

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF NEW MEXICO**

JESUS NAVARRO RODRIGUEZ

Petitioner,

v.

Case No. 25-1149

Ms. Dora Castro, Warden of Otero County  
Detention Facility; Mary De Anda-Ybarra, ICE  
District Director, Otero, New Mexico; The  
Honorable Ms. Kristi Noem, in her capacity  
as Secretary of Homeland Security; The  
Honorable Ms. Pam Bondi in her capacity as  
Attorney General of the United States,

Respondents.

**PETITION FOR WRIT OF HABEUS CORPUS AND INCORPORATED MEMORANDUM OF  
LAW IN SUPPORT THEREOF**

**PRELIMINARY STATEMENT**

1. This case challenges the government's authority to indefinitely detain a noncitizen without any finding of dangerousness or flight risk. It asks that this Court grant the petitioner release from prolonged immigration detention or a bond hearing before a neutral arbiter.
2. As of the date of this Petition, petitioner has been detained by Immigration and Customs Enforcement (Hereinafter "ICE") for over Ten (10) Months, with no end to

petitioner's detention in the reasonably foreseeable future. Petitioner was originally detained and placed in removal proceedings by ICE on or about January 3, 2025.

3. ICE claims the authority to indefinitely detain petitioner without a bond consideration under the *Immigration and Nationality Act* (“INA”) § 235(b), 8 U.S.C. § 1225(b). In separate subsections, that statute provides for the detention of asylum seekers who pass a credible fear interview “for further consideration of the application for asylum,” *id.* § 1225(b)(1)(B)(ii), as well as detention of all other noncitizens whom an immigration official believes are not “clearly and beyond a doubt entitled to admission for a proceeding under 1229a of this title [removal proceedings before an immigration judge].” *id.* § 1225(b)(2)(A). Collectively, the Department of Homeland Security (Hereinafter “DHS”) refers to these noncitizens as “arriving aliens.” 8 C.F.R. § 1.2.
4. The government interprets § 1225(b) to require mandatory detention without a bond hearing of all arriving aliens, for the indefinite length of time necessary to complete removal proceedings, even if that time becomes unreasonably prolonged. *See Matter of X-K-*, 23 I. & N. Dec. 731, 732 (BIA 2005) (“There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings . . . .”); 8 C.F.R. § 1003.19(h)(2)(i)(B) (stating that an immigration judge may not conduct a custody determination of an “arriving alien”).
5. Petitioner's prolonged, indefinite detention pending removal proceedings violates the U.S. Constitution's Fifth Amendment because it deprives petitioner of liberty without due process of law and the Immigration and Nationality Act because it is not authorized by the statute and the detention renders the Deportation Officer's power absolute as release is solely within his/her hands.
6. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order petitioner's release from custody, with appropriate conditions of supervision if necessary. In the alternative, petitioner requests that this Court conduct or order an immigration judge to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight.

#### PARTIES

7. Petitioner is presently detained at the direction of Respondent at the Otero Detention Facility 26 McGregor Ranger Rd., Chaparral, New Mexico 88081.

8. Respondent, Ms. Dora Castro is named in her official capacity as the warden of the facility where petitioner is held. In this capacity, she is a legal custodian of petitioner. Respondent's address is above – referenced.
9. Respondent, Ms. Mary De Anda-Ybarra is named in her official capacity as the ICE District Director of Otero County, New Mexico. In this capacity, she is a legal custodian of petitioner. Respondent's address is 11541 Montana Avenue, Suite E, El Paso, Texas 79936
10. Ms. Kristi Noem is named in her official capacity as the Acting Secretary of DHS. She is responsible for the administration of immigration laws. *8 U.S.C. § 1103(a)*. She routinely transacts business in the district of Otero County, New Mexico district and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Noem's address is United States Department of Homeland Security, 3801 Nebraska Ave NW, Washington, DC 20016.
11. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. *8 U.S.C. § 1103(g)*. She routinely transacts business in the Otero County, New Mexico District is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Bondi's address is United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

### **JURISDICTION**

12. Petitioner is detained in the custody of Respondents at the Otero County Detention Facility 26 McGregor Ranger Rd., Chaparral, New Mexico 88081.
13. This Court has subject matter jurisdiction over this Petition under *28 U.S.C. § 2241 (power to grant habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.*
14. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *Demore v. Kim, 538 U.S. 510, 516-17 (2003)*.

### **VENUE**

15. Under *28 U.S.C. § 2241(d)*, venue properly lies in the New Mexico District because Petitioner is physically present and in the custody of Respondents within the district. In addition, Petitioner's pending removal proceedings are taking place within the district

at the immigration court located at the 26 McGregor Ranger Rd., Chaparral, New Mexico 88081.

