

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAVIER ALARCON DELGADO,)	
)	
Petitioner,)	
)	
v.)	No. 25 C 13306
)	
SAM OLSON, Chicago Field Office)	Judge Ellis
Director, U.S. IMMIGRATION AND)	
CUSTOMS ENFORCEMENT, <i>et al.</i> ,)	
)	
Respondents.)	

RESPONDENTS' STATUS REPORT

Pursuant to this court's minute order of October 31, 2025, Dkt. 4, respondents' counsel writes to apprise the court with the following information regarding petitioner Javier Alarcon Delgado:

(1) State whether Petitioner was located in the Northern District of Illinois at the time this case was filed:

At the time his petition was filed, Delgado was detained at the Broadview Detention Center located in Broadview, Illinois, which is within the Northern District of Illinois.

(2) The current status of Petitioner's immigration proceedings:

On October 29, 2025, Delgado was issued a Notice to Appear ("NTA") for removal proceedings. Accordingly, he is scheduled to appear before an immigration judge at 8:30 a.m. on December 29, 2025. This NTA was issued for the Detroit immigration court because Delgado was originally scheduled to be detained in Michigan. Instead, Delgado was detained at the Greene County Jail, in Springfield, Missouri. However, based on this court's order

limiting the detention of Delgado to being detained in either Illinois, Indiana, or Wisconsin, U.S. Immigration and Customs Enforcement (“ICE”) will take the necessary steps to reschedule and relocate those proceedings. The undersigned counsel will provide petitioner’s counsel with the new date and time of those proceedings.

(3) Petitioner's current location and proper Respondent based on that location:

ICE has detained Delgado at the Greene County Jail, 1199 N. Haseltine Road, Springfield, Missouri, but the agency is now relocating the petitioner to a different facility in either Wisconsin or Indiana based on this court’s order not to transfer the petitioner to any federal judicial district other than those in the States of Illinois, Indiana, or Wisconsin. Dkt. 4. Respondents will inform petitioner’s counsel of his location once that is determined.

(4) Government’s view regarding effect of Castanon Nava consent decree on habeas case:

This court’s order requests the government’s view as to whether the recent decision about the settlement in *Castanon-Nava v. DHS*, No. 18 C 3757 (N.D. Ill.) (Dkt. 214) has any effect on Delgado’s habeas corpus case (including whether Petitioner was arrested with or without a warrant). In this instance, Delgado was arrested by ICE on October 29, 2025 pursuant to an administrative warrant.

Regardless, this case is not about the lawfulness of arrest where, as here, it is undisputed that Delgado is a foreign national who illegally made his way into the United States.

There is no application of the exclusionary rule to “suppress” Delgado from his own removal proceedings. *See United States v. Chagoya-Morales*, 859 F.3d 411, 418 (7th Cir. 2017) (“The ‘body’ or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful

arrest, search, or interrogation occurred.” (quoting *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1039–40 (1984))).

If Delgado believes that this petition is covered by *Castanon-Nava* then Delgado should file an individual claim in that case. The period covered by the settlement agreement in that case was recently extended by the court to February 2, 2026, and there is claim mechanism that must be followed. A link to the claim mechanism can be found at:

<https://immigrantjustice.org/referral-form-castanon-nava-settlement-violations-formulario-de-remision-sobre-violaciones-del-acuerdo-castanon-nava/>.

In addition, the settlement remedy of release articulated in *Castanon-Nava* does not apply to foreign nationals who are subject to mandatory detention. See *Castanon-Nava v. DHS*, No. 18 C 3757, Dkt. 214, slip op. at 9 (N.D. Ill. Oct. 7, 2025) (discussing exceptions, “such as where the class member is subject to mandatory detention pursuant to the INA”).

Respectfully submitted,

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