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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MELINA SOLANO BEJARANO, Petitioner, v. CHRISTOPHER CHESTNUT, Warden, California City Correctional Facility; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security; KRISTI NOEM, in her official capacity, Secretary, U.S. Department of Homeland Security; and PAMELA BONDI, in her official capacity, Attorney General of the United States, Respondents.	Case No. 1:25-cv-01905-JLT-SAB (HC) **RESPONDENTS' OPPOSITION TO PETITIONER'S REQUEST FOR A TEMPORARY RESTRAINING ORDER** DATE: December 24, 2025 COURT: Hon. Jennifer L. Thurston

The Respondents submit this opposition ("Opposition") to Petitioner Melina Solano Bejarano's motion for a temporary restraining order ("Motion") [ECF #3]. For the reasons set forth herein, the Motion should be denied.

As to the questions posted in the Court's minute order dated December 17, 2025, (1) Respondents are not requesting a hearing, and (2) do not oppose consideration of the motion for temporary restraining order as one for preliminary injunction. [ECF #5].

I. FACTUAL BACKGROUND

Petitioner is a native and citizen of Peru. *See* [ECF #2 ¶ 1].

On or around June 25, 2021, Petitioner entered the United States, seeking asylum. [ECF #2 ¶ 2]. Petitioner was released into the United States on her own recognizance within a few days and later a notice to appear was filed on October 18, 2021 for an appearance scheduled for January 25, 2022. [ECF #2 ¶¶ 2–3]. As part of her release, Petitioner was enrolled in ICE's Alternatives to Detention ("ATD") program. *See* Declaration of Noah Kichak ("Kichak Decl.") ¶ 7.

Since her release into the United States, Petitioner has violated the conditions of her release many times. *See* Kichak Decl. ¶¶ 7–14 & Ex. 3. Ultimately, following the latest violation on November 3, 2025, Petitioner was terminated from the ATD program due to the number of violations. Kichak Decl. ¶ 14. On that same day, Petitioner was taken into ICE custody. Kichak Decl. ¶ 14. Despite acknowledging the latest violation and providing excuses for the violation, Petitioner maintains that she "has complied with all conditions of release and ICE orders." [ECF #2 ¶¶ 2–8].

II. LEGAL STANDARDS

A. Temporary Restraining Order

"[T]he legal standards applicable to TROs and preliminary injunctions are 'substantially identical.'" *Washington v. Trump*, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017) (citation omitted).

Courts therefore apply the familiar four-factor preliminary injunction standard in evaluating the merits of a motion for a temporary restraining order. *See, e.g., Garcia Mariagua v. Chestnut, et al.*, No. 1:25-CV-01744-DJC-CSK, 2025 WL 3551700, at *1 (E.D. Cal. Dec. 11, 2025) (applying preliminary injunction standard to temporary restraining order request in immigration matter). To warrant relief, the movant "must make a clear showing that [s]he is likely to succeed on the merits, that [s]he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in h[er] favor, and that an injunction is in the public interest." *Garcia v. Cnty. of Alameda*, 150 F.4th 1224, 1229–30 (9th Cir. 2025) (internal quotation marks and citation omitted). But "[w]here, as here, the party opposing injunctive relief is a government entity, the third and fourth factors—the balance of equities and the public interest—'merge.'" *Youth 71Five Ministries v. Williams*, --- F.4th ---, ---, No. 24-4101, 2025 WL 3438455, at *4 (9th Cir. Nov. 26, 2025) (citation omitted).

B. <u>Relevant Immigration Statutes</u>

Title 8, United States Code, Section 1225 ("Section 1225") applies to "applicants for admission," defined as "[a]n alien present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. § 1225(a)(1).

Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "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). These aliens generally are subject to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the alien "indicates an intention to apply for asylum . . . or a fear of persecution," immigration officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). An alien with a credible fear of persecution is "detained for further consideration of the application for asylum." 8 U.S.C. § 1225(b)(1)(B)(ii). If the alien does not indicate an intent to apply for asylum, express a fear of persecution, or is "found not to have such a fear," she is detained until removed. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

Section 1225(b)(2) is "broader" and "serves as a catchall provision," "appl[ying] to all applicants for admission not covered by § 1225(b)(1)." *Jennings*, 583 U.S. at 287. Under § 1225(b)(2), an alien "who is an applicant for admission" shall be detained for a removal proceeding "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); *see Pena v. Hyde*, 25-cv-11983-NMG, 2025 WL 2108913, at *1 (D. Mass. July 28, 2025) ("[Section 1225] authorizes the detention of any alien who 1) is 'an applicant for admission' to the country and 2) is 'not clearly and beyond doubt entitled to be admitted." (citing 8 U.S.C. § 1225(b)(2)(A)); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) ("[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention 'until removal proceedings have concluded.'" (citing *Jennings*, 583 U.S. at 299)).

