


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
Waycross Division

_____		)
DEIVY YOVANNY FERNANDEZ GOROSABEL		)
(A  )		)
		)
<i>Petitioner,</i>		)
		)
v.	Civil Action No.	)
		)
KRISTI NOEM, <i>Secretary of Homeland Security,</i>		)
<i>U.S. Department of Homeland Security</i>		)
		)
TODD LYONS, <i>Acting Director, U.S. Immigration</i>		)
<i>and Customs Enforcement,</i>		)
		)
GEORGE STERLING, <i>Director, Atlanta ICE</i>		)
<i>Field Office, U.S. Immigration and Customs</i>		)
<i>Enforcement,</i>		)
		)
PAMELA BONDI, <i>Attorney General, U.S.</i>		)
<i>Department of Justice,</i>		)
		)
WARDEN, <i>Folkston Annex Processing Center,</i>		)
		)
<i>Respondents.</i>		)
_____		)

**PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

Petitioner is a citizen of Ecuador who entered the United States between ports of entry on the U.S.-Mexico border as an unaccompanied minor in November 2024. Upon entry, he was taken into custody and eventually released by the Office of Refugee Resettlement (“ORR”) to his sister and legal sponsor in December 2024. Approximately one year later, Petitioner was arrested by U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is now detained by ICE under facts and circumstances that place him squarely within ICE’s general detention authority 8 U.S.C. § 1226(a). The immigration judge (“IJ”) denied Petitioner a bond hearing, holding that he was

subject to mandatory detention under § 1225(b) as “an applicant for admission.” However, Petitioner was originally detained in the custody of the ORR as a minor child under a separate statute altogether and thereafter released from custody. 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**

1. 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).

2. 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.

3. 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.

4. 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

5. Petitioner Deivy Yovanny Fernandez Gorosabel, the Petitioner, is a native of Ecuador. He is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Folkston ICE Processing Center Annex in Folkston, Georgia.

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

7. 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.

8. Respondent George Sterling is the Director of the Atlanta ICE Field Office. He is responsible for overseeing ICE operations pertaining to noncitizens within his territorial jurisdiction, such as Mr. Fernandez, including detentions, enforcement, and removal operations. He is the immediate legal custodian of Petitioner for purposes of a federal habeas petition.

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

## LEGAL BACKGROUND

### A. Unaccompanied Minors

10. A child who arrives in the United States without a parent or guardian is defined as an “unaccompanied” minor, and afforded special protections under U.S. immigration law. An unaccompanied minor is a child who: (A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody. 6 U.S.C. § 279(g)(2).

11. Under the U.S. Department of Health and Human Services (“HHS”), ORR is charged with the care of unaccompanied minors “who are in Federal custody by reason of their immigration status.” 6 U.S.C. § 279(a), (b)(1)(A). *See also* 8 U.S.C. § 1232(b)(1). This means ORR has authority over all placement decisions for unaccompanied minors. *See id.* § 279(b)(1)(C), (D). ORR also has authority over any release of an unaccompanied minor to the care and custody of a suitable adult. *Id.*

12. Unaccompanied minors “shall be promptly placed in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A). The least restrictive means often means release from ORR custody to a suitable adult, subject to safety and suitability assessments. 8 U.S.C. § 1232(c)(3). These assessments include “at a minimum, include verification of the custodian’s identity and relationship to the child, if any, as well as an independent finding that the individuals has not engaged in any activity that would indicate a potential risk to the child,” and may also include home studies. *Id.* §§ 1232(c)(3)(A), (B).

13. If the government seeks to remove an unaccompanied minor, it must place the unaccompanied minor in traditional removal proceedings under 8 U.S.C. § 1229a; consider eligibility for relief under 8 U.S.C. § 1229c at no cost to the child; and provided access to counsel. 8 U.S.C. § 1232 (a)(5)(D). Unaccompanied minors cannot be subjected to expedited removal proceedings under 8 U.S.C. § 1225(b). 8 U.S.C. §§ 1232(a)(2)(B), (a)(3), (a)(5)(D).

