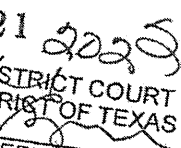



JUDGE KATHLEEN CARDONE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
El Paso Division

FILED
NOV 21 2025
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

Rajeshkumar Bholabhai Patel (A )

Petitioner,

v.

Kristi Noem, *Secretary of Homeland Security, U.S.*
Department of Homeland Security

Todd Lyons, *Acting Director, U.S. Immigration*
and Customs Enforcement,

Mary De Anda-Ybarra, *Director, El Paso ICE*
Field Office, U.S. Immigration and
Customs Enforcement,

Pamela Bondi, *Attorney General, U.S. Department*
of Justice,

Warden, *ERO El Paso Camp East Montana,*

Respondents.

EP 25CV0575

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner is a citizen of India who entered the United States without inspection between ports of entry on the U.S.-Mexico border. Approximately four years later, Petitioner was arrested by U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is now detained by U.S. Immigration and Customs Enforcement (“ICE”), under facts and circumstances that place him squarely within ICE’s general detention authority 8 U.S.C. § 1226(a). Under that statute, Petitioner is eligible to seek discretionary release on bond from an Immigration Judge (“IJ”). However, due to a new policy announced by ICE in July 2025, and now a recent Board of

Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioner is actually detained under 8 U.S.C. § 1225(b). However, while § 1225 requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border “seeking admission.” Petitioner therefore brings this action for a declaratory judgment from this Court that he is properly detained (if at all) only pursuant to 8 U.S.C. § 1226(a); and seeking an order that Respondents schedule him for a discretionary bond hearing pursuant to § 1226(a) before an Immigration Judge within 15 days.

JURISDICTION AND VENUE

2. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

3. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court’s inherent equitable powers, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

4. This Court also has federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA review of a final agency action may proceed, absent a special statutory review proceeding, by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

5. Venue lies in this District because Petitioner is currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agency or officer

of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

THE PARTIES

6. Petitioner Rajeshkumar Bholabhai Patel is a citizen and native of India and is currently detained by Respondents at ERO El Paso Camp East Montana in El Paso, TX within the territorial jurisdiction of this Court.

7. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

9. Respondent Mary De Anda-Ybarra is the Director of the El Paso ICE ERO Field Office of U.S. Immigration and Customs Enforcement (ICE). Which has jurisdiction over ERO El Paso Camp East Montana where Petitioner is unlawfully detained. As the local ICE official overseeing enforcement operations in the region, she is responsible for Petitioner’s continued detention and any actions related to his removal. She is therefore the Petitioner’s immediate legal custodian for the purpose of habeas jurisdiction.

10. Respondent Pamela Bondi is the Attorney General of the United States. She is the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Court judges, who decide removal cases and applications for bond as her designees.

11. Respondent Warden of the ERO El Paso Camp East Montana is the immediate custodian who is currently holding Petitioner in physical custody in El Paso, TX. They are sued in their official capacity.

12. All government Respondents are sued in their official capacities.

LEGAL BACKGROUND

A. Immigration Detention Legal Framework

13. When a noncitizen is alleged to have violated immigration laws, they are generally placed into traditional removal proceedings, during which an immigration judge will determine whether they are removable and then whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

14. Detention is authorized for “certain aliens already in the country pending the outcome of removal proceedings under § 1226(a) and 1126(c).” *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention under § 1226(a) has been described as the “default” provision for immigration detention for those subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), “[e]xcept as provided in subsection (c) of this section,’ the Attorney General ‘may release’ an alien detained under § 1226(a) ‘on ...bond’ or ‘conditional parole.’” *Id.*

15. Alternatively, mandatory detention is authorized for “certain aliens *seeking admission* into the country under §§ 1225(b)(1) and 1225(b)(2),” [emphasis added]. *Jennings*, 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be “applicants for

admission” may be subject to mandatory detention under two separate subsections. Applicants for admission include someone:

“present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for the purposes of this chapter to be an applicant for admission.”

§ 1225(a)(1).

16. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal and mandatory detention if they are determined to be an “arriving alien,” and if they have not been physically present in the United States continuously for a two-year period immediately prior. Regulations define an “arriving alien” as:

“an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.”

8 C.F.R. § 1.2.

17. Otherwise, 8 U.S.C. § 1225(b)(2) provides for the detention of “applicant for admission” specifically when “the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title,” i.e. for traditional removal proceedings [emphasis added].

18. An “arriving alien” or an applicant for admission “seeking admission” may only be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant

for admission seeking admission. *Id.* There is no such thing as a “parole bond” – a release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

19. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE’s initial custody determination before the IJ (a “custody review hearing”), who has the authority to modify ICE’s custody determination and set bond in a case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

20. Custody review hearings are separate from hearings in the underlying removal proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, she must still appear in immigration court for the IJ to determine her removability and hear any claim for relief from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ’s inquiry is limited to whether the detainee is a danger to the community or a flight risk, and bond may only be granted when an IJ has determined that the detainee meets his burden of proof that he is neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

21. For decades, it has been Respondents’ practice to afford § 1226(a) discretionary bond hearings and custody review hearings to those individuals who have been encountered neither at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) (“Respondents’ proposed application of § 1226 is also belied by the Department of Homeland Security’s ‘longstanding practice’ of treating noncitizens taken into custody while living in the United States, including those detained and found

inadmissible upon inspection and then released into the United States with the government's acquiescence, who have committed no crime after release, as detained under § 1226(a).” citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

B. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)

22. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). See ICE memorandum “Interim Guidance Regarding Detention Authority for Applications for Admission.”¹ This memo concerns the detention of “applicants for admission” as defined by § 1225(a)(1). “Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)].” *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* (“For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated.”)

23. In addition to the announcement re-interpreting § 1225(b)(2), the memo further clarifies that “[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

24. Moreover, ICE maintains that “DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA §

¹ Available at: <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last visited October 6, 2025).

212(d)(5) based on this change in legal position.” *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of “correct” paperwork is nonetheless permissible. *Id.* (“Accordingly, ERO and HIS are not required to ‘correct’ the release paperwork by issuing INA § 212(d)(5) parole paperwork.”)

25. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

C. Recent BIA decision *Matter of Yajure Hurtado*

26. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees all appeals of IJ decisions including custody redeterminations, upheld ICE’s re-interpretation of § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

27. The BIA held that the noncitizen was an “applicant for admission” within the scope of § 1225(b), and therefore subject to mandatory detention.

28. The BIA characterized the issue before it as “one of statutory construction: Does the INA require that *all* applicants for admission, even those like the respondent who have entered without admission or inspection and have been residing in the United States for years without lawful status, be subject to mandatory detention for the duration of their immigration proceedings, and thus the Immigration Judge lacks authority over a bond request filed by an alien in this category?” [emphasis added]. *Id.* at 220.

29. The BIA reasoned that individuals “who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer.” *Id.* at 228.

30. The BIA acknowledged the decades of precedent preceding its decision that authorized release of individuals present without having been inspected and admitted or paroled under § 1226(a). *Id.* at 225, FN6 (“We acknowledge that for years Immigration Judges have

conducted bond hearings for aliens who entered the United States without inspection. However, we do not recall either DHS or its predecessor, the Immigration and Naturalization Service, previously raising the current issue that is before us. In fact, the supplemental information for the 1997 Interim Rule titled ‘Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures,’ 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997), reflects that the Immigration and Naturalization Service took the position at that time that ‘[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.’”)

31. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8 U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

32. The BIA decision is binding on all immigration judges nationwide.

33. Respondents’ new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*, 2025 WL 2337099, at *11 (“It has been estimated that this novel interpretation would require the detention of millions of immigrants currently residing in the United States.”)

D. Orders for Release on Recognizance

34. Pursuant to their authority under 8 U.S.C. § 1226, Respondents may release an individual on an order or release on recognizance. *See, e.g.* Ex. 2, ICE Form I-220A.

