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7 UNITED STATES DISTRICT COURT  
8 Southern District of California  
9

10 EUVIMAR NIROSKY MACHADO )  
MENDOZA, )  
11 ) Petitioner, )  
12 v. )


Case Number: '25CV3199 RSH DDL  
**VERIFIED PETITION FOR WRIT OF  
HABEAS CORPUS**

13 CHRISTOPHER J. LaROSE, Senior Warden )  
14 Otay Mesa Detention Center; PAMELA BONDI, )  
United States Attorney General; KRISTI NOEM, )  
15 Secretary of the Department of Homeland )  
Security; PATRICK DIVVER, ICE San Diego )  
16 Field Office Director, in their official capacities, )  
17 ) Respondents. )  
18 )

Oral Argument Requested

19  
20 Petitioner alleges:

21 **INTRODUCTION**

22 1. Petitioner EUVIMAR NIROSKY MACHADO MENDOZA  is  
23 subjected to unlawful detention by Respondents at the Otay Mesa Detention Center. The DHS  
24 detained petitioner then released her on her own recognizance pending a removal proceeding. The  
25 DHS re-detained petitioner without any notice, explanation, or change of circumstances. The Otay  
26 Mesa immigration judges conclude there is no jurisdiction to even consider setting a bond based on  
27 the case of *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). Petitioner seeks an order that  
28 she be immediately released from detention.

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**JURISDICTION**

2. This action arises under the Constitution of the United States; the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq*; and the Administrative Procedures Act (“APA”), 5 U.S.C. § 500, *et seq*.

3. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus; 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C. § 701 et seq. (APA); and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

4. The court may grant relief under the habeas corpus statutes, the Declaratory Judgment Act, and the All-Writs Act, 28 U.S.C. § 1651.

**VENUE**

5. Venue is proper because Petitioner is detained at the Otay Mesa Detention Facility, in San Diego, California, which is within the jurisdiction of this District.

6. Venue is also proper in this judicial district pursuant to 28 USC §1391(e) because at least one federal respondent is in this District; and a substantial part of the events or omissions giving rise to the claims in this action took place in this District. No real property is involved.

**REQUIREMENTS OF 28 U.S.C. § 2243**

7. The Court must grant the habeas corpus petition or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id*.

8. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

**PARTIES**

9. Petitioner EUVIMAR NIROSKY MACHADO MENDOZA (“Petitioner”) is a 31-year-old citizen of Venezuela. She is detained by respondents at the Otay Mesa Detention Center.



1           16.     The “usual removal process” involves an evidentiary hearing before an immigration  
2 judge. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108 (2020). Proceedings are initiated  
3 under 8 U.S.C. § 1229(a), also known as “full removal,” by filing a Notice to Appear with the  
4 Immigration Court. *Matter of E-R-M- & L-R-M-*, 25 I. & N. Dec. 520, 520 (BIA 2011). Section § 1226  
5 provides that while removal proceedings are pending, a noncitizen “may be arrested and detained” and  
6 that the government “may release the alien on ... conditional parole.” § 1226(a)(2); *accord*  
7 *Thuraissigiam*, 591 U.S. at 108 (during removal proceedings, applicant may either be “detained” or  
8 “allowed to reside in this country”).

9           17.     When a person is apprehended under § 1226(a), an ICE officer makes the initial  
10 custody determination. *Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022) (citing 8 C.F.R. §  
11 236.1(c)(8)). A noncitizen will be released if he or she “demonstrate[s] to the satisfaction of the  
12 officer that such release would not pose a danger to property or persons, and that the alien is likely  
13 to appear for any future proceeding.” *Id.* (citing 8 C.F.R. § 236.1(c)(8)). “Federal regulations  
14 provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.”  
15 *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 CFR §§ 236.1(d)(1)). If, at this hearing,  
16 the detainee demonstrates by the preponderance of the evidence that he or she is not “a threat to  
17 national security, a danger to the community at large, likely to abscond, or otherwise a poor bail  
18 risk,” the IJ will order his or her release. *Diaz*, 53 F.4th at 1197 (citing *Matter of Guerra*, 24 I. & N.  
19 Dec. 37, 40 (B.I.A. 2006)).

