

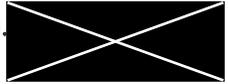
**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**JUAREZ PONCE, ERICK EGDAR,**

**Petitioner,**

**v.**

Case No.: 3:25-cv-00632

Agency No. 

**KRISTI NOEM**, in her capacity as the Secretary  
of the U.S. Homeland Security;

**MARY DE ANDA-YBARRA**, in her capacity  
as the Field Office Director;

**ICE EL PASO FIELD OFFICE;**  
and  
**UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT.**

**Respondents.**

**PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

**PETITIONER'S MOTION FOR EMERGENCY RELEASE  
AND MEMORANDUM IN SUPPORT**

Petitioner **ERICK EDGAR JUAREZ PONCE** (“Petitioner”), by and through undersigned  
counsels, respectfully submit this emergent Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §  
2241, and alleges as follow:

**INTRODUCTION**

1. Petitioner is a 45-year-old national of El Salvador, living in the United States since 2003, and  
father to an active-duty U.S. Navy service member.

2. Petitioner is currently detained without bond at the El Paso Camp East Montana facility in Texas, in violation of his due process rights under the Fifth Amendment and federal immigration regulations. This detention stems from the **arbitrary revocation of his long-standing Order of Supervision (OSUP)**, without notice, an opportunity to be heard, or compliance with mandatory procedural safeguards under 8 C.F.R. §§ 241.4 and 241.13.
3. On October 25, 2025, Petitioner was en route driving to church when CBP stopped his vehicle at a checkpoint, arrested and detained him—**despite seven years of flawless compliance with his OSUP**, no criminal history beyond a single rehabilitated misdemeanor, and a pending Military Parole-in-Place (MIL-PIP) request that would enable him to pursue adjustment of status through his qualifying U.S. citizen daughter.
4. On November 5, 2025, Petitioner was transferred from Florida to this facility in El Paso, Texas. This action ignores ICE Directive 10093.3 (Apr. 10, 2025), which mandates favorable discretion for individuals with U.S. military family ties, and exacerbates a humanitarian crisis involving his medically fragile U.S. citizen toddler son, who requires constant parental care for life-threatening conditions including recurrent seizures, a ventricular septal defect, and neurological disorders.
5. This case mirrors the compelling procedural and substantive due process violations addressed in *Salgar v. Noem*, Case No. 4:25-cv-04797 (S.D. Tex. Nov. 14, 2025), where the court granted habeas relief and ordered immediate release after finding ICE's failure to follow revocation procedures rendered the petitioner's detention unlawful. As detailed below, the identical regulatory violations here—coupled with exceptional humanitarian and military family circumstances—warrant the same relief.

6. The Board of Immigration Appeals (BIA) has already granted a stay of removal pending adjudication of Petitioner's emergency motion to reopen under 8 C.F.R. § 1003.2(a), underscoring the merits of his claims and the irreparable harm of continued detention.
7. Petitioner requests: (1) immediate release from custody within 48 hours; (2) reinstatement of his prior OSUP pending resolution of his MIL-PIP and motion to reopen; and (3) such other relief as the Court deems just, including a preliminary injunction against removal.

### JURISDICTION

8. This action arises under the Constitution for the United State of America, the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, title 8 of the Code of Federal Regulations, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, *et seq.*
9. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1346(a)(2) (United States as defendant). This Court may grant relief pursuant to the U.S. Const., art. I, § 9, cl. 2 (Suspension Clause); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. §§ 2201-02 (declaratory relief); 28 U.S.C. § 2241 (habeas corpus); and 5 U.S.C. §§ 702, 706.

### VENUE

10. Venue is proper in the Western District of Texas, El Paso Division under 28 U.S.C. § 2241(d), as the El Paso Camp East Montana facility lies within this district. See *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004). Respondents are sued in their official capacities for actions taken under color of federal law.

### PARTIES

11. Petitioner **Erick Edgar Juarez Ponce** is currently detained at the El Paso Camp

East Montana facility, 891 Melinda Lane, Clint, TX 79836.

