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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YOSSELINE MELISSA PINEDA
GUADAMUZ,

Petitioner,

v.

KRISTI NOEMI, ET AL.,

Respondents.

CASE NO. 1:25-CV-01794-JLT-SKO

RESPONSE TO OSC REGARDING WHY THE
COURT SHOULD NOT GRANT MOTION FOR
A PRELIMINARY INJUNCTION

Petitioner does not meet her burden and therefore the Court should deny her Motion for a Preliminary Injunction.¹ As discussed below, Petitioner is an “applicant for admission” and therefore is subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(ii). Accordingly, the Petitioner’s petition for writ of habeas corpus and Motion for a Preliminary Injunction order should be denied.²

FACTUAL BACKGROUND

Petitioner is a citizen and national of Nicaragua who entered the United States illegally. *See* Declaration of Deportation Officer Marbella Pano, attached hereto as Exhibit H (“Decl.”) at ¶ 6; Record of Deportable/Inadmissible Alien dated September 19, 2021, attached hereto as Exhibit A. On September 27, 2021, the Petitioner was released on parole. *See* Interim Notice Authorizing Parole, attached hereto as Exhibit D. Prior to being released on parole, the Petitioner was provided with a

¹ While the Court ordered Respondents to show cause as to why the motion for a preliminary injunction should not be granted, the government’s position with regard to the Petitioner’s Motion for Temporary Restraining Order is that it should be denied based on the government’s same arguments. ECF 6.

² The government does not request a hearing on this matter and waives oral argument.

1 Notice and Order of Expedited Removal as United States Immigration and Customs Enforcement
2 (“ICE”) determined she was amendable to expedited removal proceedings. *See* Notice and Order of
3 Expedited Removal dated September 19, 2021, attached hereto as Exhibit B. Petitioner claimed fear
4 and was entitled to a credible fear interview before the removal order became final. *See* Information
5 About Credible Fear Interview, attached hereto as Exhibit C. On June 16, 2025, United States
6 Citizenship and Immigration Services (“USCIS”) notified Petitioner that her asylum application was
7 dismissed because, she was previously placed in expedited removal, and that her claim of fear would
8 be considered by an asylum officer through a credible fear interview. *See* Notice of Dismissal of Form
9 I-589 dated June 16, 2025, attached hereto as Exhibit E. On September 25, 2025, Petitioner was
10 arrested by ICE after she missed an interview with USCIS. Exhibit H, Decl. at ¶ 10. On November 5,
11 2025, USCIS determined that Petitioner did not have a credible fear. Exhibit H, Decl. at ¶ 11. On
12 November 18, 2025, an immigration judge vacated USCIS’ finding. *Id.*

13 STATUTORY BACKGROUND

14 A. “Applicants for Admission” Under 8 U.S.C. § 1225

15 The Immigration and Nationality Act (“INA”) deems an “applicant for admission” to be an “alien
16 present in the United States who has not been admitted or who arrives in the United States (whether or not at
17 a designated port of arrival . . .).” 8 U.S.C. § 1225(a)(1); *Thuraissigiam*, 591 U.S. at 140 (“an alien who tries
18 to enter the country illegally is treated as an ‘applicant for admission’”) (citing 8 U.S.C. § 1225(a)(1)); *Matter*
19 *of Lemus*, 25 I & N Dec. 734, 743 (BIA 2012) (“Congress has defined the concept of an ‘applicant for
20 admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter,
21 but also those who are present in this country without having formally requested or received such
22 permission[.]”). However long they have been in this country, an alien who is present in the United States but
23 has not been admitted “is treated as ‘an applicant for admission.’” *Jennings*, 583 U.S. at 287. Thus, for
24 example, an “applicant for admission” includes certain classes of aliens that are inadmissible and therefore
25 ineligible to be admitted to the United States under Section 212(a) of the INA, since those aliens are “present
26 in the United States without being admitted or paroled[.]” 8 U.S.C. § 1182(a)(6)(A)(i).

27 B. Detention Under 8 U.S.C. § 1225

28 Applicants for admission, including those like Petitioner who are PWAP, may be removed from

the United States by expedited removal under § 1225(b)(1), or full removal proceedings before an immigration judge under 8 U.S.C. § 1229a, pursuant to § 1225(b)(2). All applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings*, 583 U.S. at 287 (“[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for applicants for admission until certain proceedings have concluded.”).

1. Section 1225(b)(1)

Congress established the expedited removal process in § 1225(b)(1) to ensure that the Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.” *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Thuraissigiam*, 591 U.S. at 106 (“[Congress] crafted a system for weeding out patently meritless claims and expeditiously removing the aliens making such claims from the country.”). This provision authorizes immigration officers to order certain inadmissible aliens “removed from the United States without further hearing or review.” Section 1225(b)(1) applies to “arriving aliens” and “certain other” aliens who have been in the United States for less than two years and who are “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Petitioner does not contend that he is subject to § 1225(b)(1).