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. See *Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.
17. In making that decision, the Court should consider the urgency of the need for immediate review. “Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent.” *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (*waiving administrative exhaustion for executive detainees*).
18. Moreover, where the agency predetermined a dispositive issue, no further action with the agency is necessary. See, e.g., *Monestime v. Reilly*, 704 F. Supp. 2d 453, 456-57 (S.D.N.Y. 2010) (*holding that administrative challenges to a noncitizen’s classification under the mandatory detention statute would be futile given the agency’s precedent on the issue*); *Garcia*, 615 F. Supp. 2d at 180 (*same*).
19. The BIA interprets § 1225(b) as mandating detention of arriving aliens pending removal proceedings. See *Matter of X-K-*, 23 I. & N. Dec. at 732 (*There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings . . .*). Exhaustion before the BIA would therefore be futile.
20. Further, “the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues . . .” (quotations and citation omitted). *United States v. Gonzalez-Roque*, 301 F.3d 39, 48 (2d Cir. 2002). Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.
21. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. ***Parole review is conducted informally by DHS officers—the jailing authority—by checking a box on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. There is no hearing, no record, and no administrative appeal from a negative parole decision, even to***

**correct manifest errors.** See *Rodriguez v. Robbins*, 804 F.3d 1060, 1081 (9th Cir. 2015), cert. granted sub nom. *Jennings v. Rodriguez*, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016) (identifying denials of parole “based on blatant errors: In two separate cases . . . officers apparently denied parole because they had confused Ethiopia with Somalia. third case, an officer denied parole because he had mixed up two detainees’ files.”) (emphasis added); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006) (finding that DHS abused its authority by denying parole). In the absence of administratively enforceable standards, grants of parole have decreased sharply in recent years. See *Human Rights First, Lifeline on Lockdown: Increased U.S. Detention of Asylum Seekers 13* (2016) (relying on government data to document a one-third decrease in parole grants between 2012 and 2015).

22. President Trump has further restricted the already limited use of parole authority by ordering DHS officials to “end the abuse of parole and asylum provisions” in a January 2017 executive order. See *Exec. Order. No. 13,767: Border Security and Immigration Enforcement Improvements*, 82 Fed. Reg. 8793 (Jan. 25, 2017) as well ending the humanitarian parole program during his second term. Deportation officers do not have discretion to grant bond or paroles due to the Trump Administration freeze on discretion. See *Statement from DHS Spokesperson on Directives Expanding Law Enforcement and Ending Abuse of Humanitarian Parole Official Notice of DHS January 21, 2025*.

### STATEMENT OF FACTS

23. Mr. Jesus Navarro is a Cuban born National. Throughout most of his time in Cuba, he was a self-employed reupholstery laborer in several different locations in Cuba. Ultimately, throughout that time, he became a participant in an anti-Cuban Government movement that sought to inform the citizenry of the abuses of human rights by the Cuban Regime. This group of five individuals often went around the community and placed Poster boards detailing the human rights abuses and desperately requesting for the Cuban Regime to cease to exist.
24. Jesus was targeted by [REDACTED] because of [REDACTED]. After being threatened several times and withstanding physical abuses by [REDACTED] he left Cuba for the United States on July 13, 2019. He entered through El Paso, Texas and was placed in the Migrant Protocol Program (hereinafter “MPP”) where he remained in Mexico for two court appearances. On September 11, 2021, Jesus missed the Court appearance set for that date because

the pandemic was ongoing and he was scheduled to fly that day due to his residency being in another area of Mexico. An order of removal was entered due to his failure to appear. However, his flight was cancelled. Jesus remained in Mexico until November 21, 2021, where he re-entered the United States and was placed on an order of supervision.

25. On February 27, 2022, his daughter, [REDACTED] (Hereinafter "Daughter") becomes a Lawful Permanent Resident (Hereinafter "LPR"). On April 28, 2022, Jesus' wife, Juliana Mercedes Lozada Dios (Hereinafter "WIFE") became an LPR. On July 15, 2025, WIFE's I-130 Petition was approved. Both approval receipts (LPR and I-130) from United States Citizenship and Immigration Services (Hereinafter "USCIS") or I-797 were provided to the Deportation Officer on Jesus' behalf along with a bond packet but to no avail.
26. On August 13, 2024, Jesus was detained after an appointment for supervision for no reason. At that time, a motion to reopen his case was pending with the original court that issued the order since August 22, 2024. Jesus was removed to Cuba on August 27, 2024. The Motion to Reopen was granted on September 20, 2024, while Jesus was in Cuba. Jesus re-entered the United States from El Paso, Texas on or about January 3, 2025, and was classified as an arriving alien. The undersigned filed with the Deportation Officer and in an abundance of caution, the Court a Motion for Bond. However, the undersigned understands that Judges don't have jurisdiction for bond issues on arriving aliens. In fact, as this Court is aware arriving aliens cannot present an I-485 (adjustments of status) in Court either pursuant to the Cuban Adjustment Act or Adjustment from a family petition, which is Jesus' issue.
27. Jesus is unable to get information from his assigned deportation officer while seeking answers to his detention as his and the undersigned's requests for information were ignored. The Officers refuse to give him a bond or parole even though, Mr. Navarro has an approved I-130 petition from USCIS and at entry was classified as an arriving alien which allows Petitioner to request Adjustment of Status via the Cuban Adjustment Act.
28. This Court, along with the remainder of the Nation and the world have been informed about the Political chaos and human rights violations occurring in Cuba. Petitioner is but one of the many individuals being held without any possibility of release due to ICE officers' failure to conduct a bond determination on many of the detainees from Cuba and other countries. Many, including Petitioner, have no prior criminal history and are not flight risks. However, Petitioner has not had the ability to show a court of competent jurisdiction that he satisfies the two-prong determination for bond and should be released on a reasonable bond.

