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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 CELIA NOHEMI MERLOS De MENDEZ, Case No.: 25-cv-2941-JES
12

13 Petitioner,

14 v.

15 CHRISTOPHER J. LaROSE; et al.,

16 Respondents.
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**RESPONDENTS' RETURN TO
HABEAS PETITION**

I. Introduction and Summary of Argument

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is currently in removal proceedings under 8 U.S.C. § 1229a and is charged with inadmissibility under 8 U.S.C. § 1182(a)(7)(i)(I) as an immigrant not in possession of a valid entry document. *See* Exhibit 2 (Notice to Appear). As Petitioner is inadmissible and statutorily an applicant for admission, Petitioner is mandatorily detained in Immigration and Customs Enforcement (ICE) custody pursuant to 8 U.S.C. § 1225(b)(2). Based on the arguments set forth below, the Court should deny any requests for relief and dismiss the petition.

II. Factual Background¹

Petitioner is a citizen and national of El Salvador. On September 7, 2024, she arrived at the Paso Del Norte port of entry in El Paso, Texas as a CBP-One appointment and applied for admission to the United States. At the time of her arrival, she was not in possession of a valid entry document. Petitioner was determined to be an arriving alien seeking admission and inadmissible under 8 U.S.C. § 1182(a)(7)(i)(I) as an immigrant not in possession of a valid entry document. She was then issued a Notice to Appear (NTA), which placed her in removal proceedings under 8 U.S.C. § 1229a, which remain pending and ongoing.² Following this encounter, Petitioner was paroled into the United States.

On August 25, 2025, a Form I-200, Warrant for Arrest, was issued for Petitioner's arrest. On August 25, 2025, she was apprehended in San Diego by ICE Enforcement and Removal Operations (ERO). Petitioner is currently detained at the Otay Mesa Detention Center and is subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

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¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

² On September 4, 2025, DHS withdrew the oral motion to dismiss it made on August 25, 2025.

III. Statutory Background

A. Individuals Seeking Admission to the United States

For more than a century, this country's immigration laws have authorized immigration officials to charge noncitizens as removable from the country, arrest those subject to removal, and detain them during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 232–37 (1960). “The rule has been clear for decades: ‘[d]etention during deportation proceedings [i]s ... constitutionally valid.’” *Banyee v. Garland*, 115 F.4th 928 (8th Cir. 2024) (quoting *Demore v. Kim*, 538 U.S. 510, 523 (2003)), rehearing by panel and en banc denied, *Banyee v. Bondi*, No. 22-2252, 2025 WL 837914 (8th Cir. Mar. 18, 2025); see *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Demore*, 538 U.S. at 523 n.7 (“In fact, prior to 1907 there was no provision permitting bail for *any* aliens during the pendency of their deportation proceedings.”) (emphasis in original). The Supreme Court even recognized that removal proceedings “‘would be [in] vain if those accused could not be held in custody pending the inquiry into their true character.’” *Demore*, 538 U.S. at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235 (1896)). Over the century, Congress has enacted a multi-layered statutory scheme for the civil detention of aliens pending a decision on removal, during the administrative and judicial review of removal orders, and in preparation for removal. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. It is the interplay between these statutes that is at issue here.

B. Detention Under 8 U.S.C. § 1225

“To implement its immigration policy, the Government must be able to decide (1) who may enter the country and (2) who may stay here after entering.” *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018). Section 1225 governs inspection, the initial step in this process, *id.*, stating that all “applicants for admission . . . shall be inspected by immigration officers.” 8 U.S.C. § 1225(a)(3). The statute—in a provision entitled “ALIENS TREATED AS APPLICANTS FOR ADMISSION”—dictates who “shall be

1 deemed for purposes of this chapter an applicant for admission,” defining that term to
2 encompass *both* an alien “present in the United States who has not been admitted or
3 [one] who arrives in the United States . . .” *Id.* § 1225(a)(1) (emphasis added). Section
4 1225(b) governs the inspection procedures applicable to all applicants for admission.
5 They “fall into one of two categories, those covered by § 1225(b)(1) and those covered
6 by § 1225(b)(2).” *Jennings*, 583 U.S. at 287.

7 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
8 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
9 documentation.” *Jennings*, 583 U.S. at 287; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These
10 aliens are generally subject to expedited removal proceedings. *See* 8 U.S.C. §
11 1225(b)(1)(A)(i). But if the alien “indicates an intention to apply for asylum . . . or a
12 fear of persecution,” immigration officers will refer the alien for a credible fear
13 interview. *Id.* § 1225(b)(1)(A)(ii). An alien “with a credible fear of persecution” is
14 “detained for further consideration of the application for asylum.” *Id.* §
15 1225(b)(1)(B)(ii). If the alien does not indicate an intent to apply for asylum, express a
16 fear of persecution, or is “found not to have such a fear,” they are detained until removed
17 from the United States. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

18 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*,
19 583 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).”
20 *Id.* Under § 1225(b)(2), an alien “who is an applicant for admission” shall be detained
21 for a removal proceeding “if the examining immigration officer determines that [the]
22 alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8
23 U.S.C. § 1225(b)(2)(A); *see Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA
24 2025) (“[A]liens who are present in the United States without admission are applicants
25 for admission as defined under section 235(b)(2)(A) of the INA [Immigration and
26 Nationality Act], 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of
27 their removal proceedings.”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (“for
28 aliens arriving in and seeking admission into the United States who are placed directly

1 in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A),
2 mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*,
3 583 U.S. at 299). However, DHS has the sole discretionary authority to temporarily
4 release on parole “any alien applying for admission to the United States” on a “case-by-
5 case basis for urgent humanitarian reasons or significant public benefit.” *Id.* §
6 1182(d)(5)(A); see *Biden v. Texas*, 597 U.S. 785, 806 (2022).