20           18.     Once released, the noncitizen’s bond is subject to revocation. Under 8 U.S.C. §  
21 1226(b), “the DHS has authority to revoke a noncitizen’s bond or parole ‘at any time,’ even if that  
22 individual has previously been released.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968 (N.D. Cal.  
23 2019). However, if an immigration judge has determined the noncitizen should be released, the  
24 DHS may not re-arrest that noncitizen absent a change in circumstance. *See Panosyan v. Mayorkas*,  
25 854 F. App’x 787, 788 (9th Cir. 2021) Where the release decision was made by a DHS officer, not  
26 an immigration judge, the Government’s practice has been to require a showing of changed  
27 circumstances before re-arrest. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.  
28 2017).

1 19. While “§ 1226 applies to *aliens already present in the United States*,” U.S.  
2 immigration law also “authorizes the Government to detain certain *aliens seeking admission into the*  
3 *country* under §§ 1225(b)(1) and (b)(2),” a process that provides for expedited removal. *Jennings*,  
4 583 U.S. at 303 (2018)(emphasis added). Under § 1225, a noncitizen “who has not been admitted or  
5 who arrives in the United States” is considered “an applicant for admission.” 8 U.S.C. § 1225(a)(1).  
6 For certain applicants for admission, 8 U.S.C. § 1225 authorizes “expedited removal.” § 1225(b)(1).

7 20. Respondents’ central argument is that petitioner is subject to mandatory detention  
8 pending removal proceedings under 8 U.S.C. § 1225(a)(1), 1225(b)(2)(A). Respondents rely on the  
9 BIA’s recent decision in *Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025), affirming the  
10 government’s new interpretation of § 1225.

11 21. As a threshold matter, the BIA decision *Yajure Hurtado* is entitled to little or no  
12 deference by the District Court. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024)  
13 (observing that while “agencies have no special competence in resolving statutory ambiguities,”  
14 “[c]ourts do”).

15 22. Multiple District Courts across the entire United States have recently concluded that  
16 the government’s proposed interpretation of the statute (a) disregards the plain meaning of section  
17 1225(b)(2)(A); (b) disregards the relationship between sections 1225 and 1226; (c) would render a  
18 recent amendment to section 1226(c) superfluous; and (d) is inconsistent with decades of prior  
19 statutory interpretation and practice. The following quote is a representative example:


20 “The Court follows other decisions in this Circuit finding that “seeking admission  
21 requires an affirmative act such as entering the United States or applying for status,  
22 and that it does not apply to individuals who, like [Petitioner], have been residing in  
23 the United States and did not apply for admission or a change of status.” *Mosqueda*  
24 *v. Noem*, No. 25-CV-2304 CAS (BFM), 2025 WL 2591530, at \*5 (C.D. Cal. Sept. 8,  
25 2025); *see, e.g., Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL  
26 2676082, at \*11–16 (D. Nev. Sept. 17, 2025); *Rodriguez*, 2025 WL 2782499, at \*1  
27 (“Every district court to address this question has concluded that the government’s  
28 position belies the statutory text of the INA, canons of statutory interpretation,


1 legislative history, and longstanding agency practice.”); *Guzman v. Andrews*, No. 25-  
2 CV-1015-KES-SKO (HC), 2025 WL 2617256, at \*4–5 (E.D. Cal. Sept. 9, 2025)  
3 (finding that petitioner who was released on bond and rearrested was entitled to a  
4 bond hearing under § 1226); *Garcia*, 2025 WL 2549431, at \*8 (providing petitioner  
5 with an individualized bond hearing under § 1226(a)); *Valdovinos v. Noem*, No. 25-  
6 CV-2439 TWR (KSC), slip op. at 9 (S.D. Cal. Sept. 25, 2025) (same).” *Esquivel-*  
7 *Pina v. LaRose*, No. 25-CV-2672, 2025 WL 2998361 at 8 (S.D. Cal. Oct. 24, 2025).

8 23. District Courts have found, once immigration authorities “elect to proceed with full  
9 removal proceedings under § 1226, [they] cannot [ ] reverse course and institute § 1225 expedited  
10 removal proceedings.” *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at \*4  
11 (N.D. Cal. Aug. 21, 2025).

12 24. Moreover, given the time spent at liberty following an initial release from detention  
13 upon a determination that petitioner was not a flight risk or danger, as well as the government’s  
14 implicit promise that any custody redetermination would be based on those same criteria, petitioner  
15 has a protected “interest in remaining at liberty unless [he] no longer meets those criteria.” *Espinoza*  
16 *v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185, at \*13 (E.D. Cal. Sept. 5, 2025)  
17 (quoting *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at \*4 (N.D. Cal. July 24,  
18 2025).

