

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT

In the Matter of

Case No.



BERTIN MONGE GOMEZ,

Respondent.

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CUSTODY REDETERMINATION
PROCEEDING

Transcript of Hearing

Before ALISON DAW, Immigration Judge

Date: August 7, 2025

Place: ADELANTO, CALIFORNIA

Transcribed by ACCESS TRANSCRIPTS, LLC

Official Interpreter:

Language: Spanish

Appearances:

For the Respondent: OSCAR GARCIA

For the DHS: MACY CHASE



1 JUDGE FOR THE RECORD

2 We are on the record. It is August 7, 2025 in
3 Adelanto, California. Immigration Judge Alison Daw presiding
4 in File XXXXXXXXXX This is a custody redetermination
5 proceeding for an individual in detention. Would Counsel
6 please enter their appearances?

7 MR. GARCIA TO JUDGE

8 Oscar Garcia on behalf of the respondent.

9 MS. CHASE TO JUDGE

10 Macy Chase for the Department.

11 JUDGE TO MR. MONGE

12 All right. Mr. Monge, good afternoon, sir.

13 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

14 Good afternoon.

15 JUDGE TO MR. MONGE

16 Sir, what is the language that you best speak and
17 understand?

18 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

19 Spanish.

20 JUDGE TO MR. MONGE

21 All right. Sir, if I could ask you to remain seated
22 and raise your right hand so that I can place you under oath.
23 Do you solemnly swear or affirm that everything you say in
24 these proceedings today will be the truth, the whole truth, and
25 nothing but the truth?



1 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

2 Yes, I swear.

3 JUDGE TO MR. MONGE

4 Thank you, sir. You can lower your arm.

5 JUDGE TO COUNSEL

6 As far as -- Counsel, as far as I can tell, the --
7 this individual entered without inspection back in 2005 and was
8 not detained at the time he entered. Is that everyone's
9 understanding of history?

10 MR. GARCIA TO JUDGE

11 That's correct, Your Honor.

12 MS. CHASE TO JUDGE

13 I believe so, Your Honor.

14 JUDGE TO MS. CHASE

15 All right. I know that the Department is taking the
16 position that anyone who entered without inspection is subject
17 to mandatory custody. Would you like to state the Department's
18 position for purposes of the record, Ms. Chase?

19 MS. CHASE TO JUDGE

20 Just briefly, Your Honor. The Department's position
21 is that the respondent is subject to mandatory detention under
22 235(b)(2) as an applicant for admission, and I believe that's
23 consistent with the Supreme Court's holding in Jennings v.
24 Rodriguez, 583 U.S. 281, and that's case from 2018. Thank you.

25 JUDGE TO MS. CHASE



1 Thank you.

2 JUDGE FOR THE RECORD

3 Let's see, hold on just a second here. So the Court
4 finds that individuals who entered without inspection but were
5 not detained shortly after entering are subject to detention
6 under 236(a) and not under 235(b)(2), and I will put some
7 citations to authority in the bond order itself. Let me see.
8 Jurisdiction. And I do not see any evidence of a criminal
9 record.

10 Is anybody aware of any criminal record on the
11 respondent's part?

12 MR. GARCIA TO JUDGE

13 He does actually have a criminal record, Your Honor.

14 JUDGE TO MR. GARCIA

15 Does he?

16 MR. GARCIA TO JUDGE

17 I submitted the packet with the bond determination.

18 JUDGE FOR THE RECORD

19 Okay. Hold on just a second. I apologize. I spent
20 so much time looking at the 245(i) issue because I -- it was
21 driving me nuts that I didn't give as much attention to the
22 rest of it. Give me just a minute, please. All right, I'm
23 going to go off the record for a moment and take a look at the
24 conviction documents.

25 (Off the record.)



1 JUDGE FOR THE RECORD

2 All right. We're back on the record. So I see a DUI
3 with a hit and run from 2015, driving on a suspended license in
4 2020, and another DUI and some license infraction of -- or
5 misdemeanor from 2023. Is that -- am I getting everything? I
6 kind of sped through the documents.