35. A release on recognizance is a form of release on conditional parole under 8 U.S.C. § 1226(a)(2)(B). *See Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255, at *7 (E.D. Va. Sept. 19, 2025) (“Release on recognizance is not a ‘humanitarian’ or ‘public benefit’

‘parole into the United States’ under section 1182(d)(5)(A) but rather a form of ‘conditional parole’ from detention upon a charge of removability, authorized under section 1226.”), citing *Martinez v. Hyde*, -- F.Supp.3d --, --, 2025 WL 2084238, at *3 (D. Mass. July 24, 2025); and *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115–16 (9th Cir. 2007). *See also Matter of Cabrera-Fernandez*, 28 I. & N. Dec. 747, 747 (B.I.A. 2023) (“The respondents were ... released on their own recognizance pursuant to [the Department of Homeland Security’s] conditional parole authority under ... 8 U.S.C. § 1226(a)(2)(B)[.]”).

36. The authority to release an individual on conditional parole is vested in the officer issuing the warrant for arrest. *See also* 8 C.F.R. § 236.1(c)(8) (“Any officer authorized to issue a warrant of arrest may, in the officer’s discretion, release an alien not described in [8 U.S.C. § 1226(c)(1)], under the conditions at [8 U.S.C. §§ 1226(a)(2) and (3)];”).

37. Conditional parole may be revoked at any time. *See* 8 U.S.C. § 1226(b) (“The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.”).

38. However, only specific officials are empowered to authorize the revocation of conditional parole, including: the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge. *See* 8 C.F.R. § 236.1(c)(9).

39. If the conditional parole is revoked, immigration officers may then “rearrest the alien *under the original warrant*, and detain the alien,” [emphasis added]. *See* 8 U.S.C. § 1226(b).

FACTS

40. Petitioner Rajeshkumar Bholabhai Patel is a citizen of India. He entered the United States between ports of entry in 2021. Not long thereafter, he was encountered by immigration

officials and detained for 10 to 11 days. He was issued a Notice to Appear in Immigration Court. *See* Ex. 1, ICE Form I-862 Notice to Appear. ICE then made a custody determination under its authority from 8 U.S.C. § 1226(a) and released Petitioner Patel on his own recognizance on July 5, 2022. *See* Ex. 2, ICE Form I-220A Order of Release on Recognizance and ICE Form I-286 Notice of Custody Determination.