7 **C. Detention Under 8 U.S.C. § 1226(a)**

8 Section 1226 provides for arrest and detention “pending a decision on whether
9 the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Under § 1226(a),
10 the government may detain an alien during his removal proceedings, release him on
11 bond, or release him on conditional parole. By regulation, immigration officers can
12 release an alien who demonstrates that he “would not pose a danger to property or
13 persons” and “is likely to appear for any future proceeding.” 8 C.F.R. § 236.1(c)(8). An
14 alien can also request a custody redetermination (i.e., a bond hearing) by an immigration
15 judge (IJ) at any time before a final order of removal is issued. See 8 U.S.C. § 1226(a);
16 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

17 At a custody redetermination, the IJ may continue detention or release the alien
18 on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have
19 broad discretion in deciding whether to release an alien on bond. *In re Guerra*, 24 I. &
20 N. Dec. 37, 39-40 (BIA 2006) (listing nine factors for IJs to consider). But regardless
21 of the factors IJs consider, an alien “who presents a danger to persons or property should
22 not be released during the pendency of removal proceedings.” *Id.* at 38.

23 Section 1226(a) does not grant “any right to release on bond.” *Matter of D-J-*, 23
24 I. & N. Dec. at 575 (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952) (emphasis in
25 original). Nor does it address the applicable burden of proof or particular factors that
26 must be considered. See generally 8 U.S.C. § 1226(a). Rather, it grants DHS and the
27 Attorney General broad discretionary authority to determine, after arrest, whether to
28 detain or release an alien during his removal proceedings. See *id.* If, after the bond

1 hearing, either party disagrees with the decision of the IJ, that party may appeal the
2 decision to the BIA. *See* 8 C.F.R. §§ 236.1(d)(3), 1003.19(f), 1003.38, 1236.1(d)(3).

3 Included within the Attorney General and DHS's discretionary authority are
4 limits on the delegation to the immigration court. Under 8 C.F.R. § 1003.19(h)(2)(i)(B),
5 the IJ does not have authority to redetermine the conditions of custody imposed by DHS
6 for any arriving alien. The regulations also include a provision that allows DHS to
7 invoke an automatic stay of any decision by an IJ to release an individual on bond when
8 DHS files an appeal of the custody redetermination. 8 C.F.R. § 1003.19(i)(2) ("The
9 decision whether or not to file [an automatic stay] is subject to the discretion of the
10 Secretary.").

11 **D. Review Before the Board of Immigration Appeals**

12 The Board of Immigration Appeals (BIA) is an appellate body within the
13 Executive Office for Immigration Review (EOIR) and possesses delegated authority
14 from the Attorney General. 8 C.F.R. §§ 1003.1(a)(1), (d)(1). The BIA is "charged with
15 the review of those administrative adjudications under the [INA] that the Attorney
16 General may by regulation assign to it," including IJ custody determinations. 8 C.F.R.
17 §§ 1003.1(d)(1), 236.1, 1236.1. The BIA not only resolves particular disputes before it,
18 but is also directed to, "through precedent decisions, [] provide clear and uniform
19 guidance to DHS, the immigration judges, and the general public on the proper
20 interpretation and administration of the [INA] and its implementing regulations." *Id.* §
21 1003.1(d)(1). Decisions rendered by the BIA are final, except for those reviewed by the
22 Attorney General. 8 C.F.R. § 1003.1(d)(7).

23 If an automatic stay of a custody decision is invoked by DHS, regulations require
24 the BIA to track the progress of the custody appeal "to avoid unnecessary delays in
25 completing the record for decision." 8 C.F.R. § 1003.6(c)(3). The stay lapses in 90 days,
26 unless the detainee seeks an extension of time to brief the custody appeal, 8 C.F.R.
27 § 1003.6(c)(4), or unless DHS seeks, and the BIA grants, a discretionary stay. 8 C.F.R.
28 § 1003.6(c)(5).

1 If the BIA denies DHS's custody appeal, the automatic stay remains in effect for
2 five business days. 8 C.F.R. § 1003.6(d). DHS may, during that five-day period, refer
3 the case to the Attorney General under 8 C.F.R. § 1003.1(h)(1) for consideration. *Id.*
4 Upon referral to the Attorney General, the release is stayed for 15 business days while
5 the case is considered. The Attorney General may extend the stay of release upon
6 motion by DHS. *Id.*

7 IV. Argument

8 A. Claims and Requested Relief Jurisdictionally Barred

9 Petitioner bears the burden of establishing that this Court has subject matter
10 jurisdiction over asserted claims. *See Ass'n of Am. Med. Coll. v. United States*, 217 F.3d
11 770, 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989).

12 In general, courts lack jurisdiction to review a decision to commence or
13 adjudicate removal proceedings or execute removal orders. *See* 8 U.S.C. § 1252(g)
14 (“[N]o court shall have jurisdiction to hear any cause or claim by or on behalf of any
15 alien arising from the decision or action by the Attorney General to commence
16 proceedings, adjudicate cases, or execute removal orders.”); *Reno v. Am.-Arab Anti-*
17 *Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There was good reason for
18 Congress to focus special attention upon, and make special provision for, judicial
19 review of the Attorney General’s discrete acts of “commenc[ing] proceedings,
20 adjudicat[ing] cases, [and] execut[ing] removal orders”—which represent the initiation
21 or prosecution of various stages in the deportation process.”); *Limpin v. United States*,
22 828 Fed. App’x 429 (9th Cir. 2020) (holding district court properly dismissed under 8
23 U.S.C. § 1252(g) “because claims stemming from the decision to arrest and detain an
24 alien at the commencement of removal proceedings are not within any court’s
25 jurisdiction”). In other words, § 1252(g) removes district court jurisdiction over “three
26 discrete actions that the Attorney General may take: her ‘decision or action’ to
27 ‘commence proceedings, adjudicate cases, or execute removal orders.’” *Reno*, 525 U.S.
28 at 482 (emphasis removed). Congress has explicitly foreclosed district court jurisdiction

1 over claims that necessarily arise “from the decision or action by the Attorney General
2 to commence proceedings [and] adjudicate cases...” 8 U.S.C. § 1252(g).

