

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

Rolando David PINEDA PEREZ,	)	'25CV2820 LL KSC
Petitioner,	)	
v.	)	PETITION FOR WRIT OF HABEAS CORPUS A# 201-521-959
Christopher J. LAROSE, in his official capacity as Warden of Otay Mesa Detention Center;	)	
Gregory J. ARCHAMBEAULT, in his official capacity as San Diego Field Office Director, ICE	)	
Enforcement Removal Operations; Todd LYONS, in his official capacity as Acting Director of ICE; and	)	
Kristi NOEM, in her official capacity as Secretary of Homeland Security, Pamela BONDI, U.S.	)	
Attorney General; IMMIGRATION AND CUSTOMS ENFORCEMENT; DEPARTMENT OF	)	
HOMELAND SECURITY,	)	
Respondents.	)	

## I. INTRODUCTION

1. Rolando David Pineda Perez (“Mr. Pineda”) is a 22-year old Honduran national who last entered the United States in 2008. He entered the United States as an unaccompanied minor when he was just 15-years old, on or about November 16, 2018. (*See* exh. A). Mr Pineda completed high school in San Bernardino County and has resided in California with his mother and three siblings for nearly 7 years.

2. On July 28, 2025, an Immigration Judge (“IJ”) ordered Mr. Pineda released on a \$1,500 bond, finding he does not pose a danger to the community and the bond amount would offset any potential flight risk. (Exh. B).

3. On July 29, 2025, Immigration and Customs Enforcement (“ICE”) filed a Notice of Intent to Appeal Custody Redetermination which automatically stayed the bond order under 8 C.F.R. § 1003.19(i)(2), preventing Mr. Pineda’s release. (Exh. D). Mr. Pineda remains confined at Otay Mesa Detention Center in San Diego, California.

4. The automatic-stay regulation exceeds any authority Congress conferred in the Immigration and Nationality Act (“INA”) and violates the Fifth Amendment’s Due Process Clause.

5. On August 8, 2025, ICE appealed the decision of the Immigration Judge, which remains pending with Board of Immigration Appeals (“BIA”). E E

6. Mr. Pineda therefore seeks a writ of habeas corpus directing his immediate release.

## II. VENUE AND JURISDICTION

7. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (Suspension Clause), as Mr. Pineda is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.

8. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

9. Venue is proper because Mr. Pineda is detained in the Otay Mesa

Detention Center, within the San Diego Division, and Respondent LaRose is his immediate custodian. *See 28 U.S.C. §§ 2241(d), 1391(e).*

### III. PARTIES

10. Petitioner Rolando Pineda Perez is a 22-year old, Honduran national who resides in San Bernadino, California. He is currently detained by Respondents at the Otay Mesa Detention Center in San Diego, California, pending removal proceedings.

11. Respondent Christopher J. LaRose is the Warden of Otay Mesa Detention Center. Respondent La Rose is responsible for the operation of the Detention Center where Mr. Pineda is detained. As such, Respondent LaRose has immediate physical custody of the Petitioner. He is being sued in his official capacity.

12. Respondent Gregory J. Archambeault is the San Diego Field Office Director (“FOD”) for ICE Enforcement and Removal Operations. Respondent Archambeault is responsible for the oversight of ICE operations at the Otay Mesa Detention Center. Respondent Archambeault is being sued in his official capacity.

13. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of Mr. Pineda and is being sued in his official capacity.

14. Respondent Kristi Noem is the Secretary of the Department of

Homeland Security (“DHS”). As Secretary of DHS, Secretary Noem is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Noem is being sued in her official capacity.

#### IV. EXHAUSTION OF REMEDIES

15. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.

16. Additionally, ICE’s refusal to honor the IJ’s bond order leaves no administrative avenue to secure release. Mr. Pineda has been detained since March 28, 2025, despite the IJ’s order to release him on July 28, 2025.

17. Moreover, additional agency steps would be futile. Since the IJ’s bond ordering Mr. Pineda’s release on July 28, 2025, the BIA published *Matter of Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025). In its decision, the BIA adopted DHS’ reading of 8 U.S.C. § 1225(b)(2), finding individuals similarly situated to Mr. Pineda are ineligible for release on bond.

18. Thus, reversal of the IJ’s bond order by the BIA is inevitable, and any further pursuit of administrative remedies would be futile. Therefore, Mr. Pineda has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

#### V. STATEMENT OF FACTS

19. Mr. Pineda is a Honduran national born on [REDACTED] He first entered the United States in 2018, when he was approximately 15-years old. (See

exh. A). Since his entry into the United States in 2018, he has lived continuously in San Bernardino, California.