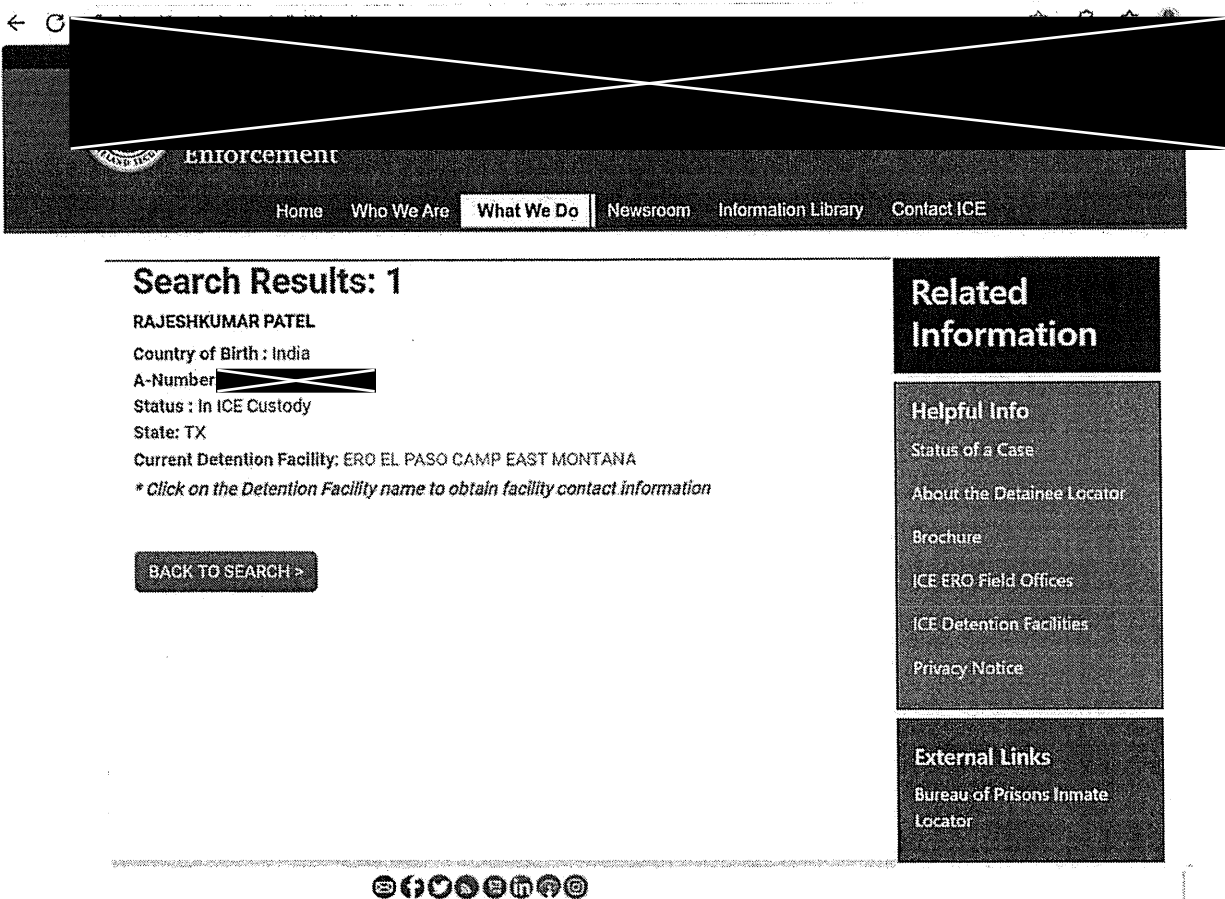
41. Petitioner Patel, after his release, made his way to Maryland area, where he established a life. He resides in Fort Washington, MD, with his wife and son.

42. Petitioner Patel is currently in removal proceedings, and a Form I-589 (Application for Asylum and for Withholding of Removal) has been submitted as a form of relief and defense against removal, received by USCIS on July 7, 2023.

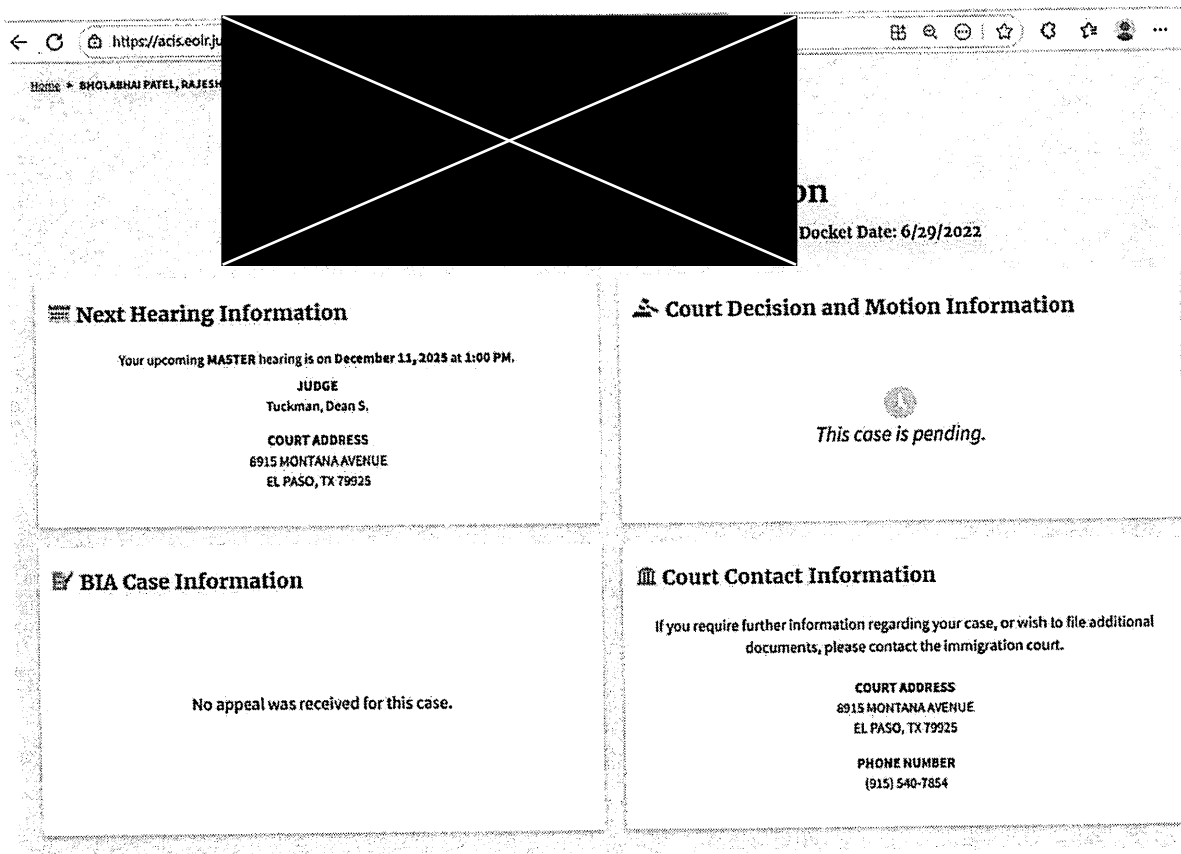
43. On the evening of October 22, 2025, Petitioner Patel received a phone call from Immigration and Custom Enforcement (ICE) informing him that he was required to report for a check-in at the Baltimore Field Office. The following day, he complied with the instructions and brought all his paperwork with him. He was then taken into immigration custody.