7 MR. GARCIA TO JUDGE

8 No, that's correct, Your Honor.

9 MS. CHASE TO JUDGE

10 Your Honor, based on my reading, it was two DUIs that
11 were consolidated in the 2015 proceedings.

12 MR. GARCIA TO JUDGE

13 That's correct.

14 JUDGE TO MR. GARCIA

15 I believe that -- yeah, okay. So two DUIs. All
16 right. So, Counsel, you've got an individual with multiple
17 convictions for driving under the influence of alcohol, and he
18 has the burden of proving that he's not a danger to the
19 community. How is he going to do that?

20 MR. GARCIA TO JUDGE

21 Well, I'll sign him up. Your Honor, I'll sign him up
22 to take classes. If the Government wants, she can put them on
23 the monitor. I'm just urging the Court to release him on bond.
24 His wife is going through some financial hardship without him.
25 They just purchased a home. They have four kids. Two of them



1 are step-kids, and one of them has some health issues. So the
2 only thing I can respond to is just, you know, I'll put them in
3 AA classes. And I know he realizes he made mistakes. I mean,
4 so I hope he's allowed to just be with his family just so he
5 can help them out, just based on the hardships that they're
6 experiencing without him.

7 JUDGE TO MR. GARCIA

8 Okay. Thank you, sir.

9 JUDGE TO MR. MONGE

10 Mr. Monge, you have been arrested multiple times for
11 driving under the influence of alcohol. And it looks like your
12 most recent conviction was from 2023. Is that right?

13 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

14 Yes.

15 JUDGE TO MR. MONGE

16 Why do you keep driving under the influence of
17 alcohol, sir?

18 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

19 Pretty much me being stupid is something that I
20 shouldn't ever be doing.

21 JUDGE TO MR. MONGE

22 Do you drink -- continue to drink alcohol, sir?

23 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

24 No, not anymore.

25 JUDGE TO MR. MONGE



1 When is the last time that you had a drink?

2 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

3 I don't remember. It's been a while since the last
4 time that I had a drink.

5 JUDGE TO MR. MONGE

6 Was it Christmas, your birthday? I mean, help me out
7 here.

8 MR. MONGE TO JUDGE (THROUGH INTERPRETER)

9 I don't know. I don't really remember. I don't
10 think that I went anywhere during Christmas. Since my last
11 DUI, I don't want to drink anything at all.

12 JUDGE TO MR. MONGE

13 All right. Well, sir, I am going to deny your
14 request to be released on bond. You have the -- in order to
15 qualify to be released on a bond, you have to prove to me that
16 you would not be a danger to the community. And you have
17 repeatedly engaged in very dangerous behavior of driving under
18 the influence of alcohol. So my finding is that even though
19 you claim that you are no longer drinking that you have not
20 submitted sufficient evidence to prove that you are no longer a
21 danger to persons or property. I understand that your family
22 needs your financial contribution, but I am not allowed to let
23 you out of custody if I think that you're going to be a danger.
24 So I'm denying your request to be released from custody on a
25 bond.



1 JUDGE TO MR. GARCIA

2 Mr. Garcia, does the respondent wish to reserve
3 appeal on that?

4 MR. GARCIA TO JUDGE

5 No, I'm just going to waive, Your Honor.

6 JUDGE TO MS. CHASE

7 All right. And, Ms. Chase, does the Department wish
8 to reserve appeal on a jurisdictional issue?

9 MS. CHASE TO JUDGE

10 The Department waives, as well, Your Honor.

11 JUDGE TO MR. MONGE

12 All right. So Mr. Monge, we are done with your
13 hearing for today. Your request for bond is denied, and I will
14 see you at -- or actually, we have another hearing to do
15 regarding your removal proceedings. So stay put there, and I
16 will get to you in just a minute.

17 JUDGE FOR THE RECORD

18 These proceedings are concluded.

19 HEARING CLOSED

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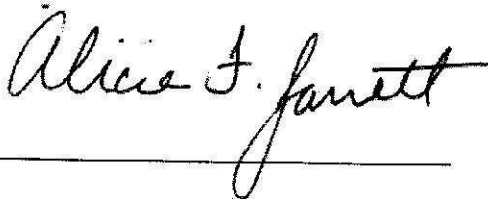
I hereby certify that the attached proceeding before
JUDGE ALISON DAW, in the matter of:

BERTIN MONGE GOMEZ



ADELANTO, CALIFORNIA

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

A handwritten signature in cursive script that reads "Alicia J. Jarrett".

ALICIA JARRETT, AAERT NO. 428

DATE: March 27, 2026

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