12. Respondent **Kirsten J. Nielsen** is sued in her official capacity as the Acting Secretary of the U.S. Department of Homeland Security (DHS), the arm of the U.S. government responsible for the enforcement of the immigration laws. Because ICE is a sub-agency of the DHS, Secretary Nielsen is a legal custodian of the petitioner.
13. Respondent **Mary De Anda-Ybarra**, in her capacity as the Field Office Director, ICE El Paso Field Office. In this capacity, he has jurisdiction over the detention facility in which the petitioner is held, is authorized to release the petitioner, and is a legal custodian of the petitioner.
14. Respondent U.S. Immigration and Customs Enforcement ("ICE") is the agency responsible for Petitioner's detention.

#### **EXHAUSTION OF REMEDIES**

15. No exhaustion is required for the petitioner's habeas claim because "Section 2241 itself does not impose an exhaustion requirement," *Santiago-Lugo v. Warden*, 785 F. 3d 467, 474 (CA11 2015)," and because "a petitioner need not exhaust his administrative remedies 'where the administrative remedy will not provide relief commensurate with the claim,' " *Boz v. United States*, 248 F. 3d 1299, 1300 (CA11 2001), abrogated on other grounds recognized by *Santiago-Lugo*, 785 F. 3d, at 474–75 n. 5 (citation omitted).
16. No statute, regulation, or other legal source with binding authority exists to provide the remedy that the petitioner's habeas claims seek to remedy.
17. Further, "[b]ecause the BIA does not have the power to decide constitutional claims—like the validity of a federal statute— . . . certain due process claims need not be administratively exhausted." *Warsame v. U. S. Att'y Gen.*, 796 Fed. Appx. 993, 1006 (CA11 2020); accord

*Haitian Refugee Ctr., Inc. v. Nelson*, 872 F. 2d 1555, 1561 (CA11 1989), aff'd sub nom. *McNary v. Haitian Refugee Ctr., Inc.*, 498 U. S. 479 (1991) (exhaustion had “no bearing” where petitioner sought to make a constitutional challenge to procedures adopted by the INS).

18. The petitioner urgently seeks and is entitled to habeas relief because he has no meaningful opportunity to challenge the constitutionality of his detention through any available administrative process. See *Boumediene v. Bush*, 553 U. S. 723, 783 (2008).
19. And with respect to the petitioner’s APA claim, an agency’s failure to take action is reviewable agency action, *Norton v. S. Utah Wilderness Alliance*, 542 U. S. 55, 61–62 (2004), and there are no administrative remedies available that the petitioner is required to exhaust under *Darby v. Cisneros*, 509 U. S. 137 (1993).

#### **REQUIREMENTS OF 28 U.S.C. § 2243**

20. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F. 3d 1116, 1120 (CA 9 2000)(citation omitted); *See also, Johnson v. Rogers*, 917 F.2d 1283, 1284 (10th Cir. 1990).

#### **FACTUAL ALLEGATIONS**

**A. Petitioner's Immigration History and Compliance with Supervision**

22. Petitioner Erick Juarez is a citizen of El Salvador. He entered the United States on or about January 2003 and has resided here in the State of Florida continuously for over 25 years.

**Exhibit 1.**

23. Petitioner sought a Temporary Protection Status (Form I-821) which was denied on February 13, 2004. As a result, he was placed in removal on May 15, 2006. **Exhibit 2.**

24. A final administrative order of removal was entered against him on November 6, 2008. Id.

25. On September 27, 2018, Petitioner filed a motion to reopen, which the BIA dismissed on October 15, 2019.

26. Since August 2016, Petitioner has been under an ICE Order of Supervision (Form I-220B) and has fully complied with all requirements, including regular in-person check-ins (most recently in August 2025, next scheduled for December 9, 2025). Over 87 months, he has reported flawlessly, posing no flight risk or danger to the community. **Exhibit 3.**