The Department of Homeland Security ("DHS") has the sole discretionary authority to temporarily release on parole "any alien applying for admission to the United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

III. ARGUMENT[1]

A. Petitioner is Unlikely to Succeed on the Merits as Section 1225 Authorizes Mandatory Detention

As an initial matter, Respondents view and maintain that, as a legal matter, Petitioner, as an "applicant for admission," who is currently being detained pursuant to Section 1225(b)(2). *See Alonzo v. Noem*, No. 1:25-CV-01519 WBS SCR, 2025 WL 3208284, at *5 (E.D. Cal. Nov. 17, 2025). Respondents, as in other cases, maintain this position even if any release document states or can be construed as having been pursuant to Section 1226. Petitioner's prior release was in the discretion of DHS and does not have the effect of having converted Petitioner's presence in the United States into an "admission." "[A]n alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281 (2018). And as an applicant for admission, Petitioner is subject to mandatory detention and thus ineligible for a bond hearing.

Respondents, however, acknowledge that, as the Court is aware, many district courts have determined Section 1226—not Section 1225—to apply to individuals similarly situated as Petitioner. *See Alonzo v. Noem*, 2025 WL 3208284, at *3.

Respondents also request that any further briefing deadlines be held in abeyance until the resolution of the pending Ninth Circuit appeal in *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842, which is likely to resolve this issue in the coming months.

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[1] Respondents only address the arguments made in the motion for temporary restraining order. *See Morningside Supermarket Corp. v. New York State Dep't of Health*, No. 05 CIV. 9950 (DLC), 2006 WL 680469, at *1 (S.D.N.Y. Mar. 17, 2006) (addressing only those arguments raised in briefs despite additional arguments in complaint).

B. Petitioner is Unlikely to Succeed as Detention Under Section 1225 is Constitutional

The Supreme Court has long held that "the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings." *Demore v. Kim*, 538 U.S. 510, 526 (2003) (describing this conclusion as the Court's "longstanding view"). In *Demore*, the Court upheld the constitutionality of a similar mandatory detention provision—8 U.S.C. § 1226(c), which mandates the detention during removal proceedings of aliens who have been convicted of an aggravated felony. *Id.* at 513. In reaching this holding, the Court explained that "[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens." *Id.* at 521. The Court noted that, for over a century, it has "recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process" because "deportation proceedings 'would be vain if those accused could not be held in custody pending the inquiry into their true character.'" *Id.* at 523 (quoting *Wong Wing v. United States*, 163 U.S 228, 235 (1896)).

Based on this established principle, the Court in *Demore* reaffirmed that immigration detention can be constitutional even in the absence of any showing that an individual detainee posed a flight risk or a danger to the community. *See id.* at 523-27 (discussing *Carlson v. Landon*, 342 U.S. 524 (1952), and concluding that detention was constitutional "even without any finding of flight risk" or "individualized finding of likely future dangerousness" (quotation marks omitted)). In short, in *Demore* "the Supreme Court recognized [that] there is little question that the civil detention of aliens during removal proceedings can serve a legitimate government purpose, which is 'preventing deportable … aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that, if ordered removed, the aliens will be successfully removed.'" *Prieto-Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (quoting *Demore*, 538 U.S. at 528).

Based on the reasoning of *Demore*, mandatory detention under 8 U.S.C. § 1225 is facially constitutional for the same reasons as is mandatory detention under § 1226(c). In sum, Petitioner's detention is proper under § 1225(b)(2)(A), because she is an applicant for admission who is not "clearly and beyond doubt" entitled to admission. *See Pena*, 2025 WL 2108913, at *1 ("[Section 1225] authorizes the detention of any alien who 1) is 'an applicant for admission' to the country and

2) is 'not clearly and beyond doubt entitled to be admitted." (citing 8 U.S.C. § 1225(b)(2)(A))).

C. Petitioner is Unlikely to Succeed on the Merits Given the Violations of Her Conditions

The Court ordered Respondents to address changed circumstances as to Petitioner that were "material to the question of whether Petitioner is a danger to public safety or a flight risk." [ECF #5]. As detailed above, Respondents maintain their position that mandatory detention of Petitioner is authorized pursuant to Section 1225(b) and that such statutory authority is constitutional. Nonetheless, Respondents also view Petitioner's series of violations of her conditions of release as changed circumstances material to the risk of flight.