2. Section 1225(b)(2)

Section 1225(b)(2) is “broader” and “serves as a catchall provision” for all applicants for admission not covered by § 1225(b)(1). *Jennings*, 583 U.S. at 287. Under Section 1225(b)(2), an alien “who is an applicant for admission” is subject to mandatory detention pending full removal proceedings “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (requiring that such aliens “be detained for a proceeding under section 1229a of this title”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (proceedings under section 1229a are “full removal proceedings under section 240 of the INA”); *see also id.* (“[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, [] 8 U.S.C. § 1225(b)(2)(A) [] mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299).

Noncitizens “present in the United States without being admitted or paroled” are inadmissible—

and therefore ineligible to be admitted to the United States—under Section 212(a) of the INA, 8 U.S.C. § 1182(a). *Id.* § 1182(a)(6)(A)(i).

ARGUMENT

8 U.S.C. § 1225(b)(1) allows for the expedited removal of a certain category of aliens. The first categories consist of aliens arriving into the United States who are inadmissible because they lack proper entry documents or have falsified/misrepresented their entry documents. *See* 8 U.S.C. § 1225(b)(1)(A)(i). The second category is a class of aliens designated by the Secretary of Homeland Security pursuant 8 U.S.C. § 1225(b)(1)(A)(iii).³ *See* 8 U.S.C. § 1225(b)(1)(A)(i). Aliens that fall into either one of these two categories are subject to mandatory detention during the expedited removal process. *See* 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV). Where, as here, an alien who is subject to the expedited removal process raises a fear of persecution in her home country, the immigration officer refers the alien for a “credible fear interview” that is conducted by an asylum officer from the United States Citizenship and Immigration Services. If the asylum officer finds that the alien has a credible fear of persecution, the alien is then moved to the standard removal proceeding (a removal proceeding under 8 U.S.C. § 1229a, but the alien is still subject to mandatory detention during that standard removal proceeding. In the present case, an Immigration Judge vacated the negative credible fear finding of USCIS, thereby allowing Petitioner to seek relief from removal in immigration proceedings under 8 U.S.C. 1229(a). *See* 8 C.F.R. 1208.30(g)(2)(iv)(B). Accordingly, Petitioner is subject to mandatory detention under 8 U.S.C. 1225(b)(1)(B)(ii) for further consideration of any application for asylum she may make in immigration proceedings.

In the alternative, Petitioner entered the United States in September 2021 after crossing the border illegally. Exhibit H, Decl. at ¶ 6. Accordingly, she is an “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2)(A). *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025). Petitioner’s prior release in the discretion of DHS, even if the release document cited 8 U.S.C. § 1226, does not have the

³ While the Immigration and Nationality Act refers to the “Attorney General”, Congress has since authorized the Secretary of Homeland Security to exercise that power. *See* 6 U.S.C. 202(3).

1 effect of having converting petitioner's presence in the United States into an "admission." "[A]n alien
2 who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated
3 as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281 (2018). As an applicant for
4 admission, petitioner is subject to mandatory detention and thus ineligible for a bond hearing.

5 Therefore, the Petitioner's Motion for a Preliminary Injunction should be denied.

6 In addition, counsel for the government recognizes that this case shares similar facts to those in
7 the case currently pending before the United States Court of Appeal of the Ninth Circuit appeal in
8 *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842.
9 Considering this and given that the issues in *Rodriguez* are likely to be dispositive of the issues in this
10 case, Respondents ask that any further briefing deadlines be held abeyance until the resolution of the
11 *Rodriguez* case.

12 **CONCLUSION**

13 For the above-stated reasons, the Court should deny the Petitioner's Motion for a Preliminary
14 Injunction.

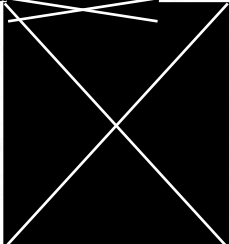
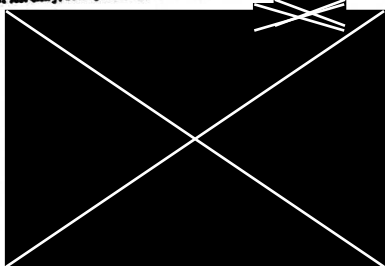
15
16 Respectfully submitted,

17 Dated: December 23, 2025

ERIC GRANT
United States Attorney

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19 By: /s/ ARELIS M. CLEMENTE
20 ARELIS M. CLEMENTE
Assistant United States Attorney
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EXHIBIT A