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

29. Petitioner re-alleges and incorporates by reference the paragraphs above.
30. Petitioner's prolonged detention under § 1225(b) without any individualized assessment of the need for detention deprives petitioner of due process of law. The Court should therefore order release from unconstitutional detention.
31. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.
32. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). For this reason, even "removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious," *id.* at 721 (Kennedy, J., dissenting). That constitutional protection is unaffected by the government's authority to make rules for "admission" that regulate the immigration status of noncitizens. See 8 U.S.C. § 1101(a)(13)(A) (defining admission as "the lawful entry of the alien").
33. "A statute permitting indefinite detention of an alien would raise a serious constitutional problem" under the Fifth Amendment's Due Process Clause. *Id.* at 690. That serious constitutional problem is raised by the government's reading of § 1225(b). It interprets the statute to permit the indefinite detention of a noncitizen whom the government has not found to be removable or inadmissible, but instead granted the right to remain in the United States pending removal proceedings after demonstrating a credible fear of persecution to an asylum officer.
34. In *Zadvydas v. Davis*, the Supreme Court rejected the government's argument that its immigration powers permit it to indefinitely detain non-citizens after the conclusion of removal proceedings. *Id.* at 695. Since then, the government has repeated that same argument to justify prolonged, indefinite detention pending removal proceedings.
35. Each time, federal courts have roundly rejected it. Every Court of Appeals to consider prolonged detention under *INA* § 236(c), 8 U.S.C. § 1226(c)—a statute that, like § 1225(b) mandates detention of inadmissible noncitizens pending removal proceedings—holds it limited to a reasonable period by the Due Process Clause. See *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d

486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir.2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003). None of these decisions distinguishes between previously admitted and inadmissible noncitizens. Instead, they find that due process limits the period that any noncitizen may be held in prolonged mandatory detention pending removal proceedings.

36. In doing so, they follow *Demore v. Kim*, 538 U.S. 510, 518 (2003). *Demore* identified mandatory detention pending removal proceedings as a “brief period,” lasting “roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the alien chooses to appeal.”
37. Thus, in the Second and Ninth Circuits, the reasonable period of § 1226(c) mandatory detention pending removal proceedings ends at six months. *Lora*, 804 F.3d at 613; *Rodriguez*, 804 F.3d at 1065. The remaining circuits to have addressed the issue hold detention unreasonable some-time after six months, depending on the facts and circumstances of the case, with nine months “straining any common-sense definition of a limited or brief civil detention.” *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 477 (3d Cir. 2015).
38. The only Court of Appeals to consider prolonged detention under § 1225(b) holds that “to avoid serious constitutional concerns, mandatory detention under § 1225(b) . . . must be construed as implicitly time-limited.” *Rodriguez*, 804 F.3d 1060.
39. Following *Rodriguez* and *Lora*, numerous district courts in the Second Circuit hold that due process limits mandatory detention under § 1225(b) to a reasonable period of six months. See, e.g., *Ricketts v. Simonse*, 2016 WL 7335675 (S.D.N.Y. Dec. 16, 2016); *Saleem v. Shanahan*, 2016 WL 4435246 (S.D.N.Y. Aug. 22, 2016); *Arias v. Aviles*, 2016 WL 3906738 (S.D.N.Y. July 14, 2016). They are joined by district courts in other circuits. See, e.g., *Ahad v. Lowe*, 2017 WL 66829 (M.D. Pa. Jan. 6, 2017); *Gregorio-Chacon v. Lynch*, 2016 WL 6208264 (D.N.J. Oct. 24, 2016); *Damus v. Tsoukaris*, 2016 WL 4203816 (D.N.J. Aug. 8, 2016); *Bautista v. Sabol*, 862 F. Supp. 2d 375, 377 (M.D. Pa. 2012); *Maldonado v. Macias*, 150 F.Supp.3d 788 (W.D. Tex. 2015).
40. The ability to apply for humanitarian parole under 8 U.S.C. 1182(d)(5)(A) does not provide due process for noncitizens detained under § 1225(b). Parole does not provide a neutral forum to contest the necessity of ongoing detention. Instead, it is a purely discretionary process, administered by the jailer. Neither the detained noncitizen nor counsel are provided an in-person hearing to contest facts leading to the parole

decision. And no review of that decision is available. See *Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) (describing parole process).