3 Section 1252(g) also bars district courts from hearing challenges to the method
4 by which the government chooses to commence removal proceedings, including the
5 decision to detain an alien pending removal. *See Alvarez v. ICE*, 818 F.3d 1194, 1203
6 (11th Cir. 2016) (“By its plain terms, [§ 1252(g)] bars us from questioning ICE’s
7 discretionary decisions to commence removal” and bars review of “ICE’s decision to
8 take [plaintiff] into custody and to detain him during his removal proceedings”).

9 Other courts have held, “[f]or the purposes of § 1252, the Attorney General
10 commences proceedings against an alien when the alien is issued a Notice to Appear
11 before an immigration court.” *Herrera-Correra v. United States*, No. 08-2941 DSF
12 (JCx), 2008 WL 11336833, at *3 (C.D. Cal. Sept. 11, 2008). “The Attorney General
13 may arrest the alien against whom proceedings are commenced and detain that
14 individual until the conclusion of those proceedings.” *Id.* at *3. “Thus, an alien’s
15 detention throughout this process arises from the Attorney General’s decision to
16 commence proceedings” and review of claims arising from such detention is barred
17 under § 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d 947, 949 (9th Cir. 2007)); *Wang*,
18 2010 WL 11463156, at *6; 8 U.S.C. § 1252(g).

19 Moreover, under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law
20 and fact . . . arising from any action taken or proceeding brought to remove an alien
21 from the United States under this subchapter shall be available only in judicial review
22 of a final order under this section.” (emphasis added). Further, judicial review of a final
23 order is available only through “a petition for review filed with an appropriate court of
24 appeals.” 8 U.S.C. § 1252(a)(5). The Supreme Court has made clear that § 1252(b)(9)
25 is “the unmistakable ‘zipper’ clause,” channeling “judicial review of all” “decisions and
26 actions leading up to or consequent upon final orders of deportation,” including “non-
27 final order[s],” into proceedings before a court of appeals. *Reno*, 525 U.S. at 483, 485;
28 *see J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (noting § 1252(b)(9) is

1 “breathhtaking in scope and vise-like in grip and therefore swallows up virtually all
2 claims that are tied to removal proceedings”). “Taken together, § 1252(a)(5) and
3 § 1252(b)(9) mean that *any* issue—whether legal or factual—arising from *any* removal-
4 related activity can be reviewed *only* through the [petition for review] PFR process.”
5 *J.E.F.M.*, 837 F.3d at 1031 (“[W]hile these sections limit *how* immigrants can challenge
6 their removal proceedings, they are not jurisdiction-stripping statutes that, by their
7 terms, foreclose *all* judicial review of agency actions. Instead, the provisions channel
8 judicial review over final orders of removal to the courts of appeal.”) (emphasis in
9 original); *see id.* at 1035 (“§§ 1252(a)(5) and [(b)(9)] channel review of all claims,
10 including policies-and-practices challenges . . . whenever they ‘arise from’ removal
11 proceedings”).

12 Critically, “1252(b)(9) is a judicial channeling provision, not a claim-barring
13 one.” *Aguilar v. ICE*, 510 F.3d 1, 11 (1st Cir. 2007). Indeed, 8 U.S.C. § 1252(a)(2)(D)
14 provides that “[n]othing . . . in any other provision of this chapter . . . shall be construed
15 as precluding review of constitutional claims or questions of law raised upon a petition
16 for review filed with an appropriate court of appeals in accordance with this section.”
17 *See also Ajlani v. Chertoff*, 545 F.3d 229, 235 (2d Cir. 2008) (“[J]urisdiction to review
18 such claims is vested exclusively in the courts of appeals[.]”). The petition-for-review
19 process before the court of appeals ensures that noncitizens have a proper forum for
20 claims arising from their immigration proceedings and “receive their day in court.”
21 *J.E.F.M.*, 837 F.3d at 1031–32 (internal quotations omitted); *see also Rosario v. Holder*,
22 627 F.3d 58, 61 (2d Cir. 2010) (“The REAL ID Act of 2005 amended the [INA] to
23 obviate . . . Suspension Clause concerns” by permitting judicial review of
24 “nondiscretionary” BIA determinations and “all constitutional claims or questions of
25 law.”). These provisions divest district courts of jurisdiction to review both direct and
26 indirect challenges to removal orders, including decisions to detain for purposes of
27 removal or for proceedings. *See Jennings*, 583 U.S. at 294–95 (section 1252(b)(9)

1 includes challenges to the “decision to detain [an alien] in the first place or to seek
2 removal”).

3 In evaluating the reach of subsections (a)(5) and (b)(9), the Second Circuit has
4 explained that jurisdiction turns on the substance of the relief sought. *Delgado v.*
5 *Quarantillo*, 643 F.3d 52, 55 (2d Cir. 2011). Those provisions divest district courts of
6 jurisdiction to review both direct and indirect challenges to removal orders, including
7 decisions to detain for purposes of removal or for proceedings. *See Jennings*, 583 U.S.
8 at 294–95 (section 1252(b)(9) includes challenges to the “decision to detain [an alien]
9 in the first place or to seek removal[.]”). Here, Petitioner challenges the government’s
10 decision and action to detain, which arises from DHS’s decision to commence removal
11 proceedings, and is thus an “action taken . . . to remove [him/her] from the United
12 States.” *See* 8 U.S.C. § 1252(b)(9); *see also, e.g., Jennings*, 583 U.S. at 294–95; *Velasco*
13 *Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020) (finding that 8 U.S.C. § 1226(e) did
14 not bar review in that case because the petitioner did not challenge “his initial
15 detention”); *Saadullov v. Garland*, No. 3:23-CV-00106, 2024 WL 1076106, at *3
16 (W.D. Pa. Mar. 12, 2024) (recognizing that there is no judicial review of the threshold
17 detention decision, which flows from the government’s decision to “commence
18 proceedings”).