U.S. Department of Homeland Security		Subject ID: 		Record of Deportable/Inadmissible Alien	
Family Name (CAPS) PINEDA-GUADAMUZ, YOSSELINE MELISSA		First Middle		Sex F	
Country of Birth NICARAGUA		Passport Number and Country of Issue NICARAGUA		Hair BLK	
U.S. Address PORT ISABEL DETENTION CENTER 27991 BUENA VISTA BLVD LOS FRESNOS, TEXAS, 78566		Date of Birth 07/17/2021		Eyes BRO	
Date, Place, Time, and Manner of Last Entry 07/17/2021, 0050, 11 mile(s) E of RIO, PHAM (RAFT)		Passenger Boarded at		Complexion RED	
Number, Street, City, Province (State) and Country of Permanent Residence BARRIO SANTA ANA SUR MANAGUA, MANAGUA, NICARAGUA		Location Code RGV/RGC		Height 63	
Date of Birth 07/17/2021		Age: 21		Weight 146	
City, Province (State) and Country of Birth MANAGUA, MANAGUA, NICARAGUA		Form (Type and No.) Listed ☐ Not Listed ☐		Occupation LABORER	
Social Security Account Name		Social Security Number		Scars and Marks None Indicated	
Date Visa Issued		Criminal Record None Known		FBI Number None Indicated	
Immigration Record NEGATIVE		Number and Nationality of Minor Children		At New RIO GRANDE CITY, TX	
Name, Address, and Nationality of Spouse (Married Name, if Applicable)		Mother's Present and Manner Name, Nationality, and Address, if Known See Narrative		Date Rec'd 09/17/2021 0100	
Father's Name, Nationality, and Address, if Known See Narrative		Fingerprints ☒ Yes ☐ No		By KRISTIAN AQUINO	
Monies Due Property in U.S. Not an Immediate Possession None Claimed		Systems Checks See Narrative		Status at Entry DWA Mexico	
Name and Address of (Last Known) U.S. Employer		Type of Employment		Reason When Entered TRAVEL/SEEKIN G	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and extent of apprehension administrative and on criminal violation. Indicate means used mode of travel to interior)		Salary		Length of Time Legally in U.S. AT ENTRY	
FINS 					
CREDIBLE FEAR CLAIM					
ARREST COORDINATES: Latitude: 26.29215 Longitude: -98.67893					
CONSEQUENCE DELIVERY SYSTEM: Classification: FIRA					
Alien has been advised of communication privileges		09/19/2021  (Date Initials)		ROLANDO CASTILLEJA Border Patrol Agent (Signature and Title of Immigration Officer)	
Distribution		Received (Subject and Documents) (Report of Interview)			
Orig. HLG CC: FTB		Officer: ROLANDO CASTILLEJA on September 19, 2021 at 1540 Disposition: Expedited Removal with Credible Fear Examining Officer: JOSEPH HEBERT			

U.S. Department of Homeland Security

Continuation Page for Form

1213

Alien's Name PINEDA-GUADAMUZ, YOSSELINE MELISSA	File Number 	Date 09/19/2021
FATHER NAME AND ADDRESS: ----- Nationality: NICARAGUA PINEDA, FRANKLIN SAME FOREIGN ADDRESS		
MOTHER NAME AND ADDRESS: ----- Nationality: NICARAGUA GUADAMUZ, FATIMA SAME FOREIGN ADDRESS		
FUNDS IN POSSESSION: ----- United States Dollar 40.00 Subject Refused to Sign		
RECORDS CHECKED: ----- CIS Negative ABIS Negative EARM Negative NCIC Negative NGI Negative TECS Negative		
NARRATIVE: ----- IMMIGRATION HISTORY: No Immigration History CRIMINAL HISTORY: No Criminal History		
ENCOUNTER: A Border Patrol Agent encountered subject in the Rio Grande Valley, Texas Border Patrol Sector. A Border Patrol Agent determined this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. After determining that this subject was an alien whom illegally entered the United States, the subject was arrested and transported to the Fort Brown Border Patrol Station in Brownsville, Texas for further processing.		
IMMIGRATION/CRIMINAL VIOLATION: At the Fort Brown Station, the subject was asked to make a Sworn Statement as part of the Expedited Removal Proceedings. Service Form I-867 A/B was read and explained to the		
Signature ROLANDO CASTILLEJA	Title Border Patrol Agent	

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U.S. Department of Homeland Security

Continuation Page for Form

1213

Alien's Name
PINEDA-GUADAMUZ, YOSSELINE MELISSA

File Number

Date

09/19/2021

subject. The subject admitted to being a citizen and national of Nicaragua without the necessary legal documents to enter, pass through, or remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an Immigration Officer at a designated Port of Entry. Furthermore, the subject claims to fear persecution or torture if returned to the subject's country of citizenship.

CONSULAR NOTIFICATION:

The subject was notified of the right to communicate with a consular officer from Nicaragua as per Article 36(a) (b) of the Vienna Convention of Consular Relations.

DISPOSITION:

The subject is being processed for Expedited Removal - Credible Fear Referral. The subject was apprehended within fourteen days of the subject's last entry into the United States and within 100 air miles from the United States/Mexico international boundary.