41. Moreover, release on parole is only available for “urgent humanitarian reasons or significant public benefit,” 8 U.S.C. § 1182(d)(5)(A); see also 8 C.F.R. § 212.5(b). Neither of those criteria evaluate the constitutionally permissible rationales for continued, prolonged detention during removal proceedings: whether the detained noncitizen is a flight risk or danger to her community. See *R.I.L-R v. Johnson*, 80 F. Supp. 3d 164, 188 (D.D.C. 2015) (“The *Zadvydas* Court clearly identified a pair of interests that can, under certain circumstances, suffice to justify the detention of noncitizens awaiting immigration proceedings: ‘preventing flight’ and ‘protecting the community’ from aliens found to be ‘specially dangerous.’”) (citing *Zadvydas v. Davis*, 533 U.S. at 690–92)).
42. Finally, parole was also available to inadmissible noncitizens who challenged prolonged detention under § 1226(c). Yet every Court of Appeals to consider § 1226(c) has nonetheless ruled it limited to a reasonable period by the Due Process Clause. The ability to apply for parole is therefore an inadequate substitute for due process.
43. Petitioner’s prolonged, indefinite detention under § 1225(b) violates the Fifth Amendment by depriving him of liberty without due process of law. This Court should therefore order his release, with appropriate conditions of supervision if necessary. See, e.g., *Nadarajah v. Gonzales*, 443 F.3d 1069, 1084 (9th Cir. 2006); *Madrane v. Hogan*, 520 F.Supp.2d 654 (M.D. Pa. 2007); *Victor v. Mukasey*, 2008 WL 5061810 (M.D. Pa. Nov. 25, 2008); *Nunez–Pimentel v. U.S. Dep’t of Homeland Security*, 2008 WL 2593806 (M.D. Pa. June 27, 2008) (ordering release from prolonged detention pending removal proceedings).

## SECOND CLAIM FOR RELIEF

### **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 235(b), 8 U.S.C. § 1225(b)**

44. Petitioner re-alleges and incorporates by reference the paragraphs above.
45. Under the statutory interpretation doctrine of constitutional avoidance, the Court should construe § 1225(b) as limited to a reasonably brief period, extendable only if the government shows justification for detention at a bond hearing.
46. Though the government’s interpretation of § 1225(b) as permitting indefinite mandatory detention is unconstitutional, “[w]hen the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided.” *Crowell v. Benson*, 285 U.S. 22, 62

(1932); see also *Zadvydas*, 533 U.S. 678 at 689 (citing *Crowell*). This doctrine of statutory interpretation is known as constitutional avoidance.

47. “[T]he Supreme Court has instructed that, where one possible application of a statute raises constitutional concerns, the statute as a whole should be construed through the prism of constitutional avoidance.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1141 (citing *Clark v. Martinez*, 543 U.S. 371, 380 (2005)). “Thus, the dispositive question is not whether the government’s reading of § 1225(b) is permissible in some (or even most) cases, but rather whether there is any single application of the statute that calls for a limiting construction.” *Id.*
48. In *Martinez*, the Court analyzed § 1231(a)(6), a statute it had previously read as a matter of constitutional avoidance to limit mandatory detention after the conclusion of removal proceedings to a presumptively reasonable period of six months. *Zadvydas v. Davis*, 533 U.S. 678. The same statute applied to both admitted and inadmissible noncitizens, but the government argued that the same limit on detention did not apply to inadmissible noncitizens because they were not entitled to the same constitutional protections. *Martinez*, 543 U.S. at 380.
49. The text of the statute did not distinguish between the two classes, however, and “[t]o give these same words a different meaning for each category would be to invent a statute rather than interpret one.” *Id.* at 378. Because the same statutory text applied to both groups, and detention for more than six months raised constitutional concerns for at least the admitted noncitizens, every noncitizen subject to the statute was entitled to the same reading limiting mandatory detention. “The lowest common denominator, as it were, must govern.” *Id.* at 380.
50. The government reads § 1225(b) to permit the prolonged detention without a bond hearing of all “arriving aliens,” 8 C.F.R. § 1.2., including both asylum seekers and certain lawful permanent residents (“LPR”) who depart the country and seek admission upon their return. *INA* § 101(a)(13)(C), 8 U.S.C. § 1101(a)(13)(C) (identifying LPRs classified as arriving aliens when returning to the United States after travel abroad); 8 C.F.R. § 1003.19(h)(2)(i)(B) (depriving an immigration judge of jurisdiction over a bond hearing for arriving aliens in removal proceedings).
51. As explained above in the First Claim for Relief, arriving asylum seekers are entitled to be free from arbitrary and capricious detention under the Due Process Clause. Even assuming *arguendo*, they were not, however, LPRs are entitled to due process in prolonged detention because “once an alien gains admission to our country and begins

to develop the ties that go with permanent residence his constitutional status changes accordingly.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

