

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E.M.M.,

Petitioner,

v.

JUDITH ALMODOVAR, *et al.*,

Respondents.

No. 25 Civ. 9256 (DEH)

DECLARATION
DEPORTATION OFFICER
MINCHEOL SO

Pursuant to 28 U.S.C. § 1746, I, MINCHEOL SO, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served in this capacity since September 30, 2015. As a Deportation Officer, I manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, I facilitate the alien’s removal by coordinating with the government of the alien’s country of removal to obtain proper travel documents.

2. I have prepared this declaration at the request of the U.S. Attorney’s Office, Southern District of New York, in connection with a Verified Petition for Writ of Habeas Corpus filed by the petitioner, E.M.M. (“Petitioner”). The following representations are based on my review of ICE electronic records and databases, consultation with my colleagues, and documentation relating to Petitioner.

3. Petitioner is a native and citizen of El Salvador.

4. On May 19, 2025, at approximately 8:45 am, ICE officers encountered Petitioner

while they were at that

location to execute a criminal warrant issued for a different individual. ICE officers observed Petitioner, who fit the description of the wanted individual. ICE officers identified themselves as immigration officers and asked Petitioner in Spanish for Petitioner's name, date of birth, and place of birth. Petitioner responded and provided his name, birth date, and place of birth. Petitioner stated he had no identification. ICE officers ran a records check and determined that Petitioner had no legal status in the United States. Petitioner was arrested and transported to the Nassau County ICE Trailer at 100 Carmen Avenue, East Meadow, NY 11550 for processing.

5. On May 19, 2025, ICE served Petitioner with a Notice to Appear ("NTA"), charging him as removable pursuant to Immigration and Nationality Act ("INA") § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as 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.

6. On the same date, ICE prepared and served Petitioner a Notice of Custody Determination (Form I-286), Warrant for Arrest of Alien (Form I-200); and Notice of Rights and Request for Disposition (Form I-826). ICE also prepared a Record of Deportable/Inadmissible Alien (Form I-213).

7. On May 19, 2025, at 7:53 p.m., Petitioner was booked into the 26 Federal Plaza, New York City Hold Room. On the same day, at 10:30 p.m., Petitioner was booked into the Orange County Jail where he is currently detained pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A).

8. On May 19, 2025, ICE filed Form I-830 (Notice to EOIR: Alien Address), advising the Immigration Court that Petitioner was detained at the Orange County Jail in Goshen, New York.

9. On May 22, 2025, ICE filed the NTA with the Executive Office for Immigration Review, thereby commencing removal proceedings. The NTA directed Petitioner to appear for a hearing before an Immigration Judge on May 27, 2025, at 201 Varick Street, 5th Floor, Room 507, New York, New York.

10. On May 22, 2025, Petitioner appeared *pro se* at the initial master calendar hearing by video from the Orange County Jail. The Immigration Judge adjourned the matter to June 5, 2025, to allow Petitioner time to find an attorney.

11. On June 5, 2025, Petitioner appeared *pro se* at a second master calendar hearing by video from the Orange County Jail. The Immigration Judge adjourned the matter again to give Petitioner time to find an attorney. The master hearing was reset to June 12, 2025.

12. On June 12, 2025, Petitioner appeared with his attorney Irma Calderon for a third master calendar hearing by video from the Orange County Jail. The Immigration Judge granted Petitioner's motion for an adjournment to June 26, 2025, to allow his new attorney time to prepare Petitioner's case (attorney preparation time).

13. On June 25, 2025, Petitioner filed a motion to suppress and terminate proceedings.

14. On June 26, 2025, Petitioner appeared by video from the Orange County Jail with his attorney at a fourth master calendar hearing by video. Immigration Judge rescheduled the master hearing to allow Petitioner to file a bond motion.

15. On July 8, 2025, Petitioner appeared by video from the Orange County Jail with his attorney present at a fifth master calendar hearing.

16. On July 29, 2025, Petitioner appeared by video from the Orange County Jail with his attorney at a sixth master hearing. The Immigration Judge denied Petitioner's motion to

suppress and terminate proceedings, finding removability. The matter was adjourned for a master calendar hearing for August 14, 2025, to submit relief applications.

17. On August 1, 2025, Petitioner filed a Bond Redetermination Request, seeking release on bond pursuant to 8 U.S.C. §1226(a).

18. On August 4, 2025, the Immigration Court scheduled a bond hearing for August 11, 2025.

19. On August 11, 2025, Petitioner appeared by video from the Orange County Jail with his attorney at the bond hearing. The Immigration Judge granted Petitioner's motion and ordered him released from custody under bond of \$7,500.

20. On August 11, 2025, DHS filed a Notice of Service Intent to Appeal Custody Redetermination (Form EOIR-43), which automatically stayed the Immigration Judge's order that Petitioner be released on bond.

21. On August 13, 2025, Petitioner filed an application for relief with the Immigration Court.

22. On August 21, 2025, DHS filed a Notice of Appeal from a Decision of an Immigration Judge with the BIA, contending that the INA § 235(b) authorizes the Petitioner's mandatory detention and thus Petitioner is ineligible for release on bond under INA § 236(a).

23. On August 29, 2025, the Immigration Judge issued a written decision memorializing the order issued at the August 11, 2025 bond hearing. The written order stated that the Petitioner's request for a change in custody status was granted to discretionary detention under INA § 236(a), 8 U.S.C. § 1226(a), and that Petitioner was granted release on bond in the amount of \$7,500.

24. On September 12, 2025, Petitioner appeared by video from the Orange County Jail with his attorney at a merits hearing on his application for relief. The Immigration Judge denied Petitioner's application for relief and ordered him removed to El Salvador.

25. On October 8, 2025, Petitioner filed a Notice of Appeal of his order of removal with the BIA. That appeal is still pending.

26. On November 20, 2025, the BIA issued a decision sustaining DHS's appeal of the Immigration Judge's August 11, 2025, order granting Petitioner's motion for bond and vacated the Immigration Judge's August 11, 2025, order. The BIA's decision vacated the IJ's bond order on the basis that there is no authority to grant bond in this case because Petitioner is present in the United States without admission and, accordingly, his detention is governed by 8 U.S.C. § 1225(b)(2)(A).

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
this 25th day of November 2025.



MINCHEOL SO
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security