MEDICAL CONDITION: NO

(FOR FEMALES): PREGNANCY: NO

Signature

ROLANDO CASTILLO

Title

Border Patrol Agent

3 of 3 Pages

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Letter and Order of the United States District Court for the District of Columbia

IN RE: [Name Redacted]

Case No. [Number Redacted]

Section 106(b)(3)(B) of the Immigration and Nationality Act (INA) requires the Department of Homeland Security (DHS) to provide a written statement of reasons for any adverse decision regarding an individual's status as a lawful permanent resident (LPR) or naturalized citizen.

On [Date Redacted], DHS issued a Notice of Adverse Decision (NOAD) to [Name Redacted], stating that [Reason Redacted].

[Name Redacted] has requested a hearing to challenge the NOAD.

The hearing was held on [Date Redacted] at [Location Redacted]. [Name Redacted] was represented by [Attorney Name Redacted].

The hearing officer, [Officer Name Redacted], conducted the hearing and issued a decision on [Date Redacted].

The hearing officer found that [Finding Redacted].

Based on the evidence presented at the hearing, the court finds that [Conclusion Redacted].

[Signature]
[Name Redacted]
[Title Redacted]

EXHIBIT B

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: ~~XXXXXXXXXX~~File No: ~~XXXXXXXXXX~~

Date: September 19, 2021

In the Matter of: YOSSELINE MELISSA PINEDA-GUADAMUZ

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are not a citizen or national of the United States;
2. You are a native of NICARAGUA and a citizen of NICARAGUA ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

ROLANDO CASTILLEJA

Border Patrol Agent

Name and title of immigration officer (Print)

Signature of immigration officer

ORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Name and title of immigration officer (Print)

Signature of immigration officer

Name and title of supervisor (Print)

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on _____ (Date)

Signature of immigration officer

EXHIBIT C

Event No: 

Information About Credible Fear Interview

You have been placed in expedited removal proceedings because the U.S. Department of Homeland Security (DHS) believes that you may not have the right to stay in the United States. You have also indicated that you intend to apply for asylum, you fear persecution or torture, or you fear returning to your country. This notice explains what will happen while the U.S. Government is considering your case, what rights you have, and what may happen to you as a result of statements you make. **PLEASE READ THIS NOTICE CAREFULLY.**

What is a Credible Fear Interview?

Before DHS can remove you, DHS must interview you to determine if you have a fear of persecution or torture that the U.S. Government needs to consider further. A specially trained asylum officer will interview you. The credible fear interview is not your formal asylum or withholding of removal hearing. The interview is a screening to determine if you are eligible for a hearing before an immigration judge.

You may be detained both before and after the interview if DHS determines that it is appropriate. The interview will usually occur at least 48 hours after you arrive at the detention facility.

What Happens At Your Credible Fear Interview

At your interview, you will have an opportunity to discuss your background and experiences in your country and any other country where you fear harm and explain to the asylum officer the reasons you are pursuing an asylum claim. The officer will take written notes. This may be your only opportunity to provide information about your claim, so it is very important that you tell the asylum officer about any harm you may have suffered in the past and any harm you fear in the future. You also may be asked about conditions in your country. To demonstrate a credible fear of persecution or torture, you must show the officer that you have a credible fear of being persecuted because of your race, religion, nationality, membership in a particular social group or political opinion, or a credible fear of being tortured in your country.

You may request a female or male officer, if this would make it easier for you to speak about information that is very personal or difficult to discuss. You also have the right to speak with the asylum officer separately from your family.

It is very important that you:

- Tell the truth during your credible fear interview. If you do not tell the truth, your statements may be used against you in this or in any future immigration case.
- Tell the officer any reasons why you fear returning to your home country. U.S. law has strict rules to prevent the government from telling others about what you say in your credible fear interview. For example, the U.S. Government will not disclose to your government any information that you provide, except in exceptional circumstances.

Whom You May Consult

While you wait for your interview, you may use this time to prepare and consult with a consultant of your choice as long as it does not unreasonably delay the interview process. The U.S. Government does not provide you with an attorney or representative, but you may choose to hire an attorney or representative, at your expense. You can have a consultant of your choice with you at your interview or participate by telephone.

If you need additional time before your interview to contact someone, inform a DHS officer about your circumstances and explain the reason you need more time. DHS will decide whether your circumstances merit providing you with additional time. You may also request to have the interview earlier if you are prepared to discuss your case immediately.

A list of representatives who may be able to speak to you for free is attached to this notice. Representatives of the United Nations High Commissioner for Refugees (UNHCR) also may be able to assist you with information regarding the credible fear process:

United Nations High Commissioner for Refugees
1800 Massachusetts Avenue N.W., Suite 500, Washington, D.C. 20036
Telephone: 202-296-5191 Email: usa@unhcr.org Web site: www.unhcr.org

You may call UNHCR toll-free by dialing #566 or 1-888-272-1913 on Monday, Wednesday, and Friday, 2 p.m. - 5 p.m. (Eastern Time).