### 19 FACTUAL ALLEGATIONS

20 25. Petitioner has lived in the United States since December 6, 2023. She turned herself  
21 in to United States border officials, along with her husband and two minor children 

22  The family was fleeing death threats in Venezuela. The DHS  
23 detained the family of four but then released them all of their own recognizance pending a removal  
24 proceeding.

25 26. On December 6, 2023, the DHS filed a Notice to Appear (NTA), then released  
26 petitioner on her own recognizance pending his removal hearing.

27 27. The NTA charges Petitioner with removability under 212(a)(6)(A)(i) of the INA, as  
28 an alien present in the USA without being admitted or paroled. Petitioner conceded removability.

1 28. Petitioner filed an asylum application. She was a rider on her husband's asylum  
2 application. She also filed her own independent asylum application.

3 29. On May 20, 2025, the immigration judge granted a DHS motion to dismiss the  
4 removal proceeding as to petitioner, in an apparent ploy to subject her to a quick expedited removal  
5 from the United States. The DHS then detained petitioner without any hearing, explanation, or  
6 change in circumstances and sent her to the Otay Mesa immigration jail, where she remains today.

7 30. The immigration judge later reinstated the removal proceeding. The judge scheduled  
8 an individual calendar hearing on the asylum application for January 12, 2026.

9 31. Petitioner's husband and two children are scheduled for a master calendar hearing at  
10 the West Los Angeles Immigration Court on January 6, 2026.

11 32. Petitioner filed a motion for a custody redetermination seeking a bond allowing  
12 release from the immigration jail. Petitioner anticipates the immigration judge will deny the bond  
13 request, concluding there is no jurisdiction to redetermine bond per *Matter of Yajure Hurtado*.

14 **CAUSES OF ACTION**

15 **COUNT 1**

16 (Violation of the Immigration and Nationality Act)

17 33. Petitioner incorporates by reference the allegations set forth in paragraphs 1 to 32.

18 34. The DHS detains petitioner pursuant to 8 U.S.C. § 1226, not 8 U.S.C. § 1225;  
19 therefore he is entitled to a bond redetermination hearing before an immigration judge.

20 35. Petitioner's continued detention under Section 1226(a) in the absence of a bond  
21 hearing violates the INA.

22 **COUNT 2**

23 (Violation of the Administrative Procedure Act))

24 36. Petitioner incorporates by reference the allegations set forth in paragraphs 1 to 35.

25 37. Section 706 of 5 U.S.C. provides that a reviewing court shall compel agency action  
26 unlawfully withheld and hold unlawful and set aside agency action not in accordance with law. 5  
27 U.S.C. § 706(1)-(2).

28 38. Petitioner has a statutory and due process right to have an Immigration Judge

1 conduct a bond hearing pursuant to 8 U.S.C. § 1226.

2 39. Moreover, the respondents' arbitrary re-detention of petitioner—and others—without  
3 explanation or a change in circumstances is unlawful and smacks of malice.

4 40. Defendants' refusal to provide a bond hearing to petitioner harms him and  
5 constitutes final agency action for purposes of the APA.

6 41. There are no other adequate available remedies.

7 42. Respondents' actions constitute an unlawful withholding of an agency action and  
8 unlawful agency action in violation of the APA.

9 **COUNT 3**

10 (Violation of the Due Process Clause)

11 43. Petitioner incorporates by reference the allegations set forth in paragraphs 1 to 41.

12 44. In December 2023, the DHS detained petitioner for a removal proceeding but then  
13 released her upon his own recognizance (OR), conceding that she was neither a flight risk nor a  
14 danger to the community.

15 45. On May 20, 2025, DHS agents detained petitioner after her court hearing without  
16 explanation and sent her to the Otay Mesa Detention Center.

17 46. The re-detention of petitioner after her OR release without any explanation or change  
18 in circumstances violates Ninth Circuit case law and the Due Process Clause of the Fifth Amendment  
19 to the United States Constitution

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioner respectfully requests this Court to grant the following:

22 (1) Assume jurisdiction over this matter;

23 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition  
24 should not be granted within three days;

25 (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth  
26 Amendment, the INA, and the APA;

27 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or  
28 schedule a bond hearing on the merits before an immigration judge;

1 (5) Issue an order prohibiting respondents from continuing to detain petitioner on the basis  
2 that he is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2);

3 (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (28  
4 U.S.C. § 2412), and any other applicable statute or regulation; and

5 (7) Grant any further relief this Court deems just and proper.