20. Mr. Pineda was most recently employed at a factory in San Bernadino and before that worked at Burlington Coat Factory. He contributes to the household which consists of his mother, two younger brothers, and younger sister. Mr. Pineda also has two United States citizen children.

21. On or about, March 28, 2025, Mr. Pineda was apprehended by ICE agents on his way to work. Respondents arrested and detained Mr. Pineda. (See exh. A).

22. On July 21, 2025, Mr. Pineda requested a custody redetermination hearing before the IJ. After showing significant ties to the community and a lack of danger to the community, Mr. Pineda was ordered released on bond under the amount of \$1,500. (See exh. B, C).

23. On July 28, 2025, DHS filed Form EOIR-43, Notice of ICE Intent to Appeal Custody Redetermination, preventing Mr. Pineda's release from detention for the next 10 business while DHS drafted its appeal. (See exh. D).

24. On August 8, 2025, DHS filed its appeal of the IJ's bond order with the BIA. (Exh. E). Mr. Pineda's detention continues.

25. Mr. Pineda has filed for withholding of removal and protection under the Convention Against Torture. Additionally, Mr. Pineda is a derivative beneficiary of his mother's pending U-visa application.

26. Mr. Pineda's next master-calendar hearing is scheduled on November 4,

2025, at 1:00 p.m. before Immigration Judge Dixon at 7488 Calzada de la Fuente, San Diego, California.

27. Mr. Pineda remains detained solely because the automatic-stay regulation blocks execution of the IJ's bond order, even though bond can be posted and no stay has been granted by the BIA or any court. He now seeks habeas relief because continued detention under 8 C.F.R. § 1003.19(i)(2) exceeds statutory authority and violates the Fifth Amendment.

## VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

28. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

29. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of [] as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). "[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." *Id.* at 787.

## VII. CAUSES OF ACTION

### COUNT ONE THE REGULATION IS *ULTRA VIRES*

30. Petitioner incorporates paragraphs 1 through 29 as if fully set out herein.

31. The Immigration and Nationality Act, 8 U.S.C. § 1226(a), authorizes discretionary detention subject to an Immigration Judge's bond decision; it does not authorize Immigration and Customs Enforcement to nullify that judicial decision by administrative fiat.

32. Regulation 8 C.F.R. § 1003.19(i)(2) purports to impose an automatic stay that takes effect the moment ICE files—or merely intends to file—a notice of appeal, without any neutral review or individualized findings.

33. By turning discretionary custody into de facto mandatory detention for detainees not subject to 8 U.S.C. § 1226(c), § 1003.19(i)(2) exceeds the statutory power Congress delegated.

34. Detention premised solely on this ultra vires regulation is “not in accordance with law,” “in excess of statutory jurisdiction,” and “arbitrary [and] capricious” under 5 U.S.C. § 706(2), entitling Petitioner to immediate release.

### COUNT TWO (PROCEDURAL DUE PROCESS)

35. Petitioner incorporates paragraphs 1 through 30 as if fully set out herein.

36. The Fifth Amendment forbids deprivation of liberty without notice and

a meaningful opportunity to be heard before a neutral decision-maker. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001).

37. Subsection 1003.19(i)(2) strips Petitioner of that protection by allowing the prosecuting agency—after losing at the bond hearing—to veto the Immigration Judge’s order with a one-page notice that requires no showing of danger, flight risk, or likelihood of success on appeal.

38. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), test, Petitioner’s liberty interest is paramount; the risk of erroneous deprivation is extreme considering the Immigration Judge’s determination that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c) and does not pose a danger to the community. Likewise, the risk of erroneous deprivation of liberty is great due to the lack of a non-independent adjudicator. *Marcello v. Bonds*, 39 U.S. 302, 305-306 (1955). In filing Form EOIR-43, ICE is acting as both the prosecutor as well as the adjudicator.

39. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

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**COUNT THREE  
(SUBSTANTIVE DUE PROCESS)**

40. Petitioner incorporates paragraphs 1 through 30 as if fully set out herein.

41. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

42. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

43. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

44. Once the Immigration Judge found Petitioner was not dangerous and set a bond that Mr. Pineda’s family intended to post, the Government’s lawful objectives were satisfied; continued confinement therefore bears no reasonable, non-punitive relationship to any legitimate aim and is unconstitutionally arbitrary.

45. The regulation is also excessive because an alternative provision enables ICE to seek an emergency stay of the immigration judge’s release order on the

merits. The “emergency stay” provision at 8 C.F.R. § 1003.19(i)(1) permits ICE to file an emergency request for a stay of release with the BIA, just as in any other proceeding in which the losing party seeks appellate review of an adverse decision and a stay pending appeal.