If you want to call someone, ask a DHS officer for assistance. You may also use the telephone while you are in detention to call a representative, friend, or family member in the United States. You or the person you call must pay for the phone call, if charges apply.

Interpreters

If you do not speak English well or if you want to be interviewed in a language of your choosing, DHS will provide an interpreter for the interview. The interpreter has been told to keep the information you discuss confidential. You may:

- Request another interpreter if the interpreter is not interpreting correctly or you do not feel comfortable with the interpreter.
- Request a female or male interpreter, if this would make it easier for you to speak about information that is very personal or difficult to discuss. DHS will provide them if they are available.

After Your Credible Fear Interview

After your interview, the asylum officer will make a determination on your case. If the asylum officer determines that you have a credible fear of persecution or torture, you will receive a charging document for a hearing in immigration court. At the immigration court hearing, the immigration judge will determine your removability and whether you should be granted protection or relief from removal. You will receive information about the date and time of this hearing. If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask to have an immigration judge review the asylum officer's negative determination. If you decline this review, you may be removed from the United States.

Immigration Judge Review of a Negative Determination

If you request that an immigration judge review the asylum officer's negative determination, the immigration judge's review will usually happen within 24 hours and no later than 7 days from the date that the supervisory asylum officer concurs with the asylum officer's negative determination. The review will be in person, by telephone, or by video connection. You may consult with a consultant of your choice before the review as long as it does not cause unreasonable delay. You will receive a copy of the asylum officer's determination before the immigration judge review. If any of the information is incorrect, tell the immigration judge.

At the review, the immigration judge will decide that:

- You do not have a credible fear of persecution or torture. You may then be removed from the United States.

OR

- You have a credible fear of persecution or torture and you are eligible for a full hearing in immigration court where you can apply for asylum or other protection from removal. At the full hearing in immigration court, the immigration judge will determine your removability and whether you should be granted protection or relief from removal. If you are ordered removed, you may not be allowed to reenter the United States for 5 years or longer.

After a Positive Credible Fear Determination by an Asylum Officer or Immigration Judge

If you receive a charging document for proceedings in immigration court and wish to apply for asylum, you must file Form I-589 Application for Asylum and for Withholding of Removal. The Form I-589 and instructions on where to file the Form can be found at www.uscis.gov/i-589. Failure to file Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Interpreter Certification	
I, <u>ROLANDO CASTILLEJA</u> , certify that I am fluent in both the	
<u>SPANISH</u> and English languages, and that I have read to this applicant in <u>SPANISH</u>	
every question and instruction on this form. The applicant informed me that he or she understands every instruction on this form.	
 Interpreter Signature/Interpreter ID (if telephonic)	<u>September 19, 2021</u> Date of Signature (mm/dd/yyyy)

Applicant Acknowledgment of Receipt

I acknowledge that I have been given notice concerning my credible fear interview. I understand that I may consult with anyone I choose before the interview as long as it does not unreasonably delay the process and is at no expense to the U.S. Government.

Subject Refused to Sign

Applicant Signature

September 19, 2021

Date of Signature (mm/dd/yyyy)

EXHIBIT D

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: September 27, 2021

In Reference to: 

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Pineda Guadamuz, Yosseline Melissa
Alien Name

X
Alien Signature

9/27/21
Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☒ In person ☐ Other:

Ramon Rodriguez Jr.
ICE Official Name

[Signature]
ICE Official Signature

9/27/21
Date

Jesus Vazquez SDDO
Authorizing Official

[Signature]
Authorizing Official Signature

9/27/21
Date

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: YOSSELINE MELISSA PINEDA-GUADAM

A-File Number: [REDACTED]

Date: 09/27/2021

Event ID: [REDACTED]

Subject ID: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☐ On your own recognizance.
- ☒ Under other conditions. [Additional document(s) will be provided.]

J D01709 VAZQUEZ
Name and Signature of Authorized Officer

09/27/2021 14:58
Date and Time of Custody Determination

SDDO
Title

Los Fresnos TX 78566
Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☒ I do not request an immigration judge review of this custody determination.

Y

[Signature]
Signature of Alien

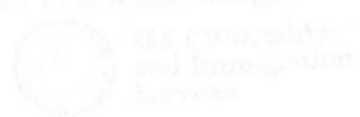
9/28/21
Date

The contents of this notice were read to YOSSELINE MELISSA PINEDA-GUADAM in the SPANISH language.
(Name of Alien) (Name of Language)

R2091 RODRIGUEZ
Name and Signature of Officer

[REDACTED]
Name or Number of Interpreter (if applicable)

DEPORTATION OFFICER
Title



TO: [Name], [Address], [City], [State], [Zip]
FROM: [Name], [Address], [City], [State], [Zip]
SUBJECT: [Subject Line]

Notice of Denial of Form I-559

Re: [Name] and [Name]

This notice is in response to your Form I-559, application for a change of status and for Extension of Stay, filed with the U.S. Citizenship and Immigration Services (USCIS).