As indicated by Officer Kichak, Petitioner has violated the conditions of her release many times over the years, including as recently as November 3, 2025, the date of the beginning of her detention. While some courts appear to have discounted a history of unacted upon violations as insufficient, such reasoning fails to take into consideration the problematic nature of cumulative or continuing violations. *See also Philippe v. Santander Bank, N.A.*, No. 15CV2918MKBCLP, 2018 WL 1559765, at *14 (E.D.N.Y. Mar. 31, 2018) (discussing similar view in the employment context while stating "[d]efendant's flawed argument . . . fails to take into consideration the cumulative impact poor performance or lack of perceived improvement may have on decisionmakers"). Courts, in fact, in the context of criminal supervised release or probation often do not take official action against the supervisee until a number of prior violations—until courts determine enough is enough.

Petitioner's recent and cumulative history of violations are indicative of a risk of flight as they indicate a failure to comply with official orders. The recent violations only add to prior concerns as Petitioner does not appear to have corrected her behavior despite prior violations.

The significance of the violations is exemplified by Petitioner's own statements. *Philippe*, 2018 WL 1559765, at *13 (explaining that a party's use of affirmative misstatements as opposed to an acknowledgment and explanation to attach significance to evidence at issue). While acknowledging the most recent violation on November 3, 2025, and even offering an excuse for the violation, Petitioner inaccurately claimed she "has complied with all conditions of release and ICE orders." [ECF #2 ¶¶ 2, 4, 8].

If released, Petitioner also has increased incentive to flee given the acknowledged emphasis the new administration has placed on deportation. Despite the widely publicized nature of the increased efforts to deport aliens, Petitioner again violated the conditions of her release on November 3, 2025. To the extent such violation and prior violations are indicative of a risk of flight, such risk is enhanced given the current understood enhanced focus on deportation of aliens. *See Organized Vill. of Kake v. U.S. Dep't of Agric.*, 795 F.3d 956, 968 (9th Cir. 2015) ("Elections have policy consequences.").

IV. CONCLUSION

For the reasons set forth above, the Court should deny Petitioner's Motion.

DATED: December 24, 2025

Respectfully Submitted,

ERIC GRANT
United States Attorney

By: */s/ Chan Hee Chu*
CHAN HEE CHU
Assistant United States Attorney

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

Melina SOLANO BEJARANO, Petitioner, v. Christopher CHESTNUT, *et al.*, Respondents.	CASE NO. **1:25-cv-01905-JLT-SAB** **DECLARATION OF DEPORTATION OFFICER NOAH KICHAK**

I, Noah Kichak, 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 September 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 ICE officer assigned to the case of Ms. Melina Solano Bejarano ("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, and records maintained by the agency and DHS, and other relevant sources during the regular course of my duties.

5. Petitioner is a native and citizen of Peru who entered the United States without inspection at or near San Ysidro, California on or about June 25, 2021. On the same date, Petitioner was apprehended by Customs and Border Protection (CBP) Officers, who transported her to the San Diego Sector Processing Center for processing.

6. On June 29, 2021, Petitioner was served with a Notice to Appear in person. On the same date, Petitioner was served with a Form I-220A Order of Release on Recognizance pending her immigration hearing. Petitioner was informed about her reporting instructions and that the failure to comply with the conditions of the release from custody may result in revocation of release without further notice.

7. On June 30, 2021, Petitioner was released due to detention capacity issues and enrolled into ICE's Alternatives to Detention (ATD) program and Intensive Supervision Appearance Program (ISAP).

8. Petitioner was placed into removal proceedings on October 18, 2021, upon re-service of the Notice to Appear by regular mail, as an alien present without admission or parole, and charged with removability under section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA or Act).

9. Petitioner violated the conditions of her ATD agreement when she failed to be at home for her in-person home visits on:

   - July 19, 2021
   - January 10, 2022
   - February 28, 2022
   - June 24, 2022
   - September 11, 2023
   - December 28, 2023
   - November 3, 2025

10. Petitioner violated the conditions of her ATD agreement when she missed her virtual home visits on:

- October 13, 2023

11. Petitioner violated the conditions of her ATD agreement when she missed the following in-person office visits:
    - December 6, 2023
12. Petitioner violated the conditions of her ATD agreement when she missed biometric check-ins on:
    - September 19, 2022
    - November 7, 2022
    - February 20, 2023
    - August 19, 2024
    - January 20, 2025
13. Petitioner violated the conditions of her ATD agreement when she left her authorized zone without obtaining approval on:
    - August 23, 2021
14. On November 3, 2025, Petitioner was terminated from ATD due to multiple violations. On the same date, Petitioner was taken into ICE custody pending her immigration hearing. Petitioner was transferred to California City Detention Facility located at 22844 Virginia Boulevard, California City, CA 93505.
15. On December 17, 2025, Petitioner concurrently filed a Motion for Temporary Restraining Order and Petition for Writ of Habeas Corpus. On December 17, 2025, the District Court for the Eastern District of California issued its Minute Order.

