floor Room 507, New York, New York, for a hearing scheduled for October 21, 2025. ICE officers also served Rocano Buestan with DHS Form 1815, Notice of Fee Assessment.

8. On October 12, 2025, ICE transported Rocano Buestan to Orange County Jail in Goshen, New York, where he remains today. Rocano Buestan has access to medical care at Orange County Jail should he need it.
9. On October 14, 2025, by notice of hearing, the Immigration Court adjourned the scheduled October 21, 2025, hearing until October 23, 2025.
10. On October 23, 2025, Rocano Buestan appeared via Webex from Orange County Jail, with counsel and a Spanish interpreter, before an immigration judge for an initial master calendar hearing at Varick Street Immigration Court. Rocano Buestan, through counsel, requested to make a bond hearing argument. The immigration judge granted the request and adjourned the matter to November 7, 2025, for Rocano Buestan, through counsel, to file a formal bond hearing motion.
11. On November 7, 2025, Rocano Buestan, through counsel, appeared for a hearing before the immigration judge. With respect to Rocano Buestan's request for bond, the immigration judge denied the request on the basis that the immigration judge lacked jurisdiction to hear Rocano Buestan's request for bond because he is an applicant for admission subject to detention under 8 U.S.C. § 1225(b)(2)(A). On the removal case, Rocano Buestan, through counsel, denied all charges contained in the NTA and sought to suppress the I-213, record of deportable alien, which recorded Rocano Buestan's unlawful entry into the United States. The immigration judge gave Rocano Buestan until November 20, 2025, to file his brief in support of suppression. DHS's brief in opposition is due on November 28, 2025. The immigration judge adjourned the matter until December 4, 2025.

12. On November 7, 2025, Rocano Buestan, through counsel appeared for a bond hearing. The immigration judge denied the bond request as the immigration judge did not have jurisdiction to hear a bond matter in this case.

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

Executed at New York, New York
This 17th day of November 2025

**MICHAEL V
CHARLES**

Digitally signed by MICHAEL
V CHARLES
Date: 2025.11.17 12:30:01
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Michael V. Charles
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security