USCIS has reviewed your application and the evidence you submitted. USCIS has determined that you are not eligible for the extension of stay requested in your Form I-559. USCIS has issued a Notice of Denial of your Form I-559.

The denial of your Form I-559 is final. However, you may appeal this decision. You must file a Notice of Appeal with USCIS within 90 days of the date of this notice. USCIS will schedule an appeal hearing for you at a later date.

Your Form I-559 was submitted on June 10, 2025. (WHERE APPLICABLE) The denial of your Form I-559 includes the dependent(s) included on your Form I-559 who are listed above. The denial of your Form I-559 is final.

You must leave the United States within 90 days of the date of this notice. You must not re-enter the United States without the permission of USCIS. If you do, you may be subject to deportation and a permanent bar to admission to the United States.

Thank you for your cooperation.

This notice is being sent to you by first-class mail and by electronic means. You may also receive this notice by other means. If you have any questions, please contact the USCIS office that issued this notice.

EXHIBIT E

U.S. Department of Homeland Security
USCIS Asylum Vetting Center
401 W. Peachtree St. NW, Ste. 2500, Atlanta, Georgia 30308



U.S. Citizenship
and Immigration
Services

Date: June 16, 2025

YOSSELINE MELISSA PINEDA GUADAMUZ

[REDACTED]
SAN FRANCISCO, CA 94112

RE: PINEDA GUADAMUZ, YOSSELINE, MELISSA, A [REDACTED]

Notice of Dismissal of Form I-589

Dear YOSSELINE PINEDA GUADAMUZ:

This letter refers to your Form I-589, *Application for Asylum and for Withholding of Removal*, filed with U.S. Citizenship and Immigration Services (USCIS).

Department of Homeland Security (DHS) records indicate that you were apprehended by DHS officials, placed in expedited removal, and issued a Form I-860, Notice and Order of Expedited Removal.

The asylum office cannot process your Form I-589 at this time. However, your claim of fear will be considered by an asylum officer through the credible fear screening process pursuant to 8 CFR 208.30. You will receive an appointment notice for your credible fear interview with the date and time at a later date.

Your Form I-589 is dismissed as of June 16, 2025. [WHERE APPLICABLE: This dismissal of your Form I-589 includes the dependents included on your Form I-589 who are listed above.] All processing of your Form I-589 is terminated.

Please include your full name, alien number (A-number) listed above, and your current address on any correspondence with U.S. Citizenship and Immigration Services (USCIS) or the immigration court.

Change of Address:

You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (<https://www.uscis.gov/addresschange>). Changing your address with the U.S. Postal Service (USPS) will not change your address with USCIS.

For a list of low-cost legal service providers, please visit the EOIR website at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

Sincerely,



EXHIBIT F

U.S. Department of Homeland Security

Subject ID :

Record of Deportable/Inadmissible Alien

Family Name (CAPS) PINEDA-GUADAMUZ, YOSSELINE MELISSA		First	Middle	Sex F	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship NICARAGUA	Passport Number and Country of Issue		Birth Number	Height 63	Weight 146	Occupation LABORER	
U.S. Address IN ICE CUSTODY SAN FRANCISCO, CALIFORNIA, 94111,				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 09/19/2021 Unknown Time, WI-Without Inspection			Passenger Boarded at		FBI Number		
Number, Street, City, Province (State) and Country of Permanent Residence				☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth	Age: 25	Date of Action 09/25/2025	Location Code SFR/SFR	Method of Location/Apprehension NCA			
City, Province (State) and Country of Birth MANAGUA, NICARAGUA		AR ☒	Form: (Type and No.) Lined ☐ Not Lined ☐	AU/Near		Date/Hour 09/25/2025 15:01	
NIV Issuing Post and NIV Number		Social Security Account Name		By A 9165 VELASTEGUI			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children NONE			
Father's Name, Nationality, and Address, if Known PINEDA, FRANKLIN NATIONALITY: NICARAGUA		Mother's Present and Maiden Names, Nationality, and Address, if Known GUADAMUZ, FATIMA NATIONALITY: NICARAGUA					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☐ Yes ☒ No	Systems Checks See Narrative	Charge Code Words(s)			
Name and Address of (Last)(Current) U.S. Employer		Type of Employment Unemployed or Retired	Salary	Employed from/to			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
Subject Health Status The subject claims good health. Previous Criminal History Subject has no criminal history RECORDS CHECKED CIS Pos EARM Pos IAFIS Pos NCIC Pos TECS Pos Record of Deportable/Excludable Alien: IMMIGRATION HISTORY: No Immigration History CRIMINAL HISTORY: No Criminal History ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges				J 4758 RAZALAN Deportation Officer (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
File				Officer: J 4758 RAZALAN on: September 25, 2025 (time) Disposition: Other Examining Officer: RILI, S 3602			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name
 PINEDA-GUADAMUZ, YOSSELINE MELISSA

File Number

Date

09/25/2025

ENCOUNTER:

A Border Patrol Agent encountered subject in the Rio Grande Valley, Texas Border Patrol Sector. A Border Patrol Agent determined this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. After determining that this subject was an alien whom illegally entered the United States, the subject was arrested and transported to the Fort Brown Border Patrol Station in Brownsville, Texas for further processing.