19 Accordingly, this Court lacks jurisdiction over this petition under 8 U.S.C.
20 § 1252.³ *See Acxel S.Q.D.C. v. Bondi*, No. 25-3348 (PAM/DLM), 2025 U.S. Dist.
21 LEXIS 175957 (D. Minn. Sept. 9, 2025).

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23 _____
24 ³ On an alternative basis, the Court should ensure Petitioner properly exhausts
25 administrative remedies. The Ninth Circuit requires that “habeas petitioners exhaust
26 available judicial and administrative remedies before seeking relief under § 2241.”
27 *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). “When a petitioner does
28 not exhaust administrative remedies, a district court ordinarily should either dismiss the
petition without prejudice or stay the proceedings until the petitioner has exhausted
remedies, unless exhaustion is excused.” *Leonardo v. Crawford*, 646 F.3d 1157, 1160
(9th Cir. 2011); *see also Alvarado v. Holder*, 759 F.3d 1121, 1127 n.5 (9th Cir. 2014)
(issue exhaustion is a jurisdictional requirement); *Tijani v. Holder*, 628 F.3d 1071, 1080
(9th Cir. 2010) (no jurisdiction to review legal claims not presented in the petitioner’s
administrative proceedings before the BIA).

B. Petitioner is Lawfully Detained

Petitioner's claims for alleged statutory and constitutional violations also fail because Petitioner is subject to mandatory detention under 8 U.S.C. § 1225.

Based on the plain language of the statute, Petitioner's detention is governed by § 1225. Section 1225(b)(2)(A) requires mandatory detention of “an alien who is *an applicant for admission*, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted[.]” *Chavez v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025) (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Section 1225(a)(1) “expressly defines that ‘[a]n alien present in the United States who has not been admitted ... shall be deemed for purposes of this Act *an applicant for admission*.’” *Id.* (quoting 8 U.S.C. § 1225(a)(1)) (emphasis in original).

Here, Petitioner is an “alien present in the United States who has not been admitted.” Thus, as found by the district court in *Chavez v. Noem* and as mandated by the plain language of the statute, Petitioner is an “applicant for admission” and subject to the mandatory detention provisions of § 1225(b)(2).

When the plain text of a statute is clear, “that meaning is controlling” and courts “need not examine legislative history.” *Washington v. Chimei Innolux Corp.*, 659 F.3d 842, 848 (9th Cir. 2011). But to the extent legislative history is relevant here, nothing in it “refutes the plain language” of § 1225. *Suzlon Energy Ltd. v. Microsoft Corp.*, 671 F.3d 726, 730 (9th Cir. 2011). Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to correct “an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully.” *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc), *declined to extend by*, *United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024); *see Matter of Yajure Hurtado*, 29 I&N Dec. at 223-34 (citing H.R. Rep. No. 104-469, pt. 1, at 225 (1996)). It “intended to replace certain aspects of the [then] current ‘entry doctrine,’ under which illegal aliens who have

1 entered the United States without inspection gain equities and privileges in immigration
2 proceedings that are not available to aliens who present themselves for inspection at a
3 port of entry.” *Id.* (quoting H.R. Rep. 104-469, pt. 1, at 225). A contrary interpretation
4 [of the statute] would put aliens who “crossed the border unlawfully” in a better position
5 than those “who present themselves for inspection at a port of entry.” *Id.* To wit, aliens
6 who presented themselves at a port of entry would be subject to mandatory detention
7 under § 1225, but those who crossed illegally would be eligible for a bond under §
8 1226(a). *See Matter of Yajure Hurtado*, 29 I&N Dec. at 225 (“The House Judiciary
9 Committee Report makes clear that Congress intended to eliminate the prior statutory
10 scheme that provided aliens who entered the United States without inspection more
11 procedural and substantive rights than those who presented themselves to authorities for
12 inspection.”). The Court should “‘refuse to interpret the INA in a way that would in
13 effect repeal that statutory fix’ intended by Congress in enacting the IIRIRA.” *Chavez*,
14 2025 WL 2730228, at *4 (quoting *Gambino-Ruiz*, 91 F.4th at 990).

15 The plain language of the § 1225(b)(2) does not contradict nor render § 1226(a)
16 superfluous. In *Chavez v. Noem*, the Court noted that § 1226(a) “‘generally governs the
17 process of arresting and detaining’ certain aliens, namely ‘aliens who were inadmissible
18 at the time of entry or who have been convicted of certain criminal offenses since
19 admission.’” *Chavez*, 2025 WL 2730228, at *5 (quoting *Jennings*, 583 U.S. at 288)
20 (emphasis in original). In turn, individuals who have not been charged with specific
21 crimes listed in § 1226(c) are still subject to the discretionary detention provisions of §
22 1226(a) as determined by the Attorney General. *See* 8 U.S.C. § 1226(a) (“On a warrant
23 issued by the Attorney General, an alien may be arrested and detained pending a
24 decision on whether the alien is to be removed from the United States.”) (emphasis
25 added). Therefore, heeding the plain language of § 1225(b)(2) has no effect on
26 § 1226(a). Similarly, the application of § 1225’s explicit definition of “applicants for
27 admission” does not render the addition of § 1226(c) by the Riley Laken Act
28 superfluous. Once again correctly determined by the district court in *Chavez v. Noem*,

1 the addition of § 1226(c) simply removed the Attorney General's detention discretion
2 for aliens charged with specific crimes. 2025 WL 2730228, at *5.

3 One of the most basic interpretative canons instructs that a "statute should be
4 construed so that effect is given to all its provisions." *See Corley v. United States*, 556
5 U.S. 303, 314 (2009) (cleaned up). If Congress did not want § 1225(b)(2)(A) to apply
6 to "applicants for admission," then it would not have included the phrase "applicants
7 for admission" in the subsection. *See* 8 U.S.C. § 1225(b)(2)(A); *see also Corley*, 556
8 U.S. at 314.

