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6 Attorneys for Defendant: JESUS DE HARO-FELIX

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 JESUS DE HARO-FELIX,  
12 Petitioner,

Case No. 3:25-cv-03385-JO-BLM

13 v.

**DECLARATION OF COUNSEL  
IN SUPPORT OF HABEAS  
PETITION AND  
SUPPLEMENTAL BRIEFING**

14  
15 KRISTI NOEM, Secretary of the  
United States Department of  
16 Homeland Security, et al.,  
17 Respondents.

18  
19 **DECLARATION OF MURRAY D. HILTS**

20 I, Murray D. Hilts, declare as follows:

21 1. I am an attorney licensed to practice law in the State of California and  
22 admitted to practice before this Court. I represent Petitioner Jesús De Haro-Felix  
23 in this habeas corpus action filed pursuant to 28 U.S.C. § 2241. I have personal  
24 knowledge of the facts stated in this declaration based on my client  
25 communications, review of records, and investigation conducted in preparation of  
26 this case. If called as a witness, I could and would testify competently to the  
27 following.

1 **Petitioner’s Identity, Entry, and Immigration History**

2 2. Petitioner is a 46-year-old Mexican national who last entered the  
3 United States in or about 1999, where he has lived continuously since that time.

4 3. Petitioner has never been formally admitted into the United States in  
5 an immigrant or non-immigrant status. He has resided here for more than  
6 twenty-five years, working and supporting his family. He has established  
7 longstanding residence, family ties, and community connections during his time in  
8 the United States

9 4. Petitioner does not have a prior removal order, nor has he previously  
10 been placed in removal proceedings prior to 2025.

11 **Arrest, Detention, and Custody Status**

12 5. On June 26, 2025, Petitioner was taken into custody by Immigration  
13 and Customs Enforcement (ICE) and transported to the Otay Mesa Detention  
14 Center, where he remains detained today.

15 6. At the time of detention, Petitioner was issued a Notice to Appear  
16 alleging inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i).

17 7. Petitioner has been detained continuously since June 26, 2025. He has  
18 not been afforded any bond hearing, custody redetermination, or individualized  
19 assessment of danger or flight risk by any neutral decisionmaker.

20 8. Petitioner has sought information on how to request a bond hearing  
21 but has been informed that, due to Matter of Yajure Hurtado, 29 I&N Dec. 216  
22 (BIA 2025), immigration judges currently lack jurisdiction to consider such  
23 requests for detainees in his category.

24 **Custody Redetermination and Impact of Matter of Yajure Hurtado**

25 9. Under ordinary Ninth Circuit law, individuals in Petitioner’s  
26 circumstances—present without admission but with longstanding residence—are  
27 typically considered detained under 8 U.S.C. § 1226(a) and thus eligible to seek a  
28 custody redetermination.

1           10.    However, on September 5, 2025, the Board of Immigration Appeals  
2 issued Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), holding that  
3 individuals present without admission are categorically “applicants for admission”  
4 detained under 8 U.S.C. § 1225(b)(2) and thus ineligible for bond hearings. This  
5 decision has been interpreted by immigration courts as removing jurisdiction over  
6 nearly all custody redetermination requests filed by individuals like  
7 Mr. De Haro-Felix.

8           11.    Immigration judges in San Diego have since treated this decision as  
9 categorically eliminating jurisdiction over custody redetermination motions for  
10 detainees like Petitioner, regardless of their length of residence or equities.

11           12.    Because of this decision, any attempt by Petitioner to seek a bond  
12 hearing before the Immigration Court would be dismissed for lack of jurisdiction,  
13 and an appeal to the BIA would also be dismissed. For this reason, further  
14 administrative efforts to challenge detention are futile.

15           13.    I am personally aware of multiple cases in which similar custody  
16 motions were rejected solely because of Matter of Yajure Hurtado, with no  
17 individualized analysis conducted.

18 **Personal Background, Ties, and Hardship**

19           14.    Petitioner has deep family ties in the United States and has been a  
20 contributing member of the community for decades. His detention has caused  
21 significant hardship to his family, who depend on him for emotional and financial  
22 support. He has no prior criminal history.

23           15.    Prolonged detention has placed substantial strain on Petitioner, who  
24 has reported increasing stress and anxiety as his detention continues with no  
25 available mechanism for review.

26 **Procedural Status and Records Access**

27           16.    On December 3, 2025, the Immigration Court held Petitioner’s  
28 scheduled master calendar hearing. At that hearing, Immigration Judge Sameit set

1 an Individual Merits Hearing for April 17, 2026 at 8:00 AM, as reflected in the  
2 EOIR Notice of Hearing dated December 3, 2025. A true and correct copy of that  
3 notice is attached. 17. I have full access to Petitioner’s complete immigration  
4 court file  
5 through the EOIR Online Portal, including all filings, hearing notices, pleadings,  
6 audio recordings (where applicable), and documents generated or submitted in his  
7 proceedings. I receive real-time electronic notifications of all filings and have  
8 reviewed all records currently available to counsel for accuracy and completeness  
9 in preparation of this declaration and the habeas petition **Continuing Detention**  
10 **and Basis of Habeas Relief**

11 18. Petitioner’s detention has now exceeded five months without any  
12 review by a neutral adjudicator.

13 19. As addressed in the Petition and supplemental briefing:

14 a. Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. §  
15 1225(b), because the Ninth Circuit has held that “applicant for admission” is a  
16 status that exists only at a discrete moment, not for decades.

17 b. Even assuming § 1225(b) applies, the prolonged and  
18 unreviewed nature of detention raises serious due process concerns.

19 c. ICE’s ability to file an automatic stay under 8 C.F.R. §  
20 1003.19(i)(2) further deprives Petitioner of meaningful review even if a bond were  
21 granted.

22 20. Petitioner accordingly seeks release on appropriate conditions or, at  
23 minimum, a constitutionally adequate bond hearing before a neutral decisionmaker  
24 capable of evaluating danger and flight risk.

25 **Compliance With Court’s December 4, 2025 Minute Order**

26 21. I submit this declaration in compliance with the Court’s  
27 December 4, 2025 directive requiring Petitioner to file “a declaration supporting  
28 the claims in the habeas petition” by December 8, 2025, at 12:00 PM.



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

LEAD FILE: [REDACTED]  
IN REMOVAL PROCEEDINGS  
DATE: Dec 3, 2025  
EAD Clock: 1 days elapsed

TO: LAW OFFICES OF MURRAY D. HILTS  
Hilts, Murray David  
3020 Meade Avenue  
San Diego, CA, CA 92116

RE: [REDACTED] DE HARO-FELIX, JESUS

**Notice of In-Person Hearing**

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Date: Apr 17, 2026  
Time: 08:00 A.M. PT  
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

**Representation:** You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

**Failure to Appear:** If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

**Change of Address:** The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

**Internet-Based Hearings:** If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

**In-Person Hearings:** If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]

TO: [ ] Noncitizen | [ ] Noncitizen c/o Custodial Officer |

[E] Noncitizen ATT/REP | [E] DHS

DATE: 12/03/2025 BY: COURT STAFF RR

Attachments:[ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

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অনলাইনে নোটিশ পড়ার জন্য এই পজেরে কোডটি স্ক্যান করতে স্মার্টফোনে ক্যামেরা ব্যবহার করুন



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

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