27. Petitioner's compliance reflects his deep U.S. ties: he is the biological father of Dilma Lisseth Juarez, an 18-year-old U.S. citizen and active-duty U.S. Navy member, and [REDACTED]  
[REDACTED], a 2-year-old U.S. citizen toddler with severe medical needs (DOB [REDACTED]  
[REDACTED]). **Exhibit 4.**

28. Dilma enlisted in the Navy in April 2025, graduating boot camp on September 11, 2025 (DD Form 4 and Duty Orders attached as **Exhibit 5**). She is stationed at Naval Air Station Meridian, Mississippi, facing an imminent permanent change of station (PCS) that could separate her by thousands of miles from her family. Petitioner has been her primary support, providing high school guidance, weekly boot camp letters, and emotional encouragement. His absence caused significant distress at her graduation, as she wrote: "He is my biggest

supporter. My wins are his wins... His letters kept me going. Not having him there to hug me when I finished hurt more than any drill." (**Exhibit 5: Dilma's Support Letter**).

29. Enforcing the dormant 2008 removal order now without notice, an opportunity to be heard, or compliance with mandatory procedural safeguards under 8 C.F.R. §§ 241.4 and 241.13 would impose undue hardship on this military family, contravening ICE policies favoring discretion for service members' families. See ICE Directive 10093.3 (Apr. 10, 2025) (emphasizing consideration of U.S. military service in enforcement actions).

**B. Medical Fragility of Petitioner's Toddler Son**

30. Petitioner's minor son, [REDACTED] suffers from life-threatening conditions requiring 24/7 parental supervision, immediate emergency access, and ongoing cardiology/neurology follow-ups: recurrent seizures since four months old; left mandibular brain mass; congenital heart defect (ventricular septal defect); ectopic thymus; severe neurological disorders, including brief resolved unexplained events (BRUE); and abnormal EEG findings. Medical records from [REDACTED] confirm diagnoses such as "Mass of submandibular region," "Ectopic thymic tissue," and "Abnormal EEG" (**Exhibit C: Full Medical File**). Petitioner is the child's primary caregiver; his detention severs this essential lifeline, creating an acute humanitarian crisis. Full medical file available upon request.
- Exhibit 6.**

**C. Isolated Misdemeanor and Rehabilitation**

31. Petitioner's 2023 misdemeanor reckless driving conviction (reduced from DUI after pre-trial intervention) is an isolated incident outweighed by rehabilitation, no repeats, and strong

community ties. Criminal background checks (FDLE, dated October 1, 2025) show no other records. **Exhibit 7.**

32. Eight-character letters from long-term acquaintances, pastors, employers, and family attest to his integrity, devotion, and contributions, including post-Hurricane Irma volunteer work and stable employment in Key West. **Exhibit 8.**

**D. Pending Military Parole-in-Place (MIL-PIP) Request**

33. On October 29, 2025, Petitioner submitted a formal MIL-PIP request to ICE's Enforcement and Removal Operations (ERO) Miramar Field Office, which remains pending (**Exhibit 9: MIL-PIP Application**). This invokes INA § 212(d)(5)(A) and ICE Directive 10093.3 for parole based on urgent humanitarian reasons and significant public benefit. Granting MIL-PIP would allow Petitioner to remain in the U.S. to support his daughter and son while pursuing adjustment of status through USCIS or the Court.

**E. Recent Detention and Emergency Motion to Reopen**

34. On October 25, 2025, while en route to church in Florida, Petitioner was stopped and detained by Customs and Border Protection (CBP) and placed at the South Florida Detention Facility a.k.a. Alligator Alcatraz, Florida. On October 29, 2025, he was transferred to the El Paso Camp East Montana facility, heightening the urgency as removal appears imminent.
35. On November 10, 2025, Petitioner filed an emergency motion to reopen proceedings sua sponte with the BIA under 8 C.F.R. § 1003.2(a), based on exceptional circumstances warranting exercise of discretionary authority as a U.S. military family member (**Exhibit 10, BIA Motion**). The BIA granted a stay of removal pending adjudication, recognizing the

motion's merit and the irreparable harm of enforcement (**Exhibit 11**, BIA Stay Order). This stay directly parallels the procedural posture in *Salgar v. Noem*, Case No. 4:25-cv-04797 (S.D. Tex. Nov. 14, 2025), where the petitioner's pending BIA motion to reopen—reliant on a prima facie VAWA determination—underscored the unlawfulness of detention without due process.