44. On October 31, 2025, Petitioner joined a habeas petition in the Western District of Texas as a putative Petitioner. *See Castro Cardona v. Noem*, Civ. No. 3:25-cv-514. On November 19, 2025, Petitioner was stricken from the habeas petition and ordered to file his own action. *Id.* at Dkt. No. 4.

45. Petitioner Patel is currently detained at ERO El Paso Camp East Montana, TX within the territorial jurisdiction of this Court. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on November 19, 2025)):



46. Petitioner Patel has pending removal proceedings (his Master Calendar Hearing is scheduled for December 11, 2025) and is not subject to a final order of removal. *See* EOIR Automated Case Information (available at <https://acis.eoir.justice.gov/> (last visited on November 19, 2025)):



https://adiceoir.ju

Home + SHOLABHAI PATEL, RAJESH

on

Docket Date: 6/29/2022

Next Hearing Information

Your upcoming MASTER hearing is on December 11, 2025 at 1:00 PM.

JUDGE
Tuckman, Dean S.

COURT ADDRESS
6915 MONTANA AVENUE
EL PASO, TX 79925

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
6915 MONTANA AVENUE
EL PASO, TX 79925

PHONE NUMBER
(915) 540-7854

47. Since Petitioner Patel's arrest, his wife and son have faced significant complications in contacting him. The family has been deeply affected by the sudden and unexplained loss of communication. They were not given the opportunity to say goodbye or prepare for Petitioner's absence. His wife and son are experiencing severe emotional distress and anxiety due to the uncertainty surrounding his situation. The family's daily life has been disrupted, and their ability to focus on work and basic needs has been severely impacted. Although his wife and son possess employment authorization, Petitioner Patel has always been the primary provider for the household. His income was the main source of financial stability for the family. Since his detention, they have been facing serious economic difficulties, struggling to meet essential expenses such as food, and utilities. The sudden loss of his financial support has placed the family in a state of uncertainty and hardship.

48. All Respondents consider that Petitioner Patel is detained pursuant to 8 U.S.C. § 1225(b)(2). *See Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for Petitioner to request a bond hearing from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

**FIRST CLAIM FOR RELIEF:
Declaratory Judgment**

49. Petitioner re-alleges and incorporates by reference paragraphs 1-48.

50. Petitioner requests a declaration from this Court that he is not an applicant for admission “seeking admission” or “an arriving alien” subject to mandatory detention under 8 U.S.C. §§ 1225(b)(1) or (b)(2), and that his current detention by Respondents is proper, if at all, only under 8 U.S.C. § 1226(a).