46. The continued detention of Petitioner pursuant to the “automatic stay” regulation violates his due process rights. *See Mohammed H. v. Trump*, No. 25-1576 (JWB/DTS), 2025 U.S. Dist. LEXIS 117197, at \*15 (D. Minn. June 17, 2025); *Günaydin v. Trump*, No. 25-CV-01151 (JMB/DLM), 2025 U.S. Dist. LEXIS 99237 (D. Minn. May 21, 2025). But for intervention by this Court, Petitioner has no means of release pending ICE’s appeal.

47. In their appeal, Respondents contend that Mr. Pineda is detained pursuant to 8 U.S.C. § 1225(b)(2), which mandates the detention of an “applicant for admission” throughout the entirety of removal proceedings.

48. Respondents’ newly formulated definition of “applicant for admission,” which would include any noncitizen who has not been formally admitted regardless of years of residence in the United States, directly contradicts both the plain text of the statute and controlling Ninth Circuit precedent.

49. As the Ninth Circuit explained in interpreting the phrase “applicant for admission” under § 1225(b)(1), “*an immigrant submits an application for admission’ at a distinct point in time,*” and stretching that phrase to apply “*potentially for years or decades ... would push the statutory text beyond its breaking point.*” *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir.

2024) (citing *Torres v. Barr*, 976 F.3d 918, 922–26 (9th Cir. 2020) (en banc)).

50. Because Mr. Pineda has resided continuously in the United States since 2018, his period as an “applicant for admission” has long since closed.

### PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision;
- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 3 business days of the filing of this petition;
- 5) Award attorneys' fees to Petitioner; and
- 6) Grant any other and further relief which this Court deems just and proper.

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

Respectfully submitted this 21st day of October, 2025.

/s/Julia V. Torres

Law Office of Andrew K. Nietor  
750 B St., Ste. 2330  
San Diego, CA 92101  
CA Bar # 328301  
*Attorney for Petitioner*

# EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]  
Event No: SBD2503000175

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: 1266658787

File No. [REDACTED]

In the Matter of:

Respondent: ROLANDO DAVID PINEDA-PEREZ

currently residing at:

[REDACTED] (Number, street, city, state and ZIP code)

[REDACTED] (Area code and phone number)

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 HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near Hidalgo, Texas, on or about November 16, 2018;
4. At that time you arrived at a time or place other than as designated by the Attorney General.

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)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE SAN DIEGO CA 92154. OTAY MESA DETENTION CENTER  
(Complete Address of Immigration Court, including Room Number, if any)

on April 10, 2025 at 8:00 AM to show why you should not be removed from the United States based on the  
(Date) (Time) charge(s) set forth above.

J D08007 GRANDE - SDDO

(Signature and Title of Issuing Officer)

Date: March 28, 2025

San Bernardino, CA  
(City and State)

### 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](http://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.

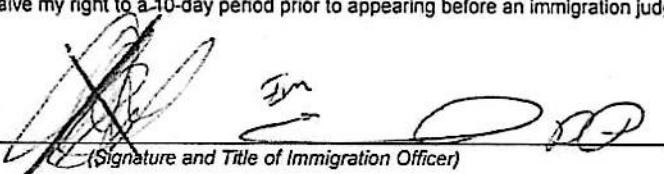
**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**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 and Title of Immigration Officer)

  
(Signature of Respondent)

Date:

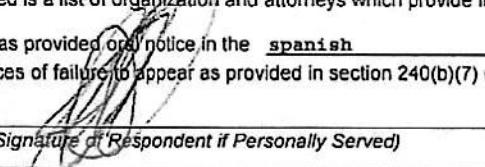
3/26/15

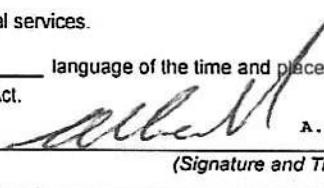
### Certificate of Service

This Notice To Appear was served on the respondent by me on \_\_\_\_\_, 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 spanish 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.