14. If an unaccompanied minor is not released prior to their 18th birthday, he may be transferred to the custody of DHS. 8 U.S.C. § 1232(c)(2)(B). However, even in DHS custody, “the Secretary shall consider placement in the least restrictive setting available after taking into account the alien’s danger to self, danger to the community, and risk of flight.” *Id.* This includes consideration for “alternative to detention programs” and “placement of the alien with an individual or an organizational sponsor,” outside of traditional ICE custody. *Id.*

#### **B. Adult Immigration Detention Legal Framework**

1. 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.

2. 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.*

3. 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).

4. 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.

5. 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].

6. 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.*

7. 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.

8. 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).

9. 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)).

### FACTS

10. Petitioner is a native and citizen of Ecuador. Petitioner entered the United States at or near Eagle Pass Tx, on or about November 9, 2024, when he was 17 years old. Petitioner was encountered by immigration officials who turned him over to ORR custody.

11. Petitioner was also issued a defective notice to appear before an immigration judge “on a date to be set at a time to be set.” *See* Ex. 1, November 2024 Notice to Appear.

12. Following a vetting process, Petitioner was eventually released by ORR to his sister and legal sponsor in December 2024. *See* Ex. 2, ORR Verification of Release.

13. Petitioner then went on to establish a life in Washington, D.C., where he currently lives with his sister, her fiancée, and their young U.S. citizen child.

14. Petitioner turned 18 years old on May 9, 2025. *See* Ex. 2.

15. Petitioner was arrested by ICE agents conducting random street operations on September 30, 2025, in Washington, D.C. He has since remained in immigration custody.

16. On October 2, 2025, ICE issued Petitioner a new notice to appear. *See* Ex. 3, October 2025 Notice to Appear.

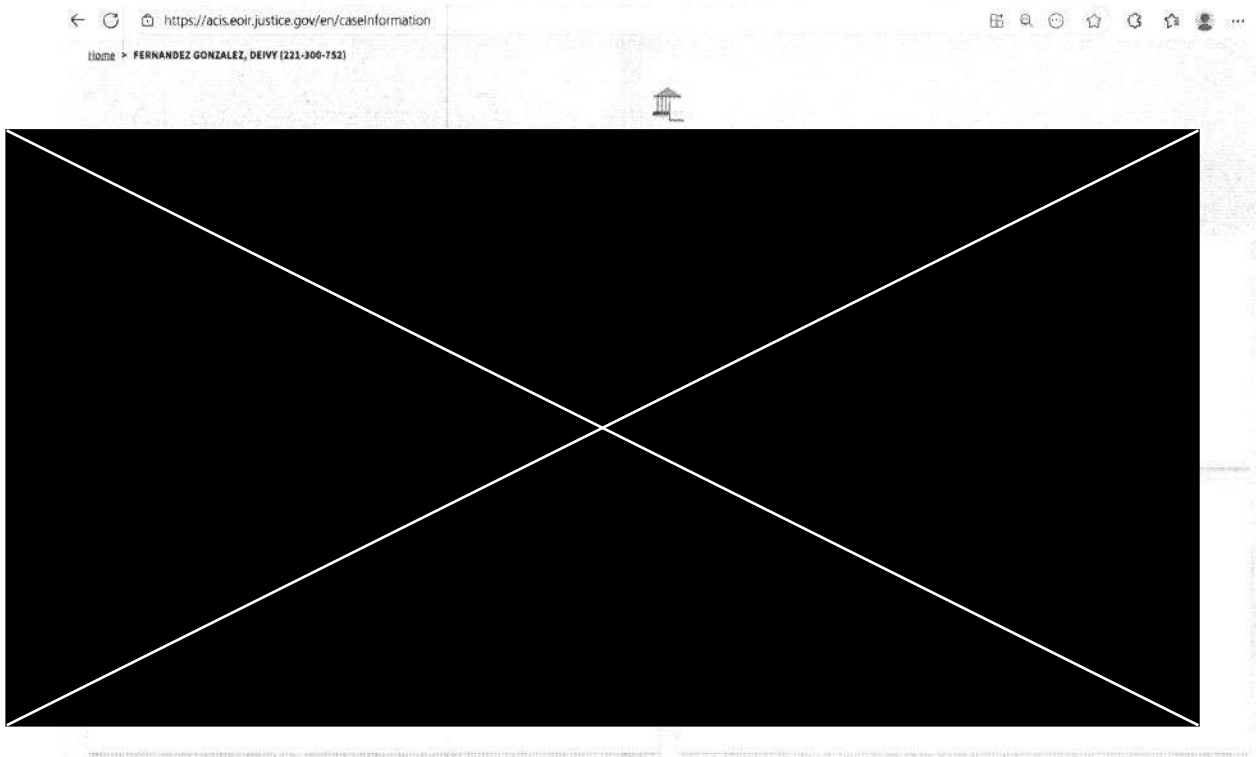
17. Petitioner, through his immigration counsel, subsequently requested to be released on bond. On November 4, 2025, his request was heard and denied by an Immigration Judge who found he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2). *See* Ex. 4, Immigration Judge Bond Order.