IMMIGRATION/CRIMINAL VIOLATION:

At the Fort Brown Station, the subject was asked to make a Sworn Statement as part of the Expedited Removal Proceedings. Service Form I-867 A/B was read and explained to the subject. The subject admitted to being a citizen and national of Nicaragua without the necessary legal documents to enter, pass through, or remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an Immigration Officer at a designated Port of Entry. Furthermore, the subject claims to fear persecution or torture if returned to the subject's country of citizenship.

CONSULAR NOTIFICATION:

The subject was notified of the right to communicate with a consular officer from Nicaragua as per Article 36(a) (b) of the Vienna Convention of Consular Relations.

DISPOSITION:

The subject is being processed for Expedited Removal - Credible Fear Referral. The subject was apprehended within fourteen days of the subject's last entry into the United States and within 100 air miles from the United States/Mexico international boundary.

MEDICAL CONDITION: NO

(FOR FEMALES): PREGNANCY: NO

United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement

Other Identifying Numbers

ALIEN

Signature

J 4758 RAZALAN

Title

Deportation Officer

2 of 3 Pages

U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name
PINEDA-GUADAMUZ, YOSSELINE MELISSA

File Number

Date

09/25/2025

ADDENDUM TO RECORD OF DEPORTABLE/EXCLUDABLE ALIEN

ENCOUNTER:

On September 25, 2025, Pineda-Guadamuz, Yosseline Melissa, (DOB: [REDACTED], [REDACTED]) a citizen and national of Nicaragua, came to the attention of Immigration and Customs Enforcement (ICE) / Enforcement and Removal Operations (ERO) / San Francisco (SFR) Field Office at 630 Sansome St, San Francisco, CA 94111, pursuant to Interim Parole report. According to systems record checks, Pineda-Guadamuz failed to appear for an asylum interview on August 28, 2025. Pineda-Guadamuz was vetted and referred for further case processing.

Deportation Officers (DO) A. Velastegui and DO K. Louie identified themselves as Officers with ICE and conducted an interview with Pineda-Guadamuz. During the interview, Pineda-Guadamuz identified herself by her complete full name and presented a Form I-220A, Order of Release on Recognizance, and an Interim Notice Authorizing Parole bearing her picture and name. DO Velastegui and DO Louie informed Pineda-Guadamuz that she is going to be taken into custody and that her case will be referred to USCIS Asylum Office. Pineda-Guadamuz was placed in handcuffs, double locked, and checked for tightness. Pineda-Guadamuz along with her property was then transferred to the Detention Unit located on the 6th floor for further processing.

IMMIGRATION HISTORY:

09/17/2021, ER, RIO GRANDE CITY, TX

CRIMINAL HISTORY:

None.

HEALTH AND HUMANITARIAN ASPECTS:

Subject stated she does not have any medical issues and is not on any medication. Subject stated she is not associated with any criminal organizations or gangs. Subject claims fear of being returned to her country of citizenship. Subject was advised of consular rights. Subject made no claims to US citizenship or her parents.

DISPOSITION:

Pineda-Guadamuz will remain in ICE custody pending interview with APSO.

Signature

J 4758 RAZALAN

Title

Deportation Officer

EXHIBIT G

FORM I-869 (Rev 01/17/2025)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Record of Negative Credible Fear Finding
and Request For Review by Immigration Judge

A-Number: 

1. To be explained to the alien by the asylum officer:

U.S. Citizenship and Immigration Services (USCIS) has determined that you do not have a credible fear of persecution or torture pursuant to 8 CFR 208.30 for the following reason(s):

A. ☒ You have not established a credible fear of persecution in your country of nationality, country of last habitual residence, or a country to which you have been ordered removed because:

- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
- ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
- ☐ You have not indicated that you were harmed in the past, and there is no significant possibility that you could establish in a full hearing that the harm you fear is well founded.
- ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced or fear was/is sufficiently serious to amount to persecution.
- ☒ There is no significant possibility that you could establish in a full hearing that the entity that harmed you or would harm you was/is an agent of the government or an entity the government was/is unable or unwilling to control.
- ☐ There is not a significant possibility that you would be able to establish by a preponderance of the evidence that you are not subject to one or more mandatory bars to a grant of asylum or withholding of removal.

AND

☒ You have not established a credible fear of torture in a country to which you have been ordered removed because you have not established that there is a significant possibility that:

- ☐ You would suffer severe physical or mental pain or suffering.
- ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
- ☒ The harm you fear would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.
- ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender.

☐ The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.