  
(Signature of Respondent if Personally Served)

  
(Signature and Title of officer)

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/opc/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.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name PINEDA-PEREZ, ROLANDO DAVID	File Number [REDACTED]	Date 03/28/2025
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CURRENTLY RESIDING AT:  
[REDACTED]

Signature B D08039 BURDICK	Title SDDO
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4 of 4 Pages

# EXHIBIT B



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

PINEDA-PEREZ, ROLANDO

To:

Julia V. Torres, Esq.  
750 B Street  
Suite 2330  
San Diego, CA 92101

A-Number:

Riders:

In Custody Redetermination Proceedings

Date:

07/28/2025

**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

Granted. It is ordered that Respondent be:  
 released from custody on his own recognizance.  
 released from custody under bond of \$ 1,500.00  
 other:

Other:

The following are conditions for release from DHS custody:

1. Respondent must self-quarantine/isolate for the first fourteen (14) days following release from DHS custody and arrival at sponsor's residence;
2. Respondent shall not be released from DHS custody until cleared from medical hold;
3. Residence: Respondent must live with sponsor and obtain DHS approval prior to changing residence;
4. Respondent must not commit any violation of criminal or immigration law, including working without authorization;
5. Alternatives to Detention (ATD) such as electronic monitoring may be imposed at DHS discretion;
6. DHS may file a Motion to Stay, Reopen, Reconsider, or Revoke the Bond Order without opposition from Respondent based on new derogatory information or violation of the bond conditions of release;

7. Failure to Appear Warnings: If you fail to appear for any hearings and there are no exceptional circumstances which caused your absence, a hearing may be held in your absence, all relief applications submitted by you may be deemed abandoned, and an order of removal may be entered against you;

8. Change of Address Warnings: You must inform the Court of any changes to your address within five (5) working days of moving from your last address. You must do so on a blue Form EOIR-33. The responsibility is your's and your's alone to keep the Court updated with your current address. If you do not receive a notice of hearing because you did not inform the Court of your most recent change of address and you miss your hearing, then you may be ordered removed in your absence for failure to appear as stated above;

9. Application(s) for Relief:

A) In the event that Respondent is released from custody and the Court has set a deadline to file an application for relief in his/her removal proceeding, that deadline remains in effect. Failure to comply with the deadline to file the application for relief may result in the Court deeming the request for relief abandoned, in which case the Respondent will be ordered removed from the United States to the Respondent's country of origin;

B) In the event that Respondent is released from custody and the Court has not set a deadline to file an application for relief in his/her removal proceeding; and if a change of venue is sought from the Court (see #10, below), then Respondent shall include an application for relief along with Respondent's motion for change of venue; and

10. Change of Venue: If you move to a location within another Immigration Court's jurisdiction and you want your case moved to that jurisdiction, you must file a Motion to Change Venue within thirty (30) days of residency and include proof of compliance with #3, above. You must also comply with the application for relief requirements, above. Failure to comply with this change of venue provision may result in denial of such a motion at a later date on the basis of untimeliness and/or for violation of the conditions of release.



Immigration Judge: ROBINSON, EUGENE 07/28/2025

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 08/27/2025

#### Certificate of Service

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Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable  
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS  
Respondent Name : PINEDA-PEREZ, ROLANDO | A-Number : 

Riders:

Date: 07/28/2025 By: GARCIA III, ROBERTO, Court Staff

# EXHIBIT C

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT  
7488 Calzada de la Fuente  
San Diego, California 92154

File No.:  Date: August 26, 2025  
In the Matter of )  
 )  
 )  
 ) IN BOND PROCEEDINGS  
Rolando )  
PINEDA-PEREZ, )  
 )  
Respondent. )

**ON BEHALF OF RESPONDENT:**

Julia Veronica Torres, Esquire  
750 B Street, Suite 2330  
San Diego, California 92101

**ON BEHALF OF THE DEPARTMENT  
OF HOMELAND SECURITY:**

Jeff Lindblad, Assistant Chief Counsel  
P.O. Box 438150  
San Diego, California 92143

**BOND MEMORANDUM OF THE IMMIGRATION JUDGE**

On March 28, 2025, the Department of Homeland Security (“the Department”) detained the respondent and determined that he should be held without bond. Exh. 2, Form I-213, Record of Deportable/Inadmissible Alien at 16. The Department charged the respondent as inadmissible under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“the Act”), as a noncitizen present in the United States without admission or parole, or who arrived in the United States at any time or place other than as designated by the Attorney General. *Id.* at 4, 17. On July 21, 2025, the respondent sought reconsideration of the Department’s custody determination, and the Court conducted a hearing on July 28, 2025. Resp’t Mot. for Bond Redetermination Hearing; Order of the Immigration Judge (July 28, 2025).

As this Court maintains jurisdiction over the Otay Mesa Detention Center, where the respondent was detained, it had jurisdiction to entertain the respondent’s custody redetermination request. 8 C.F.R. § 1003.19(c). After determining that the Court had jurisdiction over the respondent’s custody status, the Court granted the respondent’s release from custody on the payment of a \$1,500 bond, along with any alternatives to detention imposed at the Department’s discretion. Order of the Immigration Judge (July 28, 2025). The Department reserved the right to appeal the Court’s decision. *Id.* On July 29, 2025, the Department filed Form EOIR-43, Notice of ICE Intent to Appeal Custody Redetermination, which stayed the Court’s decision. 8 C.F.R. § 1003.19(i)(2). This memorandum explains the Court’s decision to grant the respondent’s release from custody on bond.