18. On November 10, 2025, Petitioner, through immigration counsel, filed a Form I-589, Application for Asylum, Withholding of Removal, and Relief Under the Convention Against Torture with the immigration court.

19. Petitioner is currently detained in the Folkston ICE Processing Center Annex in Folkston, Georgia. *See* ICE Detainee Locator information (available at <https://locator.ice.gov/> (last visited on November 21, 2025)):



20. Petitioner has pending removal proceedings and has an Individual Hearing set for January 8, 2026, 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 21, 2025)):



21. Mr. Fernandez is 18 years old and has no criminal history in the United States. He poses no threat to public safety and no risk of flight. His sister, future brother-in-law, and young nephew depend on his financial contributions to the household to make ends meet, and they have all been suffering emotionally since his abrupt detention.

22. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2). Accordingly, it would be futile for Petitioner to appeal the bond decision to the Board of Immigration Appeals. Exhaustion of administrative remedies is therefore excused.

**FIRST CLAIM FOR RELIEF:  
Declaratory Judgment**

23. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-22.

24. 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). Petitioner was initially encountered and held in ORR custody as

an unaccompanied minor, and following his 18th birthday, Petitioner remains nonetheless entitled to be detained in the “least restrictive setting,” including consideration for release, and alternative to detention programs. 8 U.S.C. § 1232(c)(2)(B). Because his detention is necessarily discretionary, 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)**

25. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-22.

26. 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). As an unaccompanied minor who has aged out of ORR custody, section 1232(c)(2)(B) nonetheless requires his placement in the least restrictive setting, with consideration of “the alien’s danger to self, danger to the community, and risk of flight,” – all factors duly considered within a traditional § 1226(a) bond hearing.

27. 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**

28. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-22.

29. 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.

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

31. Respondents’ actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives him 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) and 1232(c)(2)(B) 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 21, 2025

/s/ Benjamin Osorio  
Benjamin Osorio, Esq.  
Georgia State Bar no. 194702  
Murray Osorio PLLC  
4103 Chain Bridge Road, Suite 300  
Fairfax, Virginia 22030  
Telephone: 703-352-2399  
Facsimile: 703-763-2304  
benjamin@murrayosorio.com

*Counsel for Petitioner*

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
Waycross Division

<hr/>	
DEIVY YOVANNY FERNANDEZ GOROSABEL )	)
(A  ) )	)
<i>Petitioner,</i> )	)
v. )	)
KRISTI NOEM, <i>et al.</i> , )	)
<i>Respondents.</i> )	)
<hr/>	

Civil Action No.