52. In *Plasencia*, the Supreme Court ruled that an LPR seeking readmission after a trip abroad and charged as “excludable” (the former term of art for “inadmissible” under then-current immigration laws), could nonetheless “invoke the Due Process Clause on returning to this country . . .” *Id.* Because an LPR’s due process right is constitutional in nature, it may not be stripped by mere statutory designation as an “arriving alien.” See *Kwong Hai Chew v. Colding*, 344 U.S. 590, 600 (1953) (in the case of a returning LPR, holding that “[f]rom a constitutional point of view, he is entitled to due process without regard to whether or not, for immigration purposes, he is to be treated as an entrant alien”).
53. Section 1225(b) would therefore “raise a serious constitutional problem,” *Zadvydas*, 533 U.S. at 690, if read to deny a bond hearing to LPRs held as arriving aliens in prolonged detention. Thus, as a matter of constitutional avoidance, the statute must be read to require a bond hearing when detention becomes unreasonably prolonged. *Ricketts v. Simonse*, 2016 WL 7335675; *Arias v. Aviles*, 2016 WL 3906738 \*4-\*10.
54. Moreover, because the text of § 1225(b) does not distinguish between LPRs and other noncitizens charged as arriving aliens, LPRs are the statute’s “lowest common denominator,” 543 U.S. at 380. Section 1225(b) must therefore be read to grant all noncitizens held as arriving aliens the same due process protections afforded to LPRs in unreasonably prolonged detention. *Rodriguez v. Robbins*, 715 F.3d 1127, 1142-43, at \*1; *Saleem v. Shanahan*, 2016 WL 4435246, at \*3-\*5.
55. The only Court of Appeals to address detention under § 1225(b) holds that it becomes unreasonably prolonged at six months. *Rodriguez*, 715 F.3d at 1144. Such a bright-line limit follows the practice of both the Supreme Court and Second Circuit of limiting mandatory immigration detention to the presumptively reasonable period of six months. *Zadvydas*, 533 U.S. at 701 (“We do have reason to believe . . . that Congress previously doubted the constitutionality of detention for more than six months.”); *Lora v. Shanahan*, 804 F.3d 601, 616 (2d Cir. 2015) (“[W]e hold that[] in order to avoid the constitutional concerns raised by indefinite detention, an immigrant . . . must be afforded a bail hearing before an immigration judge within six months of his or her detention.” This Court should therefore find that petitioner, whose mandatory detention exceeds six months, is entitled to a bond hearing.
56. Petitioner’s detention is also unreasonably prolonged based on the facts and circumstances of her case, including the overall length of her detention, the

promptness of proceedings, the complexity of the case, the reasonable foreseeability of continued, lengthy litigation, and the conditions of confinement. *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 474-478 (outlining factors that govern when mandatory detention becomes prolonged).

57. “[S]ometime after the six-month timeframe considered by *Demore*, and certainly by the time [a noncitizen] ha[s] been detained for one year,” mandatory detention is unreasonable. *Id.* at 478.
58. Moreover, delay caused by “individual actions by various actors in the immigration system, each of which takes only a reasonable amount of time to accomplish, can nevertheless result in the detention of a removable alien for an unreasonable, and ultimately unconstitutional, period of time.” *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 223.
59. The reasonableness of ongoing detention must also consider “whether an alien challenges aspects of the Government’s case that present real issues, for example: a genuine factual dispute; poor legal reasoning; reliance on a contested legal theory; or the presence of a new legal issue.” It is impermissible to “effectively punish these aliens for choosing to exercise their legal right to challenge the Government’s case against them by rendering the corresponding increase in time of detention as reasonable.” *Chavez-Alvarez*, 783 F.3d at 476.
60. The reasonable foreseeability of continued, lengthy litigation is also relevant to whether Jesus’ current detention is constitutional. *Id.* at 477-78 (noting that the government “could have reasonably predicted that [the noncitizen’s] appeal would take a substantial amount of time, making his already lengthy detention considerably longer”).
61. Finally, this Court “cannot ignore the conditions of confinement.” *Id.* at 478. Where immigration detention takes place in a penal setting, prolonged detention is more likely to be unconstitutional. “Merely calling a confinement ‘civil detention’ does not, of itself, meaningfully differentiate it from penal measures. As the length of the detention grows, the weight given to this aspect of [a noncitizen’s] detention increases.” *Id.* (internal citations omitted).
62. Petitioner’s prolonged detention raises all these concerns. Jesus has been detained for almost 12 months. His wife, who entered the United States with a parole has LPR status as does his daughter Unfortunately, because Petitioner was unable to receive a parole like his wife and daughter, he has been detained without the possibility of bond. In fact, the ICE/Deportation Officer assigned to this matter failed to do any type of

custody determination because of his arriving alien status. If the Officer were to do such determination and if he determined 0 bond status, Petitioner would have the ability to seek a redetermination with an immigration judge, a possibility that Petitioner does not have at this time.

63. Under either a bright-line rule or the facts and circumstances of this case, petitioner's continued detention is unreasonably prolonged. This Court should therefore conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) the Court considers alternatives to detention that could mitigate flight risk. See *Leslie v. Attorney Gen. of U.S.*, 678 F.3d 265, 271 (3d Cir. 2012) (stating that "Leslie's appeal will be remanded to the District Court with instructions to conduct an individualized bond hearing as required by *Diop*"); *Rodriguez*, 804 F.3d 1060, 1086-89 (outlining constitutionally adequate procedural protections at a prolonged detention bond hearing). In the alternative, the Court should order an immigration judge to conduct the bond hearing.