### PROCEDURAL HISTORY

36. The BIA's final removal order dates to November 6, 2008. Petitioner's 2018 motion to reopen was dismissed in 2019. Since August 2016, he has complied with OSUP. His MIL-PIP remains pending, and the BIA stay halts removal pending the motion to reopen. No prior habeas has been filed.

### LEGAL STANDARD

37. To prevail on a § 2241 habeas petition challenging immigration detention, Petitioner must show by a preponderance of the evidence that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at \*4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)). Because habeas proceedings are civil in nature, Petitioner bears this burden. *Id.* (quoting *Skarfour v. United States*, 667 F.3d 145, 158 (2d Cir. 2011)); see also *Braden v. 30th Judicial Dist. Court*, 410 U.S. 484, 489-90 (1973). "A court considering a habeas petition must 'determine the facts, and the issue of...justice require.'" *Id.* (quoting 28 U.S.C. § 2243).
38. As in *Salgar v. Noem*, Petitioner challenges his detention on two principal grounds: (1) ICE violated due process by failing to follow its own procedures and regulations in revoking his OSUP; and (2) the detention violates *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150

L.Ed.2d 653 (2001), and the Immigration and Nationality Act because he is held indefinitely without a reasonably foreseeable removal date.

## ARGUMENTS

### A. Procedural Requirements Governing Revocation of Supervision

39. Petitioner's detention violates due process because ICE failed to follow the procedural requirements in its own regulations when revoking his OSUP. Petitioner has been on supervised release since August 2017, following a determination that he was nonviolent, posed no danger, was unlikely to violate release conditions, and did not present a flight risk. See 8 C.F.R. § 241.4(d)(1), (e).
40. Under governing regulations, an OSUP may be revoked if the noncitizen violates its conditions. See 8 C.F.R. § 241.4(d)(1), (2)(i). In addition, an OSUP "may be revoked when it is appropriate to enforce a removal order or [if] the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(d)(2)(ii), (iii). Revocation authority is limited to the Executive Associate Commissioner of ICE or, when referral to that official is impracticable, a district director of ICE. 8 C.F.R. § 241.4(c)(2). Upon revocation, the noncitizen must "be notified of the reasons for revocation of his or her release" and afforded a "prompt 'initial informal interview'" to allow the noncitizen an opportunity to respond to and contest the reasons for revocation. 8 C.F.R. § 241.4(d)(1)(iii)(A), (iv).
41. These procedures and safeguards provide protection "where the detention or re-detention

of noncitizens is necessarily an action that results in the loss of personal liberty that requires due process protections." *Santamaria Orellana v. Baker*, No. CV-25-1788-TDC, 2025 WL 2444087, at \*6 (D. Md. Aug. 25, 2025).