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

Dated: December 22, 2025

NOAH J KICHAK Digitally signed by NOAH J KICHAK
Date: 2025.12.22 14:19:27 -08'00'

Noah Kichak
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

Ex. A

FAMU

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: MELINA SOLANO-BEJARANO currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

RECEIVED
DEPARTMENT OF JUSTICE
NOV - 1 2021
EOIR
VAN NUYS, CA

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of PERU and a citizen of PERU ;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about June 25, 2021 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

6230 VAN NUYS BLVD STE 300 VAN NUYS CA 91401, VAN NUYS, CA IMMIGRATION COURT
(Complete Address of Immigration Court, including Room Number, if any)

on January 25, 2022 *(Date)* at 1:00 PM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

IH8023 HERNANDEZ - SDDO
(Signature and Title of Issuing Officer) (Sign in ink)

Date: October 18, 2021

Bakersfield, CA
(City and State)

EOIR - 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: ______________________

(Signature of Respondent) (Sign in ink)

Date: ______________________

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 18, 2021, in the following manner and in compliance with section 239(a)(1) of the Act.

NTA sent to:
ELINA SOLANO-BEJARANO
[redacted] A,
[redacted]

☐ in person ☐ by certified mail, returned receipt # ____________ requested ☒ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ____________________ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

R. A. 9707 MURO - DEPORTATION OFFICER

(Signature of Respondent if Personally Served) (Sign in ink) *(Signature and Title of officer) (Sign in ink)*

EOIR - 2 of 3

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Ex. B

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [redacted]
Date: June 29, 2021
Event No: [redacted]

Name: MELINA SOLANO-BEJARANO

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☐ You must report in (writing) (person) to ______ (Name and Title of Case Officer)

at ______ (Location of DHS Office) on ______ (Day of each week or month) at ______ (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.
☒ You must not violate any local, State, or Federal laws or ordinances.
☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.
☐ Other: ______

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

[redacted]

______
(Signature of DHS Official)
PAUL M. BAK-SKLENER
ACTING WATCH COMMANDER
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

DARNELL BEMBO
(Signature of Immigration Officer Serving Order)

[redacted]
(Signature of Alien)

6/29/2021
(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal. ______ (Signature of Immigration Officer Canceling Order) ______ (Date)

Form I-220A (Rev. 08/01/07) N

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

ATD ENROLLMENT - NOTICE TO ALIEN

Name:	Field Office:	A Number:
Solano-Bejarano, Melina	SND	[redacted]

Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under

> *18 U.S.C. § 1361 – Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:*
>
> *If the damage or attempted damage to such property exceeds the sum of $1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of $1,000, by a fine under this title or by imprisonment for not more than one year, or both.*

and/or

> *18 U.S.C. § 641 – Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or*
>
> *Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted —*
>
> *Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of $1,000, he shall be fined under this title or imprisoned not more than one year, or both.*
>
> *The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.*

RECORD OF SERVICE

Served By: (Print Name and Title of Officer)		Date:
F Alejandre, DO		06/30/2021
Officer's Signature: [signature]	Location of Service: USBP	
Served On: (Alien's Signature) [redacted]		Date: 06/30/2021

Ex. C

Participant	Alien #	Alert Date	Alert Type
SOLANO-BEJARANO, MELINA	[redacted]	11/03/2025	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	01/20/2025	Missed Biometric Check-In
SOLANO-BEJARANO, MELINA	[redacted]	08/19/2024	Missed Biometric Check-In
SOLANO-BEJARANO, MELINA	[redacted]	12/28/2023	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	12/06/2023	In Person Office Visit Missed
SOLANO-BEJARANO, MELINA	[redacted]	10/13/2023	Virtual Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	09/11/2023	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	02/20/2023	Missed Biometric Check-In
SOLANO-BEJARANO, MELINA	[redacted]	11/07/2022	Missed Biometric Check-In
SOLANO-BEJARANO, MELINA	[redacted]	09/19/2022	Missed Biometric Check-In
SOLANO-BEJARANO, MELINA	[redacted]	06/24/2022	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	02/28/2022	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	01/10/2022	In Person Home Visit Failed
SOLANO-BEJARANO, MELINA	[redacted]	08/23/2021	Master Zone Leave Alert
SOLANO-BEJARANO, MELINA	[redacted]	07/19/2021	In Person Home Visit Failed