At the outset of the respondent’s custody hearing, the Department contested the Court’s jurisdiction to consider the respondent’s custody status, asserting that the respondent is an

applicant for admission and is detained pursuant to Section 235(b) of the Act. Counsel for the respondent disagreed with the Department and reasoned that the record does not support finding the respondent to be an applicant for admission. The respondent was detained nearly seven years after he initially entered the United States in 2018, thereby falling outside of the temporal limitation of an applicant for admission. Exh. 2 at 17. Proceedings initiated under Section 240 of the Act, rather than Section 235, such that the respondent has not been subject to expedited removal. *Id.* Therefore, the respondent through Counsel argued that the Court did have jurisdiction over the respondent's custody status. The Court agreed.

The Court observed that the Department's only evidence regarding the respondent's detention was the Form I-213, which indicates that on March 28, 2025, Border Patrol agents apprehended the respondent at or near San Bernadino, California. Exh. 2 at 17. Based on this evidence, the Court found that the respondent was not detained "while arriving in the United States" pursuant to a warrantless arrest, as envisioned in *Matter of Q. Li*, 29 I&N Dec. 66, 69 (BIA 2025). The Court would also agree with the respondent that the respondent has not been subject to expedited removal proceedings, such that the holding of *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019) appears similarly inapplicable to the respondent. Absent evidence of unreliability, information on an authenticated immigration form is presumed reliable. *Angov v. Lynch*, 788 F.3d 893, 905 (9th Cir. 2015) (discussing the presumption of reliability attaching to records prepared by government officials); *Espinosa v. INS*, 45 F.3d 308, 310 (9th Cir. 1995) (same). As such, the Court relied on the statements contained within the Form I-213 indicating that the Department detained the respondent in the community well- after the respondent had remained in the United States for numerous years. Exh. 2 at 16-17.

As explained in *Matter of M-S-*, sections 235 and 236 of the INA each cover distinct, non-overlapping classes of aliens. 27 I&N Dec. at 516. Section 235(b)(2)(A) of the INA provides that applicants for admission who are determined to not be clearly and beyond a doubt entitled to be admitted shall be detained for proceedings under section 240 of the INA. The phrase "applicant for admission" is a term of art denoting a particular legal status. *Torres v. Barr*, 976 F.3d 918, 927 (9th Cir. 2020). However, the Ninth Circuit Court of Appeals has rejected the theory that any applicant for admission should be "treated as having made a continuing application for admission that does not terminate 'until it [is] considered by the [Immigration Judge (IJ)].'" *Torres*, 976 F.3d at 922, *overruling Minto v. Sessions*, 854 F.3d 619, 624 (9th Cir. 2017). Thus, it appears that there is some temporal limitation to such a classification. *See United States v. Gambino-Ruiz*, 91 F.4th 981, 989 (9th Cir. 2024) (stating that "*Torres* merely rejected the view that an alien remains in a perpetual state of applying for admission"). As such, the Court declines to consider someone like the respondent, who has been physically present in the United States for numerous years, as an applicant for admission. To be sure, an individual "detained near the border shortly after he crossed it" is considered an applicant for admission. *Gambino-Ruiz*, 91 F.4th at 990; *see Q. Li*, 29 I&N Dec. at 69. However, these were not the circumstances in the respondent's case. The respondent was detained in the community after several years of residing in the United States. Based on the evidence in the record and the arguments presented during the respondent's hearing, the Court determined that he is detained pursuant to Section 236(a) of the Act and that the Court has jurisdiction to consider his custody status.



A respondent in a custody redetermination hearing under section 236(a) of the INA must establish to the satisfaction of the Immigration Judge that he or she does not present a danger to persons or property, is not a threat to national security, and does not pose a risk of flight. *See Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999). The Immigration Judge may consider various factors in determining whether a respondent merits release from custody, as well as the amount of bond that is appropriate. *Matter of Guerra*, 24 I&N Dec. 37, 40-41 (BIA 2006). The Immigration Judge may consider any evidence that is probative and specific. *Id.*

The Immigration Judge has broad discretion in deciding which factors to consider in custody redeterminations and may choose to give greater weight to one factor over others, as long as the decision is reasonable. *Id.* These factors may include any or all of the following: (1) whether the respondent has a fixed address in the United States; (2) length of residence in the United States; (3) family ties in the United States, and whether they may entitle the respondent to reside permanently in the United States in the future; (4) employment history; (5) record of appearance in court; (6) criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) history of immigration violations; (8) any attempts to flee prosecution or otherwise escape from authorities; and (9) the manner of entry to the United States. *Id.* (citations omitted); *see Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011) (noting that recency and severity of criminal offenses must be considered because criminal history alone is not always a ground for denial of bond). Dangerous respondents are properly held without bond: the Immigration Judge should only determine a bond amount upon which the respondent may be released if he is not a danger to the community. *Id.* at 38; *see also Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009).