6 DATED: 18 November 2025

7 Respectfully submitted,

8 */s/ William Baker*

9  
10 \_\_\_\_\_  
11 William Baker (157 906)  
12 MORENO & ASSOCIATES  
13 2082 Otay Lakes Road, Suites 102  
14 Chula Vista, California 91913  
15 Telephone: (619) 422-4885  
16 william.baker@morenoandassociates  
17 Attorney for petitioner  
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**VERIFICATION**


**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury under the laws of the United States that I am the petitioner; I have read the petition or had it read to me in a language I understand, and the information in the petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

**VERIFICACIÓN**

**DECLARACIÓN BAJO PENA DE PERJURIO**

Declaro bajo pena de perjurio según las leyes de los Estados Unidos que soy el peticionario; He leído la petición o me la han leído en un idioma que entiendo, y la información de la petición es verdadera y correcta. Entiendo que una declaración falsa de un hecho material puede servir como base para el enjuiciamiento por perjurio.

  
\_\_\_\_\_  
Euvimar N. Machado Mendoza  
Petitioner/Peticionario

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# EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS #: [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: EUVIMAR NIROSKY MACHADO-MENDOZA

currently residing at:

FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET CHICAGO, ILLINOIS, 60634-5340

(Number, street, city, state and ZIP code)

[REDACTED]  
(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 VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near EL PASO, TX , on or about December 5, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are 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.

- 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:

55 E MONROE, SUITE 1500 CHICAGO IL 60603

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

on June 11, 2024 at 01:00 PM to show why you should not be re

(Date)

charge(s) set forth above.

Acting Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: December 06, 2023

El Paso, Texas

(City and State)

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

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 December 05, 2023, 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.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

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# EXHIBIT B

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [Redacted]
Date: December 06, 2023
Event No: [Redacted]

Name: EUVIMAR NIROSKY MACHADO-MENDOZA

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

[X] You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

[X] You must surrender for removal from the United States if so ordered.

[X] You must report in (writing) (person) to [Redacted] (Name and Title of Case Officer) at [Redacted] as indicated on the orec g-56 (Location of DHS Office) on [Redacted] (Day of each week or month) at [Redacted] (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

[X] You must not change your place of residence without first securing written permission from the immigration officer listed above.

[X] You must not violate any local, State, or Federal laws or ordinances.

[X] You must assist the Department of Homeland Security in obtaining any necessary travel documents.

[X] Other: employment not authorized

[ ] See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

(b)(6) (b)(7)(C)

Acting/Patrol Agent in Charge
(Printed Name and Title of Officer)

(b)(6) (b)(7)(C) Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

[Redacted Signature]

(Signature of Immigration Officer Serving Order)

[Redacted Signature]

(Signature of Alien)

12/06/2023

(Date)

Cancellation of Order

I hereby cancel this order of release because: [ ] The alien failed to comply with the conditions of release.

[ ] The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

DEPARTMENT OF HOMELAND SECURITY  
NOTICE OF CUSTODY DETERMINATION

Alien's Name: EUVIMAR NIROSKY MACHADO-MENDOZA A-File Number: [REDACTED]  
Date: 12/07/2023  
Event ID: [REDACTED] Subject ID: [REDACTED] FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- Detained by the Department of Homeland Security.
- Released (check all that apply):
  - Under bond in the amount of \$ \_\_\_\_\_
  - On your own recognizance. (b)(6) (b)(7)(C)
  - Under other conditions. [Additional document(s) will be provided.]

[REDACTED] 12/06/2023 2319  
Date and Time of Custody Determination  
Acting/Patrol Agent in Charge El Paso, Texas  
Title Office Location/Address

You may request a review of this custody determination by an immigration judge.

- I acknowledge receipt of this notification, and
  - I do request an immigration judge review of this custody determination.
  - I do not request an immigration judge review of this custody determination.

[Signature] 12/07/2023  
Signature of Alien Date

The contents of this notice were read to EUVIMAR NIROSKY MACHADO-MENDOZA in the SPANISH language.  
(Name of Language)

[REDACTED] \_\_\_\_\_  
Name and Signature of Officer Name or Number of Interpreter (if applicable)

BORDER PATROL AGENT (b)(6) (b)(7)(C)  
Title