9 Finally, the phrase "alien seeking admission" does not limit the scope of
10 § 1225(b)(2)(A). The BIA has long recognized that "many people who are not *actually*
11 requesting permission to enter the United States in the ordinary sense are nevertheless
12 deemed to be 'seeking admission' under the immigration laws." *Matter of Lemus-Losa*,
13 25 I&N Dec. 734, 743 (BIA 2012) (emphasis in original). Statutory language "is known
14 by the company it keeps." *Marquez-Reyes v. Garland*, 36 F.4th 1195, 1202 (9th Cir.
15 2022) (quoting *McDonnell v. United States*, 579 U.S. 550, 569 (2016)). The phrase
16 "seeking admission" in § 1225(b)(2)(A) must be read in the context of the definition of
17 "applicant for admission" in § 1225(a)(1). Applicants for admission are both those
18 individuals present without admission and those who arrive in the United States (at a
19 port of entry or elsewhere). *See* 8 U.S.C. § 1225(a)(1). Both are understood to be
20 "seeking admission" under § 1225(a)(1). *See Matter of Yajure Hurtado*, 29 I&N Dec.
21 at 221; *Lemus-Losa*, 25 I&N Dec. at 743. Congress made that clear in § 1225(a)(3),
22 which requires all aliens "who are applicants for admission or otherwise seeking
23 admission" to be inspected by immigration officers. 8 U.S.C. § 1225(a)(3). The word
24 "or" here "introduce[s] an appositive—a word or phrase that is synonymous with what
25 precedes it ('Vienna or Wien,' 'Batman or the Caped Crusader')." *United States v.*
26 *Woods*, 571 U.S. 31, 45 (2013). Further, § 1225(a)(5) provides that "[a]n applicant for
27 admission may be required to state under oath any information sought by an
28 immigration officer regarding the purposes and intentions of the applicant in seeking

1 admission to the United States.” The reasonable import of this particular phrasing is that
2 one who is an applicant for admission is considered to be “seeking admission” under
3 the statute.

4 Because Petitioner is properly detained under § 1225, she cannot show
5 entitlement to relief.

6 Even if the Court infers a constitutional right against prolonged mandatory
7 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
8 courts become extremely wary of permitting continued custody absent a bond hearing.”
9 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal. Apr.
10 20, 2023) (citation omitted); *see also, e.g., Sanchez-Rivera v. Matuszewski*,
11 No. 22-cv-1357-MMA-JLB, 2023 WL 139801, at *6 (S.D. Cal. Jan. 9, 2023) (detained
12 for three years); *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607, at
13 *5 (S.D. Cal. Feb. 21, 2024) (over two-and-a-half years); *Yagao v. Figueroa*,
14 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. Mar. 29, 2019) (two
15 years). Petitioner’s detention falls significantly short of the length courts have found to
16 raise due process concerns.

17 Respondents acknowledge that courts in this district have recently rejected
18 similar arguments in other similar habeas matters. While Respondents maintain that
19 Petitioner is properly subject to mandatory detention under § 1225, to the extent the
20 Court finds this Petitioner subject to detention authority under 8 U.S.C. § 1226(a),
21 Respondents’ position is that the proper remedy would be directing a bond hearing
22 under § 1226(a). *See* 8 U.S.C. § 1226(e) (“No court may set aside any action or decision
23 by the Attorney General under this section regarding the detention of any alien or the
24 revocation or denial of bond or parole.”); *Jennings v. Rodriguez*, 583 U.S. 281, 295
25 (2018) (“As we have previously explained, § 1226(e) precludes an alien from
26 ‘challeng[ing] a “discretionary judgment” by the Attorney General or a “decision” that
27 the Attorney General has made regarding his detention or release.’ But § 1226(e) does
28 not preclude ‘challenges [to] the statutory framework that permits [the alien’s] detention

1 without bail.”); 8 U.S.C. § 1226(b) (“The Attorney General at any time may revoke a
2 bond or parole authorized under subsection (a), rearrest the alien under the original
3 warrant, and detain the alien.”).

4 **C. Petitioner Has Not Shown That the Government Lacked Authority to Detain**
5 **Her Following Her Release by ICE on Parole**

6 Petitioner argues she should not be detained in connection with her removal
7 proceedings. But the INA governs the detention and release of noncitizens during and
8 following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523,
9 527 (2021). Under the INA, ICE may choose to release a person on parole. The decision
10 is discretionary and is made on a case-by-case basis. An immigrant who has been
11 detained at the border may be paroled for humanitarian reasons or due to it providing a
12 significant public benefit (8 U.S.C. § 1182(d)(5)(A))) or she may be conditionally
13 released (8 U.S.C. § 1226(a)). These are distinct procedures. A person on conditional
14 parole is usually released on their own recognizance subject to certain conditions such
15 as reporting requirements. To be released on conditional parole, there must be a finding
16 by ICE that the immigrant does not pose a risk of flight or danger to the community.
17 *See Ortega-Cervantes v. Gonzalez*, 501 F.3d 1111, 1115 (9th Cir. 2007).

18 ICE has statutory and regulatory authority to revoke its parole decisions and
19 initiate removal proceedings. Parole decisions may be made for broad and practical
20 reasons related to public benefit, as well as for humanitarian reasons—i.e., while ICE’s
21 decision incorporates flight risk and danger assessment, it is not limited to those criteria.
22 The decision is, in this respect, distinct from an Immigration Court bond hearing.

23 By statute, the authority to grant and revoke this parole is vested in the Secretary
24 of Homeland Security, who may delegate it. *See* 8 U.S.C. § 1182(d)(5)(A) (providing
25 that “such parole of such alien shall not be regarded as an admission of the alien and
26 when the purposes of such parole shall, in the opinion of the Secretary of Homeland
27 Security, have been served the alien shall forthwith return or be returned to the custody
28 from which he was paroled and thereafter his case shall continue to be dealt with in the

1 same manner as that of any other applicant for admission to the United States.”).