**SECOND CLAIM FOR RELIEF:
No-Bond Detention in Violation of 8 U.S.C. § 1226(a)**

51. Petitioner re-alleges and incorporates by reference paragraphs 1-48.

52. Since Petitioner is not an applicant for admission “seeking admission” or an “arriving alien” subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and has no disqualifying criminal arrests or convictions subject to 8 U.S.C. § 1226(c), he is entitled to a bond redetermination hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

53. Alternatively, Petitioner was originally detained and released under § 1226(a) authority. He was released on an Order of Release on Recognizance, pursuant to § 1226(a)(2)(B). When Petitioner’s release on recognizance was revoked, he should have been rearrested under the original warrant and arresting authority of § 1226. *See* 8 U.S.C. § 1226(b). As such, he is entitled to an immigration judge bond redetermination hearing pursuant to § 1226(a).

54. Respondents’ actions, as set forth herein, violate Petitioner’s statutory right to a bond redetermination hearing in front of an immigration judge.

**THIRD CLAIM FOR RELIEF:
Detention in Violation of Due Process**

55. Petitioner re-alleges and incorporates by reference paragraphs 1-48.

56. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community.

57. After entering the United States unlawfully, Petitioner went on to develop ties to the community over the course of several years. Petitioner is therefore a “person” within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and has a liberty interest in freedom from physical restraint.

58. Respondents’ actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives Petitioner of his rights without due process of law.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner’s detention in fact and in law, forthwith;
- b) Enjoin Petitioner’s transfer outside of this judicial district pending this litigation;
- c) Declare that Petitioner is not an applicant for admission “seeking admission” or “an arriving alien” subject to 8 U.S.C. § 1225(b);
- d) Declare that Respondents’ actions, as set forth herein, violate Petitioner’s due process rights;
- e) Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);

- f) Order that Respondents conduct bond hearings for Petitioner pursuant to 8 U.S.C. § 1226(a) within 15 days;
- g) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon payment of the bond as ordered by the Immigration Judge;
- h) Award Petitioner his costs of suit; and
- i) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Date: November 20, 2025

/s/ Rina Gandhi

Rina Gandhi, Esq.*

Maryland State Bar No. 1506160111

Murray Osorio PLLC

4103 Chain Bridge Road, Suite 300

Fairfax, Virginia 22030

Telephone: 703-352-2399

Facsimile: 703-763-2304

rina@murrayosorio.com

Counsel for Petitioner

Pro Hac Vice Application Pending

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
El Paso Division**

Rajeshkumar Bholabhai Patel,)	
)	
<i>Petitioner,</i>)	
)	
v.)	Civil Action No. _____
)	
Kristi Noem, <i>et al.</i>)	
))	
<i>Respondents.</i>)	
)	

LIST OF EXHIBITS

Ex. 1) ICE Form I-862 Notice to Appear

Ex. 2) ICE Form I-220A Order of Release on Recognizance

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
U.S. Attorney's Office for the Western
District of Texas
700 E. San Antonio, Suite 200
El Paso, Texas 79901

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Pamela Bondi
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Mary De Anda-Ybarra
Office of the Principal Legal Advisor
U.S. Immigration and Customs
Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Warden,
ERO El Paso Camp East Montana
6920 Digital Road
El Paso, TX 79936

Respectfully submitted,

Date: November 20, 2025

/s/ Rina Gandhi
Rina Gandhi, Esq.*
Maryland State Bar No. 1506160111
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
Telephone: 703-352-2399
Facsimile: 703-763-2304
rina@murrayosorio.com

**Pro Hac Vice Counsel for Petitioners*

Ex. 1

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: 

FINS

DOB: 

File No: 

In the Matter of:

RAJESHKUMAR BHOLABHAI PATEL

Respondent:

currently residing at:

