

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

Lopez Zamora

Petitioner,

v.

ALMODOVAR, *et al.*,


Respondents.

Case No. 25-CV-8643 (RA)

DECLARATION OF DEPORTATION
OFFICER MICHAEL CHARLES

Pursuant to 28 U.S.C. § 1746, I, Michael 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 this capacity 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, and certain aliens who are in detention. Once an alien is ordered removed from the United States, I facilitate the alien’s removal by coordinating with the government of that alien’s country of removal to obtain proper travel documents.

2. I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Jordy Lopez Zamora (“Lopez Zamora”). Lopez Zamora has been assigned the following Alien Number:  The following representations are based on my review of Lopez Zamora’s administrative file, consultation with my colleagues, ICE electronic records and databases, and personal knowledge of the case.

3. Lopez Zamora, a native and citizen of Ecuador, entered the United States illegally and without inspection in 2016.

4. On August 31, 2024, Lopez Zamora was arrested by the New York City Police

Department (“NYPD”) and charged in Queens Criminal Court with Strangulation in the Second Degree, in violation of N.Y.P.L. 121.12, two counts of Rape in the Third Degree, in violation of N.Y.P.L. 130.25-2, Assault in the Third Degree, in violation of N.Y.P.L. 120.00-1, three counts of Endangering the Welfare of a Child, in violation of N.Y.P.L. 260.10-1, and Harassment in the Second Degree, in violation of N.Y.P.L. 240.26-1. These charges were based on [REDACTED] On December 6, 2024, the Strangulation in the 2nd Degree and the Rape in the Third Degree charges were dismissed pursuant to C.P.L. 170.30(1)(e) (speedy trial grounds). The remaining charges were Adjourned in Contemplation of Dismissal pursuant to N.Y.P.L. 170.55.

5. On September 1, 2024, an Order of Protection was issued against Lopez Zamora, which prohibited him from having contact with the Complainant.

6. On November 16, 2024, Lopez Zamora was arrested by the NYPD and charged in Queens Criminal Court with Criminal Contempt in the Second Degree, in violation of N.Y.P.L. 215.50-3, Harassment in the Second Degree, in violation N.Y.P.L. 240.26-3, and Disorderly Conduct, in violation of N.Y.P.L. 240.20 for violating the order of protection that had been issued against him by [REDACTED]

[REDACTED] On December 6, 2024, Lopez Zamora pled guilty to Disorderly Conduct, in violation of N.Y.P.L. 240.20, and was sentenced to Time Served and fined. The Criminal Contempt and Harassment charges were covered by the guilty plea to Disorderly Conduct.

7. On November 18, 2024, Lopez Zamora was arrested by NYPD and charged in Queens Criminal Court with Criminal Possession of Stolen Property in the Fifth Degree, in violation of N.Y.P.L. 165.40, and Driving by Unlicensed Operator, in violation of Vehicle &

Traffic Law 509-1. On March 13, 2025, both charges were dismissed pursuant to C.P.L. 170.30(1)(e) (speedy trial grounds).

8. On February 13, 2025, Lopez Zamora was encountered by Homeland Security Investigations (“HSI”) Special Agents and arrested. During processing, he was issued and served with a Notice to Appear (“NTA”) charging him as removable pursuant to INA section 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. On the same date, the NTA was filed with EOIR electronically for the Varick Street Immigration Court.

9. On February 14, 2025, Lopez Zamora was transferred from the temporary hold room at 26 Federal Plaza to the Orange County Jail in Goshen, New York, where he has remained since that date.

10. On February 18, 2025, ICE filed evidence with the immigration court including Lopez Zamora’s RAP Sheet and a copy of Lopez Zamora’s Department of State visa application he filed from Ecuador in April 2016 to establish alienage.

11. On February 20, 2025, Lopez Zamora appeared, via video teleconference from the Orange County Jail, without counsel for his first master calendar hearing before an Immigration Judge at the Varick Immigration Court in New York, New York. During that hearing, he was given advisals regarding the nature of immigration proceedings and his right to obtain counsel. Lopez Zamora requested help from the Immigration Judge in obtaining physical therapy due to recent back and leg surgeries. In addition, Lopez Zamora was connected with the New York Immigration Family Unity Project. A second master calendar hearing was scheduled for March 6, 2025. After the hearing, ICE relayed Lopez Zamora’s medical concerns to the medical unit at the Orange County Jail.

12. On February 24, 2025, Michael Leonetti, Esq. of the Brooklyn Defender Services filed Form EOIR- 28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court. In doing so, counsel noted that he would be representing Lopez Zamora in “All proceedings.”

13. On March 5, 2025, Lopez Zamora, through counsel, filed a Motion to Terminate Proceedings arguing that ICE had not established alienage and therefore could not sustain the charge of removability in the NTA.

