

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

**JHONATHAN STEVEN CHIQUITO
BARZOLA,**

Petitioner,

v.

**WARDEN,
Delaney Hall Detention
Facility, Newark, NJ**

**JOHN TSOUKARIS,
In his official capacity as Field Office
Director, Newark Field Office, U.S.
Immigration & Customs Enforcement;**

**DAREN K. MARGOLIN, In his Official
Capacity as Director, Executive Office for
Immigration Review**

**PAMELA BONDI, In her Official
Capacity as the U.S. Attorney General;**

**TODD LYONS,
In his official capacity as Acting
Director, U.S. Immigration and Customs
Enforcement,**

**KRISTI NOEM,
In her official capacity as Secretary of
Homeland Security,**

Respondent.

Civil Action No. _____

Immigration No. A



**EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING
ORDER**

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

1. Mr. Jhonathan Steven Chiquito Barzola ("Mr. Chiquito Barzola") is a 24 year old Ecuadoran Citizen who entered the United States without inspection on or about February 13, 2023 through the Arizona border. He was released from ICE custody on his own recognizance

and was issued a Notice to Appear (NTA) in Immigration Court. He was placed on an Alternative to Detention Program (ATD) on February 19, 2023 which required periodic visits with ICE for monitoring. He complied with every requirements and reported dutifully.

2. On one of those routine reporting appointments on November 6, 2025, he was suddenly detained by ICE and was informed he had no right to bond or even a bond hearing because the EOIR had ruled that individuals in his class was no longer eligible for bond. Both Immigration Judges followed DHS and EOIR's new bond denial policies in erroneously finding that they lacked jurisdiction over bond.

3. Mr. Chiquito Barzola is presently being held without bond at the Delaney Hall Detention Facility in Newark, NJ (Delaney Hall). DHS and EOIR are systemically misclassifying people arrested inside the United States as being subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). This legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner. This misclassification is contrary to almost 30 years of settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country—in some cases, decades ago.

4. Mr. Chiquito Barzola is presently scheduled for a Master Hearing before Immigration Judge Rastegar, Ramin on December 9, 2025.

5. The DHS have no explanation for suddenly terminating Petitioner's parole and removing him from the ATD program even after Petitioner had dutifully complied with his conditions of release pending his Immigration hearing.

6. Without relief from this Court, Mr. Chiquito Barzola faces the prospect of being transferred to another location and suddenly deported without any recourse.

Therefore, Chiquito Barzola asks this court to without delay issue a temporary restraining order to require his release or for a bond hearing on the merits be held by Respondents within 7 days, as Chiquito Barzola will suffer irreparable harm due to his present detention, and the expedited immigration proceedings being held against him despite his SIJ status, in violation of his statutory and due process rights.

Dated: November 9, 2025

Respectfully submitted,

/s/ Peter Kapitonov

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