2 Regulations for parole revocation exists, but they grant broad authority to make
3 the decision to revoke release decisions. “While the regulation provides the detainee
4 some opportunity to respond to the reasons for revocation, it provides no other
5 procedural and no meaningful substantive limit on this exercise of discretion as it allows
6 revocation ‘when, in the opinion of the revoking official ... [t]he purposes of release
7 have been served ... [or] [t]he conduct of the alien, or *any other circumstance*, indicates
8 that release would no longer be appropriate.’” *Rodriguez v. Hayes*, 578 F.3d 1032, 1044
9 (9th Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010), citing
10 §§ 241.4(l)(2)(i), (iv) (emphasis in original).

11 Here, Petitioner essentially argues that any prior decision by ICE to release
12 somebody on conditional parole (such as she received here) inherently deprives ICE of
13 authority to later revoke that parole, suggesting that the release decision confers a liberty
14 interest that cannot be reversed without a district court order. But the statute does not
15 provide that. And while some courts have recognized due process limitations on the
16 authority of the government to revoke parole depending on the facts of the case, to imply
17 into existence a broad bar on any release revocation by ICE is inconsistent with the
18 statutory scheme.

19 In sum, Petitioner has not shown that ICE lacked authority to detain her.

20 V. CONCLUSION

21 For the foregoing reasons, Respondents respectfully request that the Court
22 dismiss this action.

23 DATED: November 5, 2025

Respectfully submitted,

24 ADAM GORDON
United States Attorney

25
26 

27 SHELDON A. SMITH
Special Assistant United States Attorney
Attorneys for Respondents
28

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Attorneys for Respondents

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CELIA NOHEMI MERLOS De MENDEZ, Case No.: 25-cv-2941-JES

Petitioner,

v.

CHRISTOPHER J. LaROSE; et al.,

Respondents.

TABLE OF EXHIBITS

Exhibits:

1. Form I-213, Record of Deportable/Inadmissible Alien, dated September 7, 2024
2. Notice to Appear, dated September 7, 2024
3. Form I-200, Warrant for Arrest of Alien, dated August 25, 2025
4. Form I-213, Record of Deportable/Inadmissible Alien, dated August 26, 2025

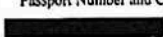

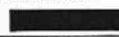
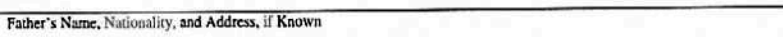



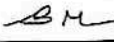
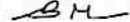
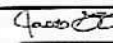
EXHIBIT 1

SIGMA Event: 64981298

Subject ID : 

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

| | | | |
|---|---|---|---|
| Family Name (CAPS) MERLOS DE MENDEZ, CELIA NOHEMI | | First | Middle |
| Country of Citizenship EL SALVADOR | Passport Number and Country of Issue  | Case No.  | File Number  |
| U.S. Address  | | | |
| Date, Place, Time, and Manner of Last Entry 09/07/2024, 2402-PDN - PDN, 07:26, a foot | | Passenger Boarded at EL PASO | |
| Number, Street, City, Province (State) and Country of Permanent Residence  | | | |
| Date of Birth  | Date of Action 09/07/2024 | Location Code 2402-PDN - PDN | |
| City, Province (State) and Country of Birth SANTA ANA, EL SALVADOR | AR <input type="checkbox"/> Form : (Type and No.) NONE | Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | |
| NIV Issuing Post and NIV Number None | Social Security Account Name None | | |
| Date Visa Issued None | Social Security Number None | | |
| Immigration Record NEGATIVE | | Criminal Record None Known | |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) NONE | | Number and Nationality of Minor Children 0 | |
| Father's Name, Nationality, and Address, if Known  | | Mother's Present and Maiden Names, Nationality, and Address, if Known  | |
| Monies Due/Property in U.S. Not in Immediate Possession See Narrative | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Systems Checks See Narrative | Charge Code Words(s) See Narrative |
| Name and Address of (Last)(Current) U.S. Employer NONE | Type of Employment NONE | Salary 0.0 USD | Employed from/to 0/0/00 - 0/0/00 |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS: 1368122487 | | | |
|  | |  | |
| | |  | |
| STATUS AT ENTRY | | | |
| Other Applicant for Admission | | | |
| ARRESTING AGENT | | | |
| GRAJEDA JR, Benjamin CBP OFFICER | | | |
| ... (CONTINUED ON I-831) | | | |
| Digitally Acquired Signature  | | Digitally Acquired Signature  | |
| Alien has been advised of communication privileges 09/07/2024 | | (Date/Initials) (Signature and Title of Immigration Officer) | |
| Distribution: F4022706 | | Received: (Subject and Documents) (Report of Interview) GRAJEDA JR, Benjamin - CBP OFFICER | |
| | | Officer:  | |
| | | on: September 7, 2024 (time) Digitally Acquired Signature | |
| | | Disposition: NOTICE TO APPEAR (NTA) | |
| | | Examine Officer:  | |
| | | GONZALES, Jacob M - SUPERVISORY CBP OFFICER | |
| | | Digitally Acquired Signature | |