**i. ICE's Noncompliance with Procedural Requirements**

42. Here, Petitioner contends he was given no explanation for his re-detention, no informal interview, and no opportunity to contest the grounds for revoking his supervision—as the regulations expressly require. **Exhibit 9.**
43. The Respondents must provide evidence demonstrating that ICE complied with the required procedural safeguards. See *Villanueva*, No. CV H-25-3364, 2025 WL 2774610, at \*6. Indeed, 8 C.F.R. § 241.13 requires that "the alien will be notified of the reasons for revocation" and that ICE "will conduct an initial informal interview promptly... to afford the alien an opportunity to respond to the reasons for revocation stated in the notice." 8 C.F.R. 241.13(c)(3).
44. "Under deeply rooted principles of administrative law, not to mention common sense, government agencies are generally required to follow their own regulations." *Villanueva*, No. CV H-25-3364, 2025 WL 2774610, at \*7 (quoting *Fed. Defs. of N.Y., Inc. v. Fed. Bureau of Prisons*, 954 F.3d 118, 130 (2d Cir. 2020); see also *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (per curiam) ("[I]t is equally well established that it is a denial of due process for any government agency to fail to follow its own regulations providing for procedural safeguards to persons involved in adjudicative processes before it."). Courts addressing similar circumstances have held that a failure to adhere to these regulations violates

due process. See, e.g., *Bonito v. Bureau of Immigr. & Customs Enft*, 547 F. Supp. 2d 747, 756 (S.D. Tex. 2008) ("DHS cannot constitutionally continue to detain [petitioner] without complying with the procedures laid out in the regulations."); *Zhu v. Genco*, No. 1:25-CV-0652 (JLR), 2025 WL 2452352, at \*9 (S.D.N.Y. Aug. 26, 2025) ("[ICE's] failure to follow its own regulations and provide Petitioner with notice or an interview violated Petitioner's procedural due process rights."); *Cessay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025) ("[I]n sum, because ICE did not follow its own regulations in deciding to re-detain [petitioner], his due process rights were violated, and he is entitled to release."); *Romero v. Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017) ("The Supreme Court has... given ICE a carte blanche to incarcerate someone without basic due process protection."); *Villanueva*, No. CV H-25-3364, 2025 WL 2774610, at \*7 ("The government's position that it can choose, based on a change in administration, not to comply with its own regulations is unprecedented.").

45. Here, the record is clear that ICE violated its own regulations by failing to have an authorized official make the revocation decision, failing to provide Petitioner with notice of the reasons for his re-detention, and failing to provide Petitioner with an informal interview. ICE's failure to follow the procedural requirements for revoking Petitioner's OSUP renders Petitioner's detention unlawful. Accordingly, the Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release.

**B. Substantive Due Process Violation Under *Zadvydas* (Not Reached if Procedural Claim Granted)**

46. Moreover, because Petitioner may be released under the Habeas, the Court need not reach the question of whether his re-detention violates the *Zadvydas* standard based on the likelihood that Petitioner's removal is not reasonably foreseeable. See, e.g., *Santamaria Orellana*, No. 25-cv-01788, 2025 WL 2444087, at \*8 (granting habeas relief where supervision was revoked in violation of ICE's regulations and therefore not reaching question of whether re-detention was otherwise unlawful under *Zadvydas*); *Zhu*, 2025 WL 2452352, at \*9 (same).

47. This conclusion is fortified by the BIA's grant of stay, confirming no foreseeable removal while his motion—supported by new, material evidence unavailable at prior hearings (e.g., Dilma's enlistment, Edgar's medical diagnoses, MIL-PIP eligibility)—is pending. See 8 C.F.R. § 1003.2(b)(3) (motion to reopen upon showing of new evidence not available at prior hearing). Unlike *Salgar*, where the court halted at procedural violations, the military family unity here invokes additional discretionary factors under ICE Directive 10093.3, rendering prolonged detention not only unlawful but contrary to public benefit.

**CLAIM FOR RELIEF**

**COUNT I:  
UNLAWFUL DETENTION IN VIOLATION OF  
THE IMMIGRATION AND NATIONALITY ACT AND  
ITS IMPLEMENTING REGULATIONS**

48. The allegations in paragraphs 1-47 are realleged and incorporated herein.

49. The petitioner's detention is not authorized by any statutory authority, and is thus in violation of the Immigration and Nationality Act and its implementing regulations, and in violation of the Administrative Procedure Act.

