

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALEJANDRO NOE DIAZ HERNANDEZ,)
Petitioner,)
v.) No. 25 C 13424
SAM OLSON, Chicago Field Office) Judge Perry
Director, U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT, *et al.*,)
Respondents.)

RESPONDENTS' STATUS REPORT

Pursuant to this court's minute order of November 3, 2025, Dkt. 2, respondents' counsel writes to apprise the court with the following information regarding petitioner Alejandro Noe Diaz Hernandez:

(1) State whether Petitioner was located in the Northern District of Illinois at the time this case was filed:

At the time his petition was filed, Hernandez was detained at the North Lake Processing Center located in Baldwin, Michigan, which is within the Western District of Michigan. Respondents' position is that venue in a habeas case is proper in the district where the detainee was at the time of filing.

(2) The current status of Petitioner's immigration proceedings:

On November 1, 2025, Hernandez was issued a Notice to Appear for removal proceedings. Accordingly, he is currently scheduled to appear before an immigration judge at 8:30 a.m. on December 8, 2025.

(3) Petitioner's current location and proper Respondent based on that location:

Hernandez is at the North Lake Processing Center, 1805 W 32nd Street, Baldwin, Michigan, 49304. Respondents understand that Kimberly Ball is the proper respondent for the North Lake Processing Center.

(4) Government's view regarding effect of Castanon Nava consent decree on habeas case:

This court's order requests the government's view as to whether the recent decision about the settlement in *Castanon-Nava v. DHS*, No. 18 C 3757 (N.D. Ill.) (Dkt. 214) has any effect on Hernandez's habeas corpus case (including whether Petitioner was arrested with or without a warrant). In this instance, Hernandez was arrested by U.S. Immigration and Customs Enforcement on November 1, 2025, without a warrant based on probable cause.

Regardless, this case is not about the lawfulness of arrest where, as here, it is undisputed that Hernandez is a foreign national who illegally made his way into the United States.

There is no application of the exclusionary rule to "suppress" Hernandez from his own removal proceedings. *See United States v. Chagoya-Morales*, 859 F.3d 411, 418 (7th Cir. 2017) ("The 'body' or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest, search, or interrogation occurred." (quoting *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1039–40 (1984))).

If Hernandez believes that this petition is covered by *Castanon-Nava* then Hernandez should file an individual claim in that case. The period covered by the settlement agreement in that case was recently extended by the court to February 2, 2026, and there is claim mechanism that must be followed. A link to the claim mechanism can be found at:

<https://immigrantjustice.org/referral-form-castanon-nava-settlement-violations-formulario-de-remision-sobre-violaciones-del-acuerdo-castanon-nava/>.

In addition, the settlement remedy of release articulated in *Castanon-Nava* does not apply to foreign nationals who are subject to mandatory detention. *See Castanon-Nava v. DHS*, No. 18 C 3757, Dkt. 214, slip op. at 9 (N.D. Ill. Oct. 7, 2025) (discussing exceptions, “such as where the class member is subject to mandatory detention pursuant to the INA”).

Respectfully submitted,

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