

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TANIA ROCIO CHOGLLO QUITO,

Petitioner,

v.

CRAIG SHEPLEY, *Deputy Chief Patrol
Agent, Fort Fairfield Sector, U.S. Customs
& Border Protection, et al.,*

Respondents.

No. 2:25-cv-00587-SDN

**RETURN AND RESPONSE TO ORDER TO SHOW CAUSE
IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

Federal Respondents, by and through undersigned counsel, oppose the Verified Petition for Writ of Habeas Corpus filed by Petitioner Tania Rocio Chogllo Quito under 28 U.S.C. § 2241. Dkt. 1, November 24, 2025 (the “Petition” or “Pet.”). Petitioner’s arrest and detention was initiated by local law enforcement, and she was subsequently transferred to the custody of U.S. Customs and Border Protection (“CBP”) at the Fort Fairfield CBP Station in Fort Fairfield, Maine. Dkt. 1 at 1-2. Government counsel has confirmed that Petitioner remains in CBP custody at the Fort Fairfield CBP Station. She will not be removed from the District of Maine pending further order from this Court. Order on Mot. for TRO, Dkt. 7 at 2, Nov. 24, 2025.

CBP maintains that the true cause of Petitioner’s detention is pursuant to 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243. The Government acknowledges, as it must, the recent caselaw from this Court uniformly sustaining challenges to DHS’s interpretation of § 1225. *See, e.g., Chang Barrios v. Shepley*, 1:25-cv-00406-JAW, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chogllo Chafila v. Scott*, 2:25-cv-00437-SDN,

2025 WL 2688541 (D. Me. Sept. 22, 2025); *Bermeo Sicha v. Bernal*, 25-cv-00418-SDN, 2025 WL 2494530 (D. Me. Aug. 29, 2025). The position of CBP nonetheless remains that Petitioner must be detained pending the outcome of her removal proceedings, with the agency following the precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025), to which it must adhere. The Government adopts by reference its prior arguments made to this Court in that regard.

WHEREFORE, CBP submits that Petitioner is not entitled to a writ of habeas corpus. The Government respectfully submits that the court should dispose of and dismiss the matter as law and justice require. 28 U.S.C. § 2243. The Government will be prepared for and attend any hearing set in this matter.

Dated: November 25, 2025

Respectfully submitted,

ANDREW B. BENSON
United States Attorney

/s/ James D. Concannon
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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2025, I caused the foregoing to be electronically filed with Clerk of Court using the CM/ECF system, which sent such notice to any individuals and entities who have entered appearances in this case to date, pursuant to the Court's ECF system.

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