**INDEX OF EXHIBITS**

- Ex. 1) November 2024 Notice to Appear
- Ex. 2) ORR Verification of Release
- Ex. 3) October 2025 Notice to Appear
- Ex. 4) Immigration Judge Bond Order

**Certificate of Service**

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk  
U.S. Attorney's Office for the Southern  
District of Georgia  
22 Barnard Street, Suite 300  
Savannah, GA 31401

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

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

Warden,  
Folkston Annex Processing Center  
P.O. Box 248, 3424 Highway 252  
East NA Folkston, GA 31537

Respectfully submitted,

Date: November 21, 2025

/s/ Benjamin Osorio  
Benjamin Osorio, Esq.  
Georgia State Bar no. 194702  
Murray Osorio PLLC  
4103 Chain Bridge Road, Suite 300  
Fairfax, Virginia 22030  
Telephone: 703-352-2399  
Facsimile: 703-763-2304  
benjamin@murrayosorio.com

*Counsel for Petitioner*

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

File No: [REDACTED]

In the Matter of: DEIVY YOVANNY FERNANDEZ-GOROSABEL currently residing at:

TBD  
(Number, street, city, state and ZIP code) (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 ECUADOR and a citizen of ECUADOR ;
3. You arrived in the United States at or near EAGLE PASS, TX , on or about November 9, 2024 ;
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:

AT A PLACE TO BE SET

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

on a date to be set at a time to be to show why you should not be removed from the United States based on the

charge(s) set forth above.

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: November 09, 2024

EAGLE PASS, 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](http://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.


Upon information and belief, the language that the alien understands is SPANISH

**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:

OMAR RODRIGUEZ PEREZ  
Date: 2024.11.09 09:41:00  
0009257022.CBP

  
(Signature and Title of Immigration Officer)

**Border Patrol Agent**

**Refused to Sign**

(Signature of Respondent)

Date: 11/09/2024

**Certificate of Service**

This Notice To Appear was served on the respondent by me on November 9, 2024, 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.

**Refused to Sign**

(Signature of Respondent if Personally Served)

OMAR RODRIGUEZ PEREZ  
Date: 2024.11.09 09:41:00  
0009257022.CBP

  
(Signature and Title of officer)

**Border Patrol Agent**

### 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 280 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-sorn>. 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/oecl/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.

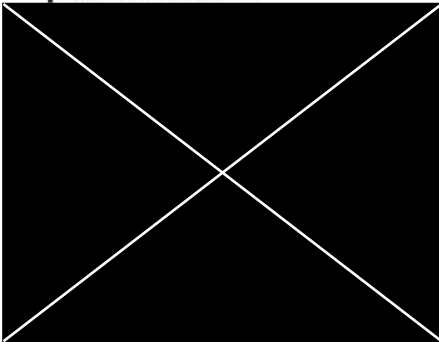


**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
OFFICE OF REFUGEE RESETTLEMENT (ORR)  
DIVISION OF UNACCOMPANIED CHILDREN OPERATIONS (DUCO)  
VERIFICATION OF RELEASE**

**VERIFICATION OF RELEASE**

Name:	Deivy Yovanny Fernandez Gorosabel	Aliases (if any):	
Date of Birth:		A#:	
Country of Birth:	Ecuador	Eye Color:	Brown
Primary Language:	Spanish		

The Office of Refugee Resettlement (ORR) has released the above named minor from Federal custody pursuant to section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to the care of:



Name of Sponsor:	Yerly Lilibeth Fernandez Gorosabel		
Address:			
City:			
State:		Zip Code:	20020
Primary Phone#:			
Relationship to Child:	Sister		

**ACKNOWLEDGEMENT OF THE SPONSOR CARE AGREEMENT**

The above-named sponsor has agreed to the provisions set forth in the Sponsor Care Agreement, pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and the Department of Justice/Executive Office for Immigration Review (EOIR). In agreeing to these provisions, the sponsor holds authority to consent to medical and mental health care on behalf of the child.

ORR Care Provider Name:	Compass Connections Chavaneaux
Discharge Date:	12/03/2024

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to provide unaccompanied children and their sponsors with official documentation showing that ORR released the child into the sponsor's care and custody. Public reporting burden for this collection of information is estimated to average 0.17 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a mandatory collection of information (Homeland Security Act, 6 U.S.C. 279). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. The OMB control number for this information collection is 0970-0552. If you have any comments on this collection of information please contact [UCPolicy@acf.hhs.gov](mailto:UCPolicy@acf.hhs.gov).

DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO APPEAR**

DOB: [Redacted]  
Even: [Redacted]

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

Subject ID: [Redacted] FINS: [Redacted] File No: [Redacted]

In the Matter of:

Respondent: DEIVY FERNANDEZ GONZALEZ currently residing at:

See Continuation Page Made a Part Hereof  
(Number, street, city, state and ZIP code) (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 ECUADOR and a citizen of ECUADOR;
3. You entered the United States at or near EAGLE PASS TX, on or about unknown date;
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; and/or See Continuation Page Made a Part Hereof

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:

See Continuation Page Made a Part Hereof

- 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:

7619 LITTLE RIVER TPK, 4TH FL ANNANDALE, VIRGINIA 22003. FARMVILLE DETENTION CENTER  
(Complete Address of Immigration Court, including Room Number, if any)

on November 4, 2025 at 9:00 am to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

J 9911 JOHNSON (\*) SDOO  
(Signature and Title of Issuing Officer)

Date: October 2, 2025 Chantilly, VA  
(City and State)

EOIR - 1 of 4

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](http://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 October 2, 2025, 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.

Refuses to sign  
(Signature of Respondent if Personally Served)

[Signature]  
JONATHAN QUIZHPI - deportation officer  
(Signature and Title of officer)

EOIR - 2 of 4

**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-sorn>. 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.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name FERNANDEZ GONZALEZ, DEIVY	File Number 	Date 10/02/2025
---	---	--------------------

CURRENTLY RESIDING AT:

Farmville Detention Center 508 Waterworks Rd Farmville, VIRGINIA 23901

THE SERVICE ALLEGES THAT YOU:

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

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.

212(a)(7)(A)(i)(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.

Signature  
J 9911 JOHNSON



Title  
(a) SDDO

EOIR - 4 of 4



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

Respondent Name:

FERNANDEZ GONZALEZ, DEIVY

To:

Lichtenbaum, Jacob  
PO Box 66786  
Washington, DC 20035

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/04/2025

**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

This court's jurisdiction for bond is foreclosed by the Respondent's manner of entry into the United States without inspection. In accordance with *Matter of Q. Li*, Respondent is therefore an applicant for admission, 29 I&N Dec. 66, 68 (BIA 2025); see also INA 235(a)(1) (defining an "applicant for admission" as an alien "who arrives in the United States whether or not at a designated port of arrival"). Additionally, the term "arriving" applies to the Respondent, who was apprehended "just inside 'the southern border, and not at a point of entry, on the same day [he] crossed into the United States.'" *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA 2020). For aliens arriving in and seeking admission into the United States who are not clearly admissible and therefore placed directly in full removal proceedings, INA 235(b)(2)(A) mandates detention "until removal proceedings have concluded." *Matter of Q. Li*, 29 I&N Dec. at 68. That Respondent was an unaccompanied minor upon entry, and thus afforded special protections under the TVPRA, does not change his initial designation as an applicant for admission, or his classification as an arriving alien. See INA 235(a)(1); *Matter of M-D-C-V-*, 28 I&N Dec. at 23.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



Immigration Judge: Choi, Raphael 11/04/2025

Appeal:	Department of Homeland Security:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved
	Respondent:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved

Appeal Due: 12/04/2025

**Certificate of Service**

This document was served:

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

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : FERNANDEZ GONZALEZ, DEIVY | A-Number : 

Riders:

Date: 11/04/2025 By: Trillo, Shanell, Court Staff

JS 44 (Rev. 12/07)

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
 Deivy Yovanny Fernandez Gorosabel

**(b) County of Residence of First Listed Plaintiff** Out of State  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
 Murray Osorio PLLC, 4103 Chain Bridge Road, Suite 300, Fairfax, VA 22030, 703-352-2399

**DEFENDANTS**  
 Kristi Noem, Todd Lyons, George Sterling, Pamela Bondi, Warden - Folkston Annex Processing Center

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)  
 U.S. Attorney's Office, 22 Barnard Street, Suite 300 Savannah, GA 31401

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input checked="" type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 2241

Brief description of cause:  
Detention without observation of required legal procedures

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 11/21/2025

SIGNATURE OF ATTORNEY OF RECORD: /s/ Benjamin Osorio

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_