14. On March 6, 2025, Lopez Zamora was not produced for the master calendar hearing due to a facility quarantine at the Orange County Jail. The hearing did not proceed because counsel for Lopez Zamora did not obtain his client’s consent to proceed without his presence. On that date, the Immigration Judge acknowledged receipt of the Motion to Terminate and counsel for Lopez Zamora consented to the Court asking ICE’s position on the Motion in the absence of his client. ICE opposed termination, pointing to the visa application as proof of alienage. The Immigration Judge scheduled a third master calendar hearing for March 11, 2025, and stated she would be soon issuing a decision on the Motion to Terminate. That same day, after the hearing, the Immigration Judge issued an Order denying Lopez Zamora’s Motion to Terminate.

15. On March 11, 2025, was again not produced for the master calendar hearing due to a facility quarantine at the Orange County Jail. At the hearing, his counsel indicated readiness to admit to the allegations and conceded the charge of removability in the NTA that day and did so on the record. A fourth master calendar hearing was scheduled for March 18, 2025, for Lopez Zamora to file any relief applications.

16. On March 17, 2025, Lopez Zamora filed with the Immigration Court an application for relief from removal.

17. On March 18, 2025, Lopez Zamora appeared, via video teleconference from the Orange County Jail, with counsel for his fourth master calendar hearing. At the hearing, the Immigration Judge scheduled an individual merits hearing for Lopez Zamora's relief application for May 6, 2025. Later that same day, the Immigration Judge issued a notice rescheduling the individual merits hearing for May 14, 2025.

18. On April 21, 2025, Lopez Zamora filed with the Immigration Court a Motion for a Bond Hearing pursuant to 8 C.F.R. § 1003.19.

19. On April 22, 2025, the Immigration Court issued a scheduling notice scheduling Lopez Zamora's bond hearing for April 29, 2025.

20. On April 28, 2025, Lopez Zamora filed evidence in support of his request for bond and ICE filed evidence in opposition to the request.

21. On April 29, 2025, the Immigration Judge conducted a bond hearing. Lopez Zamora was present for the hearing via video teleconference from the Orange County Jail. At the conclusion of the hearing, the Immigration Judge denied bond, concluding that Lopez Zamora had not met his burden of proof to show that he was not a danger to the community.

22. On May 2, 2025, Lopez Zamora filed a Notice of Appeal to the Board of Immigration Appeals ("BIA") of the Immigration Judge's April 29, 2025 decision denying bond.

23. On May 7 and 8, 2025, Lopez Zamora filed evidence in support of his application for relief from removal.

24. On May 12, 2025, the Immigration Judge issued a written decision memorializing the April 29, 2025 decision to deny bond.

25. On May 14, 2025, Lopez Zamora appeared, via video teleconference from the Orange County Jail, with counsel for his individual hearing. At the beginning of the hearing,

the Orange County Jail lost internet connection and the hearing was rescheduled for May 30, 2025.

26. On May 23, 2025, the BIA issued a Briefing Schedule on the bond appeal, directing both parties to file their briefs by June 13, 2025.

27. On May 30, 2025, Lopez Zamora appeared, via video teleconference from the Orange County Jail, with counsel for his individual hearing. He testified in support of his application for relief. At the conclusion of the hearing, the Immigration Judge denied Lopez Zamora's application and ordered him removed to Ecuador.

28. On June 12, 2025, Lopez Zamora timely filed his Notice of Appeal to the BIA of the Immigration Judge's May 30, 2025 decision denying his application for relief from removal.

29. On June 13, 2025, Lopez Zamora filed his brief appealing the Immigration Judge's bond decision.

30. On August 5, 2025, the BIA dismissed Lopez Zamora's bond appeal, affirming the Immigration Judge's determination that Lopez Zamora did not meet his burden of proof to establish that he would not present a danger to the community if released from custody.

31. On August 11, 2025, the BIA issued a briefing schedule for Lopez Zamora's appeal of the Immigration Judge's decision denying relief from removal, and ordered the parties to submit their briefs by September 2, 2025.

32. On August 15, 2025, Lopez Zamora filed with the BIA a Request for a Briefing Extension.

33. On August 15, 2025, the BIA granted Lopez Zamora's Request for a Briefing Extension and Ordered the parties to file their briefs on or before September 23, 2025.

34. On September 22, 2025, Lopez Zamora filed with the BIA his brief in support

of his appeal of the Immigration Judge's May 30, 2025, decision denying relief and ordering him removed to Ecuador. The appeal remains pending a decision with the BIA.

Executed at New York, New York
this 5th day of November 2025

MICHAEL V
CHARLES

Digitally signed by MICHAEL V
CHARLES
Date: 2025.11.05 20:34:58 -0500

Michael Charles
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security