

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FERNANDO GOVEA GOVEA,)	
)	
Petitioner,)	
)	
v.)	No. 25 C 13388
)	
KRISTI NOEM, Secretary,)	Judge Durkin
DEPARTMENT OF HOMELAND)	
SECURITY, et al.,)	
)	
Respondents.)	

RESPONDENTS' STATUS REPORT

Pursuant to this court's minute order of November 1, 2025, Dkt. 4, respondents' counsel writes to apprise the court with the following information regarding petitioner Fernando Govea Govea:

(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, Govea Govea 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:

U.S. Immigration and Customs Enforcement ("ICE") intends to issue Govea Govea a Notice to Appear for removal proceedings. A date to appear before an immigration judge is pending. ICE is in the process of completing the paperwork underlying that putative case.

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

Govea Govea is at the Clay County Detention Center, 611 East Jackson Street, Brazil, Indiana, 47834. Respondents understand that Brandon Crowley is the Jail Commander for the Clay County Detention Center.

(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 Govea Govea’s habeas corpus case (including whether Petitioner was arrested with or without a warrant). In this instance, Govea Govea was arrested by U.S. Customs and Border Protection (“CBP”) on October 31, 2025, without a warrant based on probable cause.

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

There is no application of the exclusionary rule to “suppress” Govea Govea 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 Govea Govea believes that this petition is covered by *Castanon-Nava* then Govea Govea 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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