U.S. Department of Homeland Security

Continuation Page for Form 1213

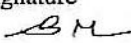
| | | |
|---|--|----------------------------------|
| Alien's Name MERLOS DE MENDEZ, CELIA NOHEMI | File Number [REDACTED] SIGMA Event: 64981298 Event No: PDN2409001582 | Date September 7, 2024 |
| CLAIMED DOCUMENTS ----- Passport - [REDACTED] | | |
| RECORDS CHECKED ----- ATS-P Neg TECS Neg NCIC Neg CIS Neg CLAIM Neg CCD Neg IAFIS Neg EARM Neg | | |
| SECTION CODES ----- Sec212(a)(7)(A)(i)(I) 8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a) | | |
| At/Near ----- PASO DEL NORTE, TX | | |
| Narrative: ----- Single: | | |
| Subject: MERLOS DE Mendez, Celia Nohemi (DOB: [REDACTED]); A#: [REDACTED] | | |
| DISPOSITION: Subject processed for NTA/240 proceedings. The subject is inadmissible pursuant to section 212(a)(7)(A)(i)(I) of the INA and was processed for a Notice to Appear. The subject was paroled for 2 years pending 240 proceedings. | | |
| On September 7, 2024, at approximately 0726 hours, a female subject presented herself to the top of the Paso Del Norte Port of Entry in El Paso, Texas. Subject booked her appointment via the CBPOne mobile application and was scheduled to present herself on September 7, 2024 at 0700 hours. The subject was identified as MERLOS DE Mendez, Celia Nohemi (DOB: [REDACTED]), a citizen of El Salvador who presented her Salvadorian Passport bearing the number [REDACTED]. MERLOS DE Mendez, Celia Nohemi was processed under Notice to Appear pending 240 Removal/Proceedings. | | |
| Immigration: None. | | |
| Criminal: None. | | |
| CODIS (DNA Testing) was performed on the subject with her consent and completed the FD-936 form uploaded to USEC. CODIS kit number F4022706 was assigned to MERLOS DE Mendez, Celia Nohemi. | | |
| ... (CONTINUED ON NEXT PAGE) | | |
| Signature  GRAJEDA JR, Benjamin | Title CBP OFFICER | |

Digitally Acquired Signature

2 of 3 Pages

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|--|--|---------------------------|
| Alien's Name MERLOS DE MENDEZ, CELIA NOHEMI | File Number [REDACTED] SIGMA Event: 64981298 Event No: PDN2409001582 | Date September 7, 2024 |
| <p>In Secondary, MERLOS DE Mendez, Celia Nohemi was processed for NTA/240 proceedings. No sworn statement was taken. MERLOS DE Mendez, Celia Nohemi is inadmissible pursuant to section 212(a)(7)(A)(i)(I) of the INA as amended. The subject was placed in 240 proceedings and processed for a Notice to Appear. Forms I-862 and a list of free legal services were completed in English, and served in her native language, Spanish. Admissibility, Baggage, TECS lookout, and IDENT alerts were generated.</p> <p>The subject was paroled for two years and provided with an EOIR address closest to the subject's area.</p> <p>All actions in this case were taken with the approval of SCBPO A. Rodriguez and in concurrence with Chief M. Ontiveros. These proceedings were concluded at 1600 hours on September 7, 2024.</p> <p>U.S. Contact: [REDACTED]</p> | | |
| Signature  GRAJEDA JR, Benjamin | Title CBP OFFICER | |

Digitally Acquired Signature

3 of 3 Pages

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Event No: PDN2409001582

Subject ID : [REDACTED] FIN #: 1368122487

SIGMA Event: 64981298 DOB: [REDACTED]

File No: [REDACTED]

In the Matter of: MERLOS DE MENDEZ, CELIA NOHEMI

Respondent: MERLOS DE MENDEZ, Celia NoheMI

(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 El Salvador and a citizen of El Salvador.
3. On or about September 07, 2024, you applied for admission into the United States at the Paso Del Norte Port of Entry in El Paso, TX.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.
5. On or about September 07, 2024, you were paroled into the United States pursuant to Section 212(d)(5) of the Immigration Act.

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:

See Continuation Page Made a Part Hereof

- ☐ 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:

201 VARICK ST 5TH FL RM 507,
NEW YORK, NY, US 10014

(Complete Address of Immigration Court, including Room Number, if any)

on January 6, 2025 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time) GRAJEDA JR, Benjamin

charge(s) set forth above.

CBP OFFICER

(Signature and Title of Issuing Officer)

Digitally Acquired Signature

Date: September 7, 2024

EL PASO, TEXAS

(City and State)

EOIR - 1 of 4

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 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 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.

Upon information and belief, the language that the alien understands is **SPANISH**

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 of Respondent)

Date:

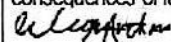
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on September 7, 2024 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.



Digitally Acquired Signature

(Signature of Respondent if Personally Served)

GRAJEDA JR, Benjamin

CBP OFFICER

(Signature and Title of officer)

Digitally Acquired Signature

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/opcl/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

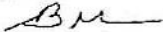
Continuation Page for Form 1862

| | | |
|--|---|---------------------------|
| Alien's Name MERLOS DE MENDEZ, CELIA NOHEMI | File Number SIGMA Event: 04501250 Event No: PDN2409001582 | Date September 7, 2024 |
|--|---|---------------------------|

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)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

| | |
|--|----------------------|
| Signature  GRAJEDA JR, Benjamin | Title CBP OFFICER |
|--|----------------------|

4 of 4
ECIR - Digitally Acquired Signature

4 of 4 Pages

EXHIBIT 3

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No.

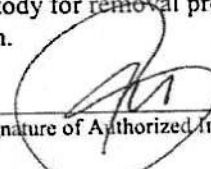
Date: 08/25/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that See I-831 is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.


(Signature of Authorized Immigration Officer)


PABLO CALDERON - S990
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at San Diego, CA
(Location)

on See I-831 on August 25, 2025, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the Spanish language.
(Language)


Name and Signature of Officer




Spectrum
Name or Number of Interpreter (if applicable)