50. Therefore, the petitioner is being unlawfully detained and is entitled to a writ of habeas corpus.

**COUNT II:  
UNLAWFUL DETENTION IN VIOLATION OF  
DUE PROCESS UNDER THE FIFTH AMENDMENT**

51. The allegations in paragraphs 1-47 are realleged and incorporated herein.

52. The petitioner's civil detention is not authorized by any statutory authority, and he is detained solely for the purpose of punishment, in violation of the due process clause of the Fifth Amendment to the Constitution for the United States of America.

53. Therefore, the petitioner is being unlawfully detained and is entitled to a writ of habeas corpus.

**PRAYER FOR RELIEF**

**WHEREFORE**, the petitioner prays that the Court grant the following relief:

- (a) Assume jurisdiction over this matter;
- (b) Set this matter for expedited consideration pursuant to 28 U.S.C. § 1657;
- (c) Enter an Order to Show Cause against the respondents;
- (d) Schedule this matter for a temporary restraining order hearing;
- (e) Order the respondents to refrain from transferring the petitioner out of the jurisdiction of this Court during the pendency of this proceeding and while the petitioner remains in the respondents' custody;
- (f) Grant the petitioner a writ of habeas corpus that orders his immediate release from the custody of the respondents within forty-eight (48) hours of entry of the Order. Petitioner shall be released in a public place within the Western District of Texas, and his counsel shall be given notice of the time and place of his release;
- (g) Award the petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 5 U.S.C. § 2412, and on any other basis justified under law; and

- (h) Petitioner shall comply with the conditions of his prior Order of Supervision while his MIL-PIP and BIA motion to reopen remain pending;
- (i) Grant any other and further relief that the Court deems just and proper.

Respectfully submitted on December 9, 2025.

/s/Bonnie Smerdon  
Bonnie Smerdon, Esq.  
Fla. Bar # 123933  
Dir. (954) 624-2622  
Fax (954) 416-6602  
22966 Overseas Hwy, Cudjoe Key, FL  
33042  
bsmerdon@lucelaw.com

*Counsel for Petitioner/Plaintiff*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**JUAREZ PONCE, ERICK EGDAR,**

**Petitioner,**

**v.**

Case No.: [To Be Assigned]

Agency No. 

**KRISTI NOEM, et.al.**

**Respondents.**

**EXHIBIT LIST**

- |            |  |
|------------|--|
| EXHIBIT 1  | Petitioner's Passport  |
| EXHIBIT 2  | Petitioner's Immigration Court Record                                      |
| EXHIBIT 3  | Petitioner's Order of Supervision  |
| EXHIBIT 4  | Petitioner's USC Children Birth Certificates                               |
| EXHIBIT 5  | Evidence of Petitioner's Child's Military Experience                       |
| EXHIBIT 6  | Evidence of Petitioner's Other Child's Severe Medical Issues               |
| EXHIBIT 7  | Petitioner's Sole Criminal Offense   |
| EXHIBIT 8  | Petitioner's Letters of Recommendation from the Community                  |
| EXHIBIT 9  | Petitioner's Application for Parole-in-Place                               |
| EXHIBIT 10 | Petitioner's Motion to Reopen Sua Sponte his Immigration Case              |
| EXHIBIT 11 | Order from the Board of Immigration Appeals granting a Stay of Deportation |
| EXHIBIT 12 | Current Location of Petitioner as Per Ice Detainee Locator Online          |
| EXHIBIT 13 | Order from WDTX re: Salgar v. Noem, 4:25-cv-04797 (11/14/2025)             |

**VERIFICATION BY SOMEONE ACTING ON THE**  
**PETITIONER'S BEHALF**  
**PURSUANT TO 28 USC § 2242**

I, Bonnie Smerdon, Esq., am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. We have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 9, 2025

/s/Bonnie Smerdon  
Bonnie Smerdon, Esq. Fla. Bar # 123933  
Dir. (954) 624-2622  
Fax (954) 416-6602  
22966 Overseas Hwy, Cudjoe Key, FL  
33042  
bsmerdon@lucelaw.com

*Counsel for Petitioner/Plaintiff*