Ahead of the respondent's custody redetermination hearing, the parties submitted evidence about the respondent. As the Court received no objections to the evidence from the parties, it admitted Exhibits 1 through 2 to the record. The respondent provided evidence regarding: his identity; proof of his fixed address; evidence of his gainful employment, various letters of support; and his proposed sponsor's finances. *See generally* Exh. 1. Considering that the respondent has lived in the United States for numerous years, he has significant ties to the community including two United States citizen children.

The Court finds that the respondent poses neither a danger to the community nor a threat to national security. While the respondent does have a criminal history, the respondent was never convicted of any offense, the remaining *Guerra* factors outweigh the respondent's criminal history, and the respondent is a derivative beneficiary of his mother's pending U-Visa Petition and will additionally be filing an application for asylum-related relief. Exh. 1; Exh. 2; *Guerra*, 24 I&N Dec. at 40; *Matter of Andrade*, 19 I&N Dec. 488, 491 (BIA 1987) ("[A]n alien's potential eligibility for relief from deportation can reflect on the likelihood of his appearance at deportation proceedings[.]").

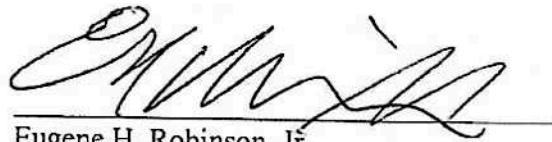
The Court found that some flight risk is present in this matter, given the respondent's presence in the United States without any lawful immigration status and his criminal arrests. However, the Court found these two factors are outweighed by the remainder of the evidence in the record. The record reflects that the respondent has a fixed address at which he can reside upon release from custody. *Guerra*, 24 I&N Dec. at 40. The respondent has lived in the United States



for a significant portion of his life, resulting in several significant ties to the community that he corroborated to the Court. *Id.*

To the extent the Department has charged the respondent as arriving in the United States at a time or place other than as designated by the Attorney General, the Court found that this factor and the Department's reference to the respondent's presence without lawful status were outweighed by the remainder of the *Guerra* factors. *Guerra*, 24 I&N Dec. at 40.

The Court considered all the information, evidence, and arguments presented by the parties. See *Guerra*, 24 I&N Dec. at 40. The Court found that the respondent demonstrated that he neither poses a danger to the community nor such a significant flight risk that he could not be released after payment of a bond and with the imposition of other mitigating conditions. See *Guerra*, 24 I&N Dec. at 40. Accordingly, the Court granted the respondent's request for a change in his custody status, allowing his release upon payment of a \$1,500 bond.



Eugene H. Robinson, Jr.  
Immigration Judge



# EXHIBIT D

Notice of ICE Intent to Appeal Custody  
Redetermination

Date: July 29, 2025

Alien Number: 

Alien Name: Rolando Pineda-Perez

1. Immigration and Customs Enforcement (ICE) has:

a. Held the respondent without bond.  
 b. Set the respondent's bond at \$ \_\_\_\_\_.

2. The Immigration Judge on 07/28/2025  
(Date)

a. Authorized the respondent's release.  
 b. Redetermined the ICE bond to \$ 1,500 <sup>No</sup>

3. Filing this form on 07/29/2025  
(Date) automatically stays the

Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).

See 8 C.F.R. §1003.6(c)(1).

Antonio Estrada

ICE Counsel

I, Antonio Estrada \_\_\_\_\_, served the Notice of ICE Intent to Appeal Custody Redetermination on  
(Name)

Julia V. Torres, via ECAS \_\_\_\_\_, on 07/29/2025  
(Respondent or Respondent's Representative) (Date)

Signature

# EXHIBIT E

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

OMB# 1125-0002

Notice of Appeal from a Decision of an  
Immigration Judge

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Rolando PINEDA-PEREZ A 

For Official Use Only

Staple Check or Money Order Here. Include Name(s) and  
"A" Number(s) on the face of the check or money order.



WARNING: Names and "A" Numbers of everyone appealing the  
Immigration Judge's decision must be written in item #1. The names and  
"A" numbers listed will be the only ones considered to be the subjects of  
the appeal.