### THIRD CLAIM FOR RELIEF

#### **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 236(a), 8 U.S.C. § 1226(a)**

64. Petitioner re-alleges and incorporates by reference the paragraphs above.
65. As a matter of statutory interpretation, this Court should hold that § 1225(b) is limited to the period between a noncitizen's arrest as an arriving alien and the commencement of his removal proceedings before an immigration judge. Such an interpretation is supported by the text, purpose, and overall construction of the statute, the doctrine of constitutional avoidance, and the government's own practice of limiting mandatory detention of other recently arrived noncitizens to the period before removal proceedings commence. The Court should therefore find that petitioner's detention pending removal proceedings is authorized not by § 1225(b), but by the discretionary detention statute at § 1226(a), entitling petitioner to an immediate bond hearing before an immigration judge.
66. The plain text of § 1225(b) mandates detention of arriving aliens only for the period between their arrest and before they are referred to an immigration judge for removal proceedings. The two subsections of § 1225(b) at issue here permit detention only "for further consideration of the application for asylum," 8 U.S.C. § 1225(b)(1)(B)(ii) and "for a proceeding . . ." *Id.* § 1225(b)(2)(a). Neither provision governs detention beyond that point, much less pending completion of removal proceedings. See *Webster's Third New International Dictionary* 886 (1993) (defining "for" to mean "as a preparation toward . . . or in view of"). Pending removal proceedings, detention is authorized by

section 1226(a), entitling Jesus to a bond hearing. See *Matter of X-K-*, 23 I. & N. Dec. at 731 (“Immigration Judges have custody jurisdiction over aliens in . . . removal proceedings . . .”)

67. Where Congress intended to authorize detention pending completion of an administrative proceeding, it unambiguously said so. See 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) (stating that a noncitizen “shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed”); *id.* § 1226(a) (“an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States). (emphasis added). Cf. *Ratzlaf v. United States*, 510 U.S. 135, 143 (1994) (“A term appearing in several places in a statutory text is generally read the same way each time it appears.”).
68. “Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” *Nken v. Holder*, 556 U.S. 418, 430 (2009) (internal citations and alterations omitted). This is “particularly true here” where the provisions at issue were “enacted as part of a unified overhaul” of the statute under the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*. *Id.* at 430-31.
69. The overall construction of the statute also supports a reading that limits § 1225(b) detention to the period before removal proceedings commence. Cf. *United States v. Witkovich*, 353 U.S. 194, 199 (1957) (“A restrictive meaning for what appear to be plain words may be indicated by the Act as a whole . . .”). Section 1225 is titled “Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.” Section 1225(b) is titled “Inspection of Applicants for Admission.” The subsections at issue here are titled “Asylum Interviews: Referral of certain aliens,” 8 U.S.C. § 1225(b)(1)(B)(ii), and “Inspection of other aliens: In general,” *id.* § 1225(b)(2)(A). By their plain language, none of these sections address detention authority pending removal proceedings. Rather, they address only detention pending inspection and referral to subsequent removal proceedings. Authority for mandatory detention pending removal proceedings appears instead in 8 U.S.C. § 1226, in a section appropriately titled “Apprehension and detention of aliens.” That section does not authorize mandatory detention pending removal proceedings for arriving aliens.
70. Where Congress intended to authorize mandatory detention of arriving aliens past the inspection and referral process, it provided specific statutory authority to do so. In § 1225(b)(1)(B)(iii)(IV), titled “Mandatory Detention,” Congress provided for the detention of a noncitizen “pending a final determination of credible fear of persecution and, if

found not to have such a fear, until removed.” If Congress had intended to subject all arriving aliens to mandatory detention beyond the inspection and referral process, the specific mandate in § 1225(b)(1)(B)(iii)(IV) would be superfluous. “It is a cardinal principle of statutory construction that a statute ought . . . to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.” *TRW, Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (internal quotations omitted).

71. Moreover, as explained above in the Second Claim for Relief, the doctrine of constitutional avoidance requires this Court to “first ascertain whether a construction of the statute is fairly possible by which the [constitutional] question may be avoided.” *Crowell v. Benson*, 285 U.S. 22, 62. In light of the text and overall construction of § 1225(b), as discussed above, the statute may be fairly construed to limit mandatory detention to the period before removal proceedings commence. The Court must do so in order to avoid the constitutional question raised by the government’s reading.
72. Petitioner’s interpretation of § 1225(b) also accords with the government’s own practice of detaining other recent arrivals under § 1226(a) once they pass a credible fear interview and their removal proceedings have commenced. Both noncitizens who present themselves at the border and those who enter without inspection and are subsequently arrested near the border are initially detained under § 1225(b)(1)(B)(ii) for expedited removal proceedings. See *Matter of X-K-*, 23 I. & N. Dec. 731, 734.
73. Once the government determines that either arriving aliens or entrants without inspection have a credible fear of persecution, it refers them to non-expedited removal proceedings. Yet for entrants without inspection alone, the government detains under § 1226(a) once removal proceedings commence. *Id.* This entitles entrants without inspection, but not those who present themselves to an officer to seek asylum, to an immediate bond hearing or at least to a determination of bond by the ICE officer.
74. The text of § 1225(b) does not distinguish between entrants without inspection and those who, like petitioner, present themselves at the border. It therefore must be construed consistently to be limited to the period before removal proceedings commence. *Clark v. Martinez*, 543 U.S. at 378 (“To give these same words a different meaning for each category would be to invent a statute rather than interpret one.”).
75. Finally, a construction of § 1225(b) as limited to before commencement of removal proceedings avoids the absurd result of incentivizing entry without inspection. According to the government’s reading of § 1225(b), Congress incentivized asylum seekers to enter without inspection rather than present themselves at the border by