~~5019 FALLEN TIMBER WAY INDIAN HEAD, MARYLAND, 20640-3720~~

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

Department of Homeland Security
Immigration and Customs Enforcement
Eloy Detention Center
1705 E. Hanna Rd.
Eloy, AZ 85131
+1 (443) 608-5761
(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 INDIA and a citizen of INDIA ;
3. You arrived in the United States at or near SAN LUIS, AZ , on or about June 23, 2022 ;
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: **EOIR 1705 E. Hanna Rd Eloy, AZ 85131**
~~51 Hopkins Plaza, Room 440 Baltimore MD US 21201~~

on 07/18/2022 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) (Time)

MICHAEL JULIEN

Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer) (Sign in Ink)

Date: June 25, 2022

Tucson, Arizona
(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) (Sign in ink)

Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on **JUN 29 2022**, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☐ in person ☐ by certified mail, returned receipt # _____ requested ☒ Institutional 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 _____ 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) (Sign in ink)

C9202 ZAVALA - Deportation Officer

(Signature and Title of officer) (Sign in ink)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorns>. When disclosed to the DOJ's EOIR for Immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Ex. 2

ORDER OF RELEASE ON RECOGNIZANCE

File No.:

Date: July 5, 2022

Name: PATEL, RAJESHKUMAR BHOLABHAI

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:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at Sea I-831 on 09/13/2022 09:00 as directed.

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.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.

- ☐ Other: Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☐ 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 Immigration and Customs Enforcement.

[Signature]
CANTU, J 2617

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Punjabi language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

[Signature]
(Signature of ICE Official Serving Order)

07/05/2022

Date

x

[Signature]
(Signature of Alien)

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 ICE Official Cancelling Order)

Date

ICE Form I-220A (10/20)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs EnforcementORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

File No.:

Date: July 5, 2022

Name: PATEL, RAJESHKUMAR BHOLABHAI

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☐ Other:



X



(Signature of Alien)

U.S. Department of Homeland Security

Continuation Page for Form

Alien's Name PATEL, RAJESHKUMAR BHOLABHAI	File Number 	Date 07/05/2022
LOCATION OF ICE OFFICE WHICH YOU REPORT TO ----- 31 Hopkins Plaza, 6th Floor Baltimore, MD 21201 (410) 637-4000		
Signature  OSCAR ESTRADA		Title DEPORTATION OFFICER

5 of 5 Pages

**DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION**

Alien's Name: RAJESHKUMAR BHOLABHAI PATELA-File Number: [REDACTED]Date: 07/05/2022Event ID: [REDACTED]Subject ID: [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.
- ☐ Under other conditions. [Additional document(s) will be provided.]

C 3768 HOFFMAN 5000
Name and Signature of Authorized Officer

SDDO
Title

07/05/2022 10:23
Date and Time of Custody Determination
BRO ELOY SUB OFFICE
1705 E HANNA RD
ELOY AZ 85131
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.

x [Signature]
Signature of Alien

07/05/2022
Date

The contents of this notice were read to RAJESHKUMAR BHOLABHAI PATEL in the PUNJABI language.
(Name of Alien) (Name of Language)

OSCAR ESTRADA [Signature]
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

DEPORTATION OFFICER
Title

Alien's Name

Patel, Rajeshkumar

File Number

A

Date

07/05/2022

NOTICE OF CUSTODY DETERMINATION (Continuation)

Pursuant to a review conducted to comply with requirements in *Frailhat v. ICE*, --- F. Supp. 3d ---, 2020 WL 1932570 (C.D. Cal. Apr. 20, 2020), you have been identified as having one or more of the Risk Factors identified by the district court as placing you "at heightened risk of severe illness and death upon contracting the COVID-19 virus."

The Risk Factor(s) in your case are that you:

- ☐ Are age 55 or over
- ☐ Are Pregnant
- ☒ Have a Chronic Care Condition (As confirmed by a medical professional)

Condition: Overweight

Upon review of the totality of the circumstances present in your case, it has been determined that you will:

- ☒ Be released from custody.
- ☐ Remain detained, and the following justification forms the basis for your continued detention: Select ONE

Select Option and Provide Comment

Comments:

Signature

O. Estrada

Title

Deportation Officer