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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

12 CARLOS ALBERTO DE LA GARZA)

13 Petitioner,)

14 v.)

15 SERGIO ALBARRAN, *et al.*,)

16 Respondents.)

) Case No. 4:25-cv-10305-HSG

) **RESPONDENTS' RESPONSE TO ORDER TO**
) **FILE CORRECTED DECLARATION**

17
18 On December 18, 2025, the parties appeared before the Court for a hearing to address whether a
19 preliminary injunction should be issued. Dkt. 23. Respondents, acknowledging that its previous
20 opposition to the entry of a preliminary injunction had contained some factual errors, withdrew that
21 opposition and did not contest the entry of a preliminary injunction. Dkt. 22. As such, this Court
22 granted a preliminary injunction. Dkt. 22. In doing so, however, the Court instructed Respondents to
23 file a corrected declaration from a person with firsthand knowledge addressing 1) the basis for initially
24 making the withdrawn representations, and 2) the corrected facts. Dkt. 23. Accordingly, Respondents
25 now file this response and the attached declaration from Deportation Officer (“DO”) Nolan De Long,
26 who was one the DOs who took Petitioner into custody on December 1, 2025 and who therefore has
27 firsthand knowledge of the operative facts.
28

1 As explained in further detail in the attached declaration, Petitioner's case was one of DO De
2 Long's first assignments, having just completed initial training at the ICE Academy on November 4,
3 2025. Declaration of DO Nolan De Long ("De Long Decl.") ¶ 6. As a result of DO De Long's relative
4 lack of experience, when he initially used the phrase "negative approval status" in Petitioner's I-213, he
5 did not understand that this did not necessarily mean that USCIS had completed its adjudication of the
6 case. De Long Decl. ¶ 9. Further, DO De Long inadvertently included language in Petitioner's I-213
7 about Petitioner illegally entering the country on November 18, 2015, because he was using a sample I-
8 213 from a different case to draft Petitioner's I-213. De Long Decl. ¶ 10. Acknowledging his mistakes,
9 DO De Long has supplied a revised Form I-213 prepared by a supervisory DO, making the necessary
10 corrections to Petitioner's A-file. De Long Decl. ¶ 11-12, Exh. 1.

11
12 DATED: December 31, 2025

Respectfully submitted,

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/s/ S. Waqar Hasib
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