providing access to bond hearings during removal proceedings for only the first class. It is improbable that Congress intended such a result with § 1225(b), because the purpose of mandatory detention is “preventing . . . aliens from fleeing prior to . . . their removal proceedings [,]” *Demore v. Kim*, 538 U.S. 510, 527–28, not avoiding removal proceedings altogether by entering without inspection.

76. This Court should therefore hold that petitioner’s detention pending removal proceedings is governed by § 1226(a), entitling her to a bond hearing upon request before an immigration judge.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a Writ of Habeas Corpus ordering respondents to release petitioner immediately, on reasonable conditions of supervision if necessary;
- 3) In the alternative, conduct a bond hearing or remand to the immigration judge for a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) alternatives to detention that could mitigate flight risk are considered;
- 4) In the alternative, hold that petitioner’s detention is governed by 8 U.S.C. § 1226(a), entitling petitioner to a bond hearing upon request before an immigration judge;
- 5) Award petitioner her costs and reasonable attorneys’ fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statute; and
- 6) Grant such further relief as the Court deems just and proper.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on November 18, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record pro se parties identified on the attached service list in the manner specified, either via transmission of Notices of Electronic filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically notices of Electronic Filing.



Greg Chonillo, Esquire

Bar I.D: 25-485

F.L Bar: 0298300

Chonillo Law Group, LLC.

121 Alhambra Plaza, STE 1500

Coral Gables, Florida 33134

Telephone: 786.485.9677

Facsimile: 1888.974.3182

gregchonillo@gmail.com

Dated: November 18, 2025

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# Exhibit A

Copies of Petitioner's spouse's and daughter's Lawful Permanent Resident (LPR) cards and residency approval notices.

# **Exhibit B**

Copies of Petitioner's prior Notice to Appear (NTA) issued under the Migrant Protection Protocols (MPP) and the subsequent NTA reissued as an Arriving Alien.

Allegations: Admits All; | Charges: Concedes All;  
Designated Country: CUBA |

U.S. Department of Homeland Security

Notice to Appear

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

Subject ID: [REDACTED]

FINS #: [REDACTED]

File No: A [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: JESUS NAVARRO-RODRIGUEZ currently residing at:

CASA DEL MIGRANTE CALLE SATURNO #1855, COL SATELITE CD JUAREZ, CHIHUAHUA, MEXICO

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. 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 CUBA and a citizen of CUBA ;
3. You arrived in the United States at or near EL PASO, TEXAS, on or about June 13, 2019;
4. You were not then admitted or paroled after inspection by an Immigration Officer;
5. 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.

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) 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.

- 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(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
700 E. SAN ANTONIO, STE 750 EL PASO TX US 79901

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

on August 22, 2019 at 08:30 AM to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: June 19, 2019

El Paso, Texas

JUAN B. URANGA

ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

(City and State)

See reverse for important information

Date: Aug 22 2019

Form I-862 (Rev. 08/01/07) N

IJ Robert S. Hough

EOIR - 1 of 2

Allegations: Admits All; | Charges: Concedes All;  
Designated Country: CUBA |

**Notice to Respondent**

**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 under 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 3.16. 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, which 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 and that you are inadmissible or removable on the charges contained in the Notice to Appear. 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 departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court 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 one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 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 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 Act.

**Request for Prompt Hearing**

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

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 June 19, 2019, in the following manner and in compliance with section 239(a)(1)(F) 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 organizations 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.

X \_\_\_\_\_  
(Signature of Respondent if Personally Served)

ALBERTO BUENROSTRO Border Patrol Agent  
\_\_\_\_\_  
(Signature and Title of officer)

EOIR - 2 04 2

Uploaded on: 01/29/2025 at 02:40:06 PM (Mountain Standard Time) Base City: OTO

US. Department of Justice

Immigration and Naturalization Service

**Additional Charges of Inadmissibility/Deportability**

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

Deportation proceedings commenced prior to April 1, 1997 under former section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent:   **NAVARRO-RODRIGUEZ, JESUS**  

File No:  Address: 

*DHS is makes the following change:*

- 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.

In support of the charge(s) there is submitted the following factual allegation(s)  in addition to  in lieu of those set forth in the original charging document:

Make allegation No. 3 to read as follows:

**You applied for admission into the United States at the Paso Del Norte POE in El Paso, Texas on or about January 3, 2025.**

Strike allegation No. 4 and 6.