EXHIBIT 4

U.S. Department of Homeland Security

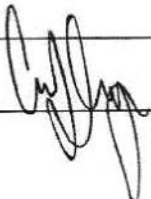
Subject ID : 399953425

Record of Deportable/Inadmissible Alien

| | | | | | | | |
|---|--|--|-------------------------------------|--|----------------------|--|--------------------------|
| Family Name (CAPS) MERLOS DE MENDEZ, CELIA NOHEMI | | First | Middle | Sex F | Hair BLK | Eyes BLK | Complexion MBR |
| Country of Citizenship EL SALVADOR | Passport Number and Country of Issue SND2508000789 | | File Number SND2508000789 | Height 59 | Weight 136 | Occupation NONE | |
| U.S. Address [REDACTED] | | | | Scars and Marks | | | |
| Date, Place, Time, and Manner of Last Entry 09/07/2024 Unknown Time, PDN, WI-Without Inspection | | | Passenger Boarded at | F.B.I. Number 5PJM0C5KL | | | |
| Number, Street, City, Province (State) and Country of Permanent Residence | | | | <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated | | | |
| Date of Birth [REDACTED] Age: [REDACTED] | | | | Method of Location/Apprehension NCA | | | |
| Date of Action 08/26/2025 | | Location Code SND/SND | | At/Near See I-831 | | Date/Time 08/25/2025 14:31 | |
| City, Province (State) and Country of Birth SANTA ANA, EL SALVADOR | | Form: (Type and No.) <input checked="" type="checkbox"/> AR <input type="checkbox"/> Form: (Type and No.) <input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | | By C10966 ST CLAIR-GUERRERO | | | |
| NIV Issuing Post and NIV Number | | Social Security Account Name | | Status at Entry | | Status When Found | |
| Date Visa Issued | | Social Security Number | | Length of Time Illegally in U.S. | | | |
| Immigration Record NEGATIVE | | | | Criminal Record | | | |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) | | | | Number and Nationality of Minor Children None | | | |
| Father's Name, Nationality, and Address, if Known | | | | Mother's Present and Maiden Names, Nationality, and Address, if Known | | | |
| Monies Due/Property in U.S. Not in Immediate Possession None Claimed | | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Systems Checks See Narrative | | Charge Code Words(s) See Narrative | |
| Name and Address of (Last)(Current) U.S. Employer | | Type of Employment See Narrative | | Salary See Narrative | | Employed from/to See Narrative | |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: 1368122487 Left Index fingerprint Right Index fingerprint | | | | | | | |
|    | | | | | | | |
| Subject Health Status ----- The subject claims good health. | | | | | | | |
| Current Administrative Charges ----- 08/25/2025 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA 08/25/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) ... (CONTINUED ON I-831) | | | | | | | |
| Alien has been advised of communication privileges <u>8-26-25/CD</u> (Date/Initials) | | | | CARLOS DOMINGUEZ DO (Signature and Title of Immigration Officer) | | | |
| Distribution: T-FILE COPY STATS | | | | Received: (Subject and Documents) (Report of Interview) Officer: CARLOS DOMINGUEZ on: August 26, 2025 (time) Disposition: Expedited Removal with Credible Fear Examining Officer: BARILE, JOHN | | | |

U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|--|--------------------|
| Alien's Name MERLOS DE MENDEZ, CELIA NOHEMI | File Number [REDACTED] Event No: SND2508000789 | Date 08/26/2025 |
| <p>Previous Criminal History ----- Subject has no criminal history</p> <p>RECORDS CHECKED ----- EARM Pos IAFIS Neg TECS Neg NCIC Neg CIS Neg</p> <p>TYPE OF EMPLOYMENT ----- Occupation Not Reported</p> <p>AT/NEAR ----- SAN DIEGO, CALIFORNIA</p> <p>Record of Deportable/Excludable Alien: ----- MERLOS DE MENDEZ, Celia Nohemi - [REDACTED] born [REDACTED] old citizen and national of El Salvador, was scheduled for Executive Office for Immigration review (EOIR) hearing on August 25, 2025, at 1300 hours. On July 30, 2025, the Immigration Judge did not dismiss and continued the case to a future date. At approximately 1350 hours, Deportation Officer (DO) St Clair observed an adult female exit EOIR court room number 6 into the hallway of the federal building, that matched the most recent ICE photograph, and physical and facial characteristics of the intended target. DO St Clair approached the adult female in plain clothes displaying my ICE badges and, U.S. Department of Homeland Security credentials in-hand, and identified himself in the English/Spanish language as "Police/ICE" to the adult female. DO St Clair immediately recognized MERLOS DE MENDEZ, Celia Nohemi as our intended target. DO St Clair asked for her name and date of birth, to which she replied, "MERLOS DE MENDEZ, Celia Nohemi [REDACTED]." DO St Clair informed MERLOS DE MENDEZ that she was under arrest per the I-200, Warrant for Arrest of Alien. DO St Clair, then escorted MERLOS DE MENDEZ to the San Diego Federal Building's basement, for further processing.</p> <p>Entry Data: United States Customs and Border Protection (CBP) encountered MERLOS DE MENDEZ at the El Paso, Texas Port of Entry on September 7, 2024, when she appeared for her CBP One appointment. CBP identified MERLOS DE MENDEZ to be a citizen of El Salvador. CBP determined MERLOS DE MENDEZ is inadmissible pursuant to section 212(a)(7)(A)(i)(I) of the INA as amended.</p> <p>Immigration History: On August 25, 2025, Immigration Judge continued MERLOS DE MENDEZ case for September 16, 2025 at 0900hrs.</p> <p>Criminal History: None.</p> <p>MERLOS DE MENDEZ was advised of her right to contact the Consulate of El Salvador.</p> | | |
| Signature CARLOS DOMINGUEZ |  Title DO | |

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U.S. Department of Homeland Security

Continuation Page for Form I-213

| | | |
|---|--|--------------------|
| Alien's Name MERLOS DE MENDEZ, CELIA NOHEMI | File Number [REDACTED] Event No: SND2508000789 | Date 08/26/2025 |
| <p>MERLOS DE MENDEZ was offered a free domestic phone call.</p> <p>On August 26, 2025, during the Record of Sworn Statement in Proceedings, MERLOS DE MENDEZ refused to answer any questions.</p> <p>DISPOSITION:</p> <p>MERLOS DE MENDEZ will be served with I-860, I-296, I-867B and will remain in ERO custody pending her credible fear interview. MERLOS DE MENDEZ will be transported to OMDC on today's date.</p> <p>Other Identifying Numbers ----- ALIEN-[REDACTED] CBP One Confirmation Number-[REDACTED]</p> | | |
| Signature CARLOS DOMINGUEZ | Title DO | |

3 of 3 Pages