2. I am  the Respondent/Applicant  DHS-ICE (Mark only one box.)

3. I am  DETAINED  NOT DETAINED (Mark only one box.)

4. My last hearing was at Otay Mesa Immigration Court, Otay Mesa, California (Location, City, State)

5. What decision are you appealing?

*Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).*

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated \_\_\_\_\_.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated 07/28/2025. (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court?  Yes.  No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated \_\_\_\_\_.

*(Please attach a copy of the Immigration Judge's decision that you are appealing.)*

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

Rolando PINEDA-PEREZ A [REDACTED]

Please see attached Form EOIR-26 Continuation Page.

*(Attach additional sheets if necessary)*



**WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals?  Yes  No

8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  Yes  No

9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives? *(There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation)*  Yes  No



**WARNING:** If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. Print Name: Antonio Estrada

11. Sign Here:  X ANTONIO ESTRADA Digitally signed by ANTONIO ESTRADA  
Date: 2025.08.08 14:43:49 -07'00' 08/08/2025

Signature of Person Appealing  
(or attorney or representative)

Date

12.

Mailing Address of Respondent(s)/Applicant(s)

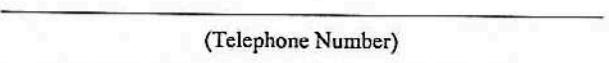
Rolando PINEDA-PEREZ

(Name)

  
(Street Address)

  
(Apartment or Room Number)

  
(City, State, Zip Code)

  
(Telephone Number)

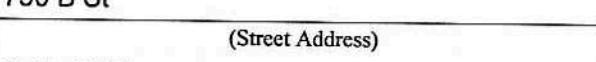
11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)

Julia V. Torres

(Name)

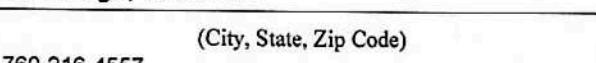
750 B St

  
(Street Address)

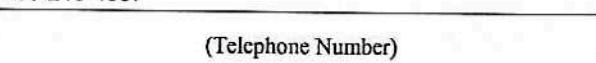
Suite 2330

  
(Suite or Room Number)

San Diego, CA 92101

  
(City, State, Zip Code)

760-216-4557

  
(Telephone Number)

**NOTE:** You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

**NOTE:** If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13.

**PROOF OF SERVICE (You Must Complete This)**

I Antonio Estrada, Assistant Chief Counsel

(Name)

mailed or delivered a copy of this Notice of Appeal

on 08/08/2025

(Date)

to Rolando PINEDA-PEREZ /Julia V. Torres

(Opposing Party)

at   
/ 750 B St, Suite 2330, San Diego, CA 92101

(Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

**SIGN  
HERE** 

**X ANTONIO ESTRADA**

Digitally signed by ANTONIO ESTRADA  
Date: 2025 08 08 14:44:14 -07'00'

Signature

**NOTE:** If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

**WARNING:** If you do not complete this section properly, your appeal will be rejected or dismissed.

**WARNING:** If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

**HAVE YOU?**

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.

- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.

Rolando PINEDA-PEREZ A [REDACTED]

(Form EOIR-26, Notice of Appeal – Continuation of Item #6)

1. The Department of Homeland Security (DHS) is appealing the decision of the Immigration Judge dated July 28, 2025, ordering the respondent released from DHS custody pursuant to INA § 236(a). The respondent, who is present in the United States without admission or parole, is an applicant for admission in INA § 240 removal proceedings and is therefore detained pursuant to INA § 235(b)(2)(A). An “applicant for admission” is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1). INA § 235 is the applicable immigration detention authority for all applicants for admission.

Applicants for admission “fall into one of two categories, those covered by [INA § 235(b)(1)] and those covered by [INA § 235(b)(2)].” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). INA § 235(b)(1) applies to aliens subject to expedited removal. *See* INA § 235(b)(1)(B)(ii), (iii)(IV); *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019) (holding that aliens present without admission or parole placed in expedited removal and later transferred to INA § 240 removal proceedings after establishing a credible fear of persecution or torture are subject to detention under INA § 235(b)(1) and are ineligible for release under INA § 236).

On the other hand, INA § 235(b)(2) “is broader” and “serves as a catchall provision that applies to all applicants for admission not covered by [INA § 235(b)(1)].” *Jennings*, 583 U.S. at 287; *see* INA § 235(b)(2)(A), (B). Under INA § 235(b)(2), an alien “who is an applicant for admission” shall be detained for a removal proceeding “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” INA § 235(b)(2)(A).