FOIA - 1 of 2

Dated: \_\_\_\_\_

**CHRISTAL M  
ROETHLEIN**

Digitally signed by CHRISTAL M  
ROETHLEIN  
Date: 2025.01.29 14:38:47 -07'00'

(Signature of Service Counsel)

Uploaded on: 01/29/2025 at 02:40:06 PM (Mountain Standard Time) Base City: OTO

**Additional allegations (continued):**

**Notice to Respondent**

**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 under 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. 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 which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witness 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 charging document and that you are inadmissible or deportable on the charges contained in the charging document. 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.

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 departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court 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 INS.

**Certificate of Service**

This charging document was served on the respondent by me on 01/29/2025, in the following manner and in compliance with section 239(a)(1)(F) of the Act:  
(Date)

in person  via ECAS  by certified mail, return receipt requested  regular mail  via internal detainee mail

to: 26 McGregor Range Rd, Chaparral, NM 88081  
(Alien's address)

The alien was provided oral notice in the \_\_\_\_\_ 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.

\_\_\_\_\_  
(Signature of respondent if personally served)

**CHRISTAL M ROETHLEIN**  
Digitally signed by CHRISTAL M ROETHLEIN  
Date: 2025.01.29 14:39:17 -07'00'  
(Signature and title of officer)

EOIR - 2 of 2

# Exhibit C

Copies of correspondence and email submissions sent to ICE in support of Petitioner's bond request and related responses.

# Exhibit D

Order(s) on Motion to Reopen and on Custody Redetermination.

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
700 E. SAN ANTONIO, SUITE 750  
EL PASO, TX 79901

NAVARRO-RODRIGUEZ, JESUS  
CASA DEL MIGRANTE  
CALLE SATURNO 1855  
COL SATELITE CD JUAREZ  
CHIHUAHUA MEXICO

In the matter of  
NAVARRO-RODRIGUEZ, JESUS

File A



DATE: Sep 23, 2024

- Unable to forward - No address provided.
  - Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:
    - Board of Immigration Appeals
    - Office of the Clerk
    - 5107 Leesburg Pike, Suite 2000
    - Falls Church, VA 22041
  - Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c) (3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c) (3) in deportation proceedings or section 240(b) (5) (C), 8 U.S.C. § 1229a(b) (5) (C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:
    - IMMIGRATION COURT
    - 700 E. SAN ANTONIO, SUITE 750
    - EL PASO, TX 79901
  - Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g) (1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.
  - Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.
- X Other: IJ ORDER

L.H.  
COURT CLERK  
IMMIGRATION COURT

FF

CC:

“ ”

ECIR - 1 of 3



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
EL PASO IMMIGRATION COURT

Respondent Name:

NAVARRO-RODRIGUEZ, JESUS

To:

NAVARRO-RODRIGUEZ, JESUS  
CALLE SATURNO 1855  
COL SATELITE CD JUAREZ  
CHIHUAHUA MEXICO

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

09/20/2024

ORDER OF THE IMMIGRATION JUDGE

Respondent was ordered removed from the United States *in absentia* on 09/11/2019

Respondent  the Department of Homeland Security has now filed a motion to reopen these proceedings.

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is  granted  denied for the following reason(s):

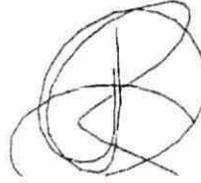
Failure to demonstrate that Respondent's failure to appear was the result of exceptional circumstances. *See* INA § 240(b)(5)(C)(i), (e)(1).

Failure to demonstrate that the Respondent did not receive notice under INA § 239(a)(1)-(2). *See* INA § 240(b)(5)(C)(ii).

Other:

On August 22, 2024, Respondent filed the instant motion to reopen. DHS has not filed a response. The motion is deemed unopposed because no timely response was filed. Therefore, the motion to reopen is GRANTED.

EOIR - 2 of 3



Immigration Judge: RAZO, DANNY 09/20/2024

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 10/21/2024

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ M ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ ] Noncitizen's atty/rep. | [ M ] DHS

Respondent Name : NAVARRO-RODRIGUEZ, JESUS | A-Number :

Riders:

Date: 09/23/2024 By: HODGSON, LAUREN, Court Staff

FILED - 3 04 2



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTERO IMMIGRATION COURT

Respondent Name:

NAVARRO-RODRIGUEZ, JESUS

To:

Chonillo, Gregory Victor  
121 Alhambra Plaza suite 1500  
coral gables, FL 33134

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/29/2025

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

- Granted. It is ordered that Respondent be:
  - released from custody on his own recognizance.
  - released from custody under bond of \$
  - other:

Other:  
No action as to bond



Immigration Judge: Palomino, Jacinto 01/29/2025

Appeal: Department of Homeland Security:  waived  reserved  
 Respondent:  waived  reserved  
 Appeal Due:

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ P ] Noncitizen | [ ] Noncitizen c/o custodial officer | [ E ] Noncitizen's atty/rep. | [ P ] DHS

Respondent Name : NAVARRO-RODRIGUEZ, JESUS | A-Number : 

Riders:

Date: 01/29/2025 By: Palomino, Jacinto, Immigration Judge