B. ☐ Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

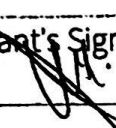
Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision. If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

☒ **Yes, I request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

☐ **No, I do not request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

PINEDA-GUADAMUZ	YOSSELINE	
Applicant's Last Name / Family Name (Print) <u>Pineda</u>	Applicant's First Name (Print) <u>Yosseline</u>	Applicant's Signature 
ZAP 048		11/5/2025
Asylum Officer		Date

The contents of this form were read and explained to the applicant in the **SPANISH** language

Interpreter used:

By telephone (list interpreter service /ID number used Accent on Languages MH1056).

In person (I, _____, certify that I am fluent in both the **SPANISH** and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature

Date

EXHIBIT H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YOSSELINE MELISSA PINEDA
GUADAMUZ,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

) Case No. 1:25-CV-01794-JLT-SKO

) **DECLARATION OF**
) **DEPORTATION OFFICER Marbella Pano**

I, Marbella Pano, make the following statements under oath and subject to the penalty of perjury:

1. I am a Deportation Officer ("DO") with the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the Bakersfield, California, sub-office of the San Francisco Field Office. I have been employed with DHS since July 2025. I currently serve as a DO and am assigned to the ERO Bakersfield Sub-Office's Detained Unit, which oversees the aliens detained at the California City Processing Center ("CCPC"), which is a contract detention facility in California City, California managed by the CoreCivic.
2. My responsibilities include, but are not limited to, tracking the progression of detained cases through removal proceedings, tracking detained cases with final removal orders, obtaining travel documents for aliens ordered removed, and effectuating the removal of aliens to other countries.
3. I am familiar with ICE policies and procedures governing the detention and removal of aliens who lack lawful immigration status in the United States.
4. I am the DO assigned to the case of Yosseline Melissa Pineda-Guadamuz ("Petitioner"). The facts in this declaration are based on my personal and professional knowledge, consultation with other DHS and ICE personnel, and reasonable review of official documents, systems,

1 and records maintained by the agency and DHS, and other relevant sources during the regular
2 course of my duties.

- 3 5. I have obtained and attached to my Declaration true and correct copies of the following
4 documents from the above-named Petitioner's case file and records maintained by DHS,
5 which will be referenced as Exhibits ("Exh.") as follows:

6 Exh. A: Record of Deportable/Inadmissible Alien dated September 19, 2021

7 Exh. B: Notice and Order of Expedited Removal dated September 19, 2021;

8 Exh. C: Information about Credible Fear Interview;

9 Exh. D: Interim Notice Authorizing Parole dated September 27, 2021;

10 Exh. E: Notice of Dismissal of Form I-589 dated June 16, 2025; and

11 Exh. F: Record of Deportable/Inadmissible Alien dated September 25, 2025; and

12 Exh. G. Record of Negative Credible Fear Finding and Request for Review by Immigration
13 Judge dated November 5, 2025

- 14 6. Petitioner is a native and citizen of Nicaragua. On or about September 17, 2021, a Border
15 Patrol Agent encountered Petitioner in the Rio Grande Valley, Texas Border Patrol Sector
16 and arrested her after determining that she was an alien who illegally entered the United
17 States at time and place other than as designated. Petitioner admitted that she was a citizen
18 of Nicaragua, without the necessary immigration documents to enter, pass through, or remain
19 in the United States. Petitioner also admitted to illegally entering the United States without
20 being inspected by an immigration officer at a designated Port of Entry. Petitioner also
21 claimed a fear of persecution or torture if returned to Nicaragua. Petitioner was processed for
22 expedited removal under Section 235(b)(1) of the Immigration and Nationality Act ("INA").
23 Exh. A.

- 24 7. On September 19, 2021, Petitioner was informed she was placed in expedited removal
25 proceedings and given information about the credible fear interview. Exh. B, C.

- 26 8. On September 27, 2021, ERO served Petitioner with an Interim Notice Authorizing Parole
27 under INA § 212(d)(5). Exh. D. ERO subsequently referred Petitioner's case to U.S.
28

Citizenship and Immigration Services ("USCIS") for a credible fear interview with Petitioner.

9. On June 16, 2025, USCIS informed Petitioner that her Application for Asylum and for Withholding of Removal was dismissed because she had previously been placed in expedited removal and informed her USCIS would schedule her for credible fear interview. Exh E.

10. On September 25, 2025, ERO re-detained Petitioner after she failed to attend an interview with USCIS on August 28, 2025. Exh. F.

11. On November 5, 2025, USCIS conducted a credible fear interview of Petitioner after which they determined that Petitioner did not possess a credible fear of persecution or torture if returned to Nicaragua. Exh. G. On November 18, 2025, an Immigration Judge vacated this finding.

12. Petitioner remains subject to the mandatory detention pursuant to INA § 235(b)(1)(B)(ii).

I declare, under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information, belief, and reasonable inquiry.

DATED: December 22, 2025

MARBELLA
PANO

Digitally signed by
MARBELLA PANO
Date: 2025.12.23
07:20:16 -08'00'

Marbella Pano
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security