Aliens detained pursuant to INA § 235 may only be released pursuant to DHS’s discretionary parole authority under INA § 212(d)(5). Nevertheless, the Immigration Judge ordered the respondent’s release from DHS custody pursuant to INA § 236(a).

2. Alternatively, the Immigration Judge erred in determining that respondent’s was not a danger and that flight risk could be mitigated through a \$1,500 bond. In a custody redetermination hearing, an alien must establish to the satisfaction of the Immigration Judge that he or she does not present a danger to others, a threat to the national security, or a flight risk, the Immigration Judge has wide discretion in deciding the factors that may be considered. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). The evidence shows that the respondent has multiple arrests. These arrests make the respondent a danger to the community. As to flight risk, the respondent’s relief from removal is speculative, and his immigration and criminal history shows that the respondent has a disregard for the law. Thus, the respondent is such a flight risk such that no amount of bond can mitigate the flight risk that the respondent poses. As such, the Immigration Judge wrongly granted respondent a bond.

3. The DHS reserves the right to appeal any other issue that may arise upon examination of the record of bond proceedings and the Immigration Judge’s written bond memorandum.



EOIR-43 Senior Legal Official Certification

I certify that I have approved the filing of the notice of appeal in this case according to review procedures established by U.S. Immigration and Customs Enforcement, Department of Homeland Security.

I further certify that I am satisfied that the evidentiary record supports the contentions justifying the continued detention of the alien and the legal arguments are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing precedent or the establishment of new precedent.

7/31/2025

Date

JASON B  
AGUILAR

Digitally signed by JASON  
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Date: 2025.07.31 09:17:19  
-07'00'

*Jason Aguilar*  
Chief Counsel  
U.S. Immigration and Customs  
Enforcement



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

PINEDA-PEREZ, ROLANDO

To:

Julia V. Torres, Esq.  
750 B Street  
Suite 2330  
San Diego, CA 92101

A-Number:

Riders:

In Custody Redetermination Proceedings

Date:

07/28/2025

**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

Granted. It is ordered that Respondent be:  
 released from custody on his own recognizance.  
 released from custody under bond of \$ 1,500.00  
 other:

Other:  
The following are conditions for release from DHS custody:  
1. Respondent must self-quarantine/isolate for the first fourteen (14) days following release from DHS custody and arrival at sponsor's residence;  
2. Respondent shall not be released from DHS custody until cleared from medical hold;  
3. Residence: Respondent must live with sponsor and obtain DHS approval prior to changing residence;  
4. Respondent must not commit any violation of criminal or immigration law, including working without authorization;  
5. Alternatives to Detention (ATD) such as electronic monitoring may be imposed at DHS discretion;  
6. DHS may file a Motion to Stay, Reopen, Reconsider, or Revoke the Bond Order without opposition from Respondent based on new derogatory information or violation of the bond conditions of release;

7. Failure to Appear Warnings: If you fail to appear for any hearings and there are no exceptional circumstances which caused your absence, a hearing may be held in your absence, all relief applications submitted by you may be deemed abandoned, and an order of removal may be entered against you;

8. Change of Address Warnings: You must inform the Court of any changes to your address within five (5) working days of moving from your last address. You must do so on a blue Form EOIR-33. The responsibility is your's and your's alone to keep the Court updated with your current address. If you do not receive a notice of hearing because you did not inform the Court of your most recent change of address and you miss your hearing, then you may be ordered removed in your absence for failure to appear as stated above;

9. Application(s) for Relief:

A) In the event that Respondent is released from custody and the Court has set a deadline to file an application for relief in his/her removal proceeding, that deadline remains in effect. Failure to comply with the deadline to file the application for relief may result in the Court deeming the request for relief abandoned, in which case the Respondent will be ordered removed from the United States to the Respondent's country of origin;

B) In the event that Respondent is released from custody and the Court has not set a deadline to file an application for relief in his/her removal proceeding; and if a change of venue is sought from the Court (see #10, below), then Respondent shall include an application for relief along with Respondent's motion for change of venue; and

10. Change of Venue: If you move to a location within another Immigration Court's jurisdiction and you want your case moved to that jurisdiction, you must file a Motion to Change Venue within thirty (30) days of residency and include proof of compliance with #3, above. You must also comply with the application for relief requirements, above. Failure to comply with this change of venue provision may result in denial of such a motion at a later date on the basis of untimeliness and/or for violation of the conditions of release.



Immigration Judge: ROBINSON, EUGENE 07/28/2025

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 08/27/2025

#### Certificate of Service

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable  
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ E ] DHS  
Respondent Name : PINEDA-PEREZ, ROLANDO | A-Number :   
Riders:

Date: 07/28/2025 By: GARCIA III, ROBERTO, Court Staff