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28 RESPONDENTS' RETURN AND OPPOSITION TO WRIT OF HABEAS CORPUS
25-CV-10831-PCP

1 **I. INTRODUCTION**

2 Petitioner, Juany Galo Santos (“Petitioner”), seeks the grant of a petition for writ of habeas corpus
3 pursuant to 28 U.S.C. § 2241, challenging the lawfulness of any future detention by Immigration and
4 Customs Enforcement (“ICE”) and seeking, among other remedies, an order enjoining Respondents from
5 re-detaining her “without an order from *this Court* finding that a material change in individual
6 circumstances related to her flight risk or danger to the community justifies her re-arrest and re-detention,”
7 or, alternatively, an order enjoining Respondents from re-detaining her “unless her re-detention is ordered
8 at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear
9 and convincing evidence, that she is a flight risk or danger to the community.” Petitioner is not in custody.
10 Her petition must be denied for the reasons set forth below.

11 **II. FACTUAL AND PROCEDURAL BACKGROUND**

12 Petitioner is a native and citizen of Honduras who last entered the United States without
13 admission, inspection, or parole at or near Eagle Pass, Texas, on or about December 16, 2023. *See*
14 Declaration of Deportation Officer Michael Silva (“Silva Decl.”) at ¶ 17.¹ An immigration officer served
15 her a Notice to Appear (“NTA”) for removal proceedings based on her presence in the United States
16 without being admitted or paroled. *See id.* at ¶ 19. Petitioner has never been re-detained by Defendants.

17 After the Court issued a preliminary injunction in *Pinchi*, *see* Case No. 25-cv-05632-PCP, ECF
18 No. 33, on October 10, 2025, Ms. Garro Pinchi filed a Class Action Complaint and Amended Petition for
19 Writ of Habeas Corpus, which Plaintiffs corrected on October 16, 2025, seeking to join two new parties,
20 including Petitioner, and allege claims arising under the Administrative Procedure Act (“APA”) and the
21 United States Constitution. Case No. 25-cv-05632-PCP, ECF No. 38, 45.

22 On December 18, 2025, the Court issued an order severing Petitioner’s habeas claims from the
23 claims arising under the APA and the United States Constitution. *See* Order Granting Mot. to Sever, ECF
24 No. 84. Based on that order, Petitioner filed the operative habeas petition the night of December 23, 2025.

25 _____
26 ¹ On December 18, 2025, the Court issued an order severing Petitioner’s habeas claims from other
27 claims that were joined in the initial habeas action filed in *Pinchi, et. al, v. Noem, et. al.* *See* Order
28 Granting Mot. to Sever, Case No. 25-cv-05632-PCP, ECF No. 84. As a consequence, there are some
citations to the docket for Petitioner’s initial habeas action.

1 *See generally* Pet. Petitioner is not in custody and she has not been in custody since her initial release
2 following her apprehension along the Southern Border in December 2023. *See* Silva Decl. ¶¶ 17-21; Pet.
3 ¶ 2, 14, 62-64.

4 III. ARGUMENT

5 A. PETITIONER'S CLAIMS SHOULD BE DISMISSED FOR LACK OF 6 JURISDICTION UNDER RULE 12(b)(1).

7 Respondents acknowledge that the Court previously analyzed some of their jurisdictional
8 arguments in other contexts in this case including, but not limited to, 8 U.S.C. § 1252(e)(3). *See* Order
9 Provisionally Certifying Classes and Staying Agency Action, Case No. 25-cv-05632-PCP, ECF No. 85
10 (analyzing 8 U.S.C. § 1252 within the context of Petitioner's motion for class certification and motion for
11 a stay of agency action). Respondents make some of those jurisdictional arguments again in this individual
12 habeas return to reserve all of their rights including the right to appeal.

13 1. 8 U.S.C. § 1252(e)(3) Bars Review of Petitioner's Claims.

14 Section 1252(e)(3) deprives this court of jurisdiction, including habeas corpus jurisdiction, over
15 Petitioner's challenge to any future detention under § 1225(b)(2)(A). Section 1252(e)(3) limits judicial
16 review of "determinations under section 1225(b) of this title and its implementation" to only in the District
17 Court for the District of Columbia. 8 U.S.C. § 1252(e)(3). Paragraph (e)(3) further confines this limited
18 review to (1) whether § 1225(b) or an implementing regulation is constitutional or (2) whether a
19 regulation or other written policy directive, guideline, or procedure implementing the section violates the
20 law. *See* 8 U.S.C. § 1252(e)(3)(A)(i)-(ii); *see also* *M.M.V. v. Garland*, 1 F.4th 1100, 1109 (D.C. Cir.
21 2021). Unlike other provisions within 1252(e), section 1252(e)(3) applies broadly to judicial review of
22 section 1225(b), not just determinations under section 1225(b)(1). *Compare* 8 U.S.C. § 1252(e)(1)(A),
23 (e)(2), *with* 8 U.S.C. § 1252(e)(3)(A). *See* *Russello v. United States*, 464 U.S. 16, 23 (1983) (quoting
24 *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)) ("[W]here Congress includes
25 particular language in one section of a statute but omits it in another section of the same Act, it is
26 generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."
27 . . . We refrain from concluding here that the differing language in the two subsections has the same
28 meaning in each. We would not presume to ascribe this difference to a simple mistake in draftsmanship.").

1 Here, Petitioner challenges the determination that aliens who entered the United States without
2 inspection are subject to mandatory detention under § 1225(b)(2) and thus may be re-detained consistent
3 with statutory mandate. *See, e.g.*, Pet. ¶¶ 20-30, 37-64. Petitioner thus seeks judicial review of a written
4 policy or guideline implementing § 1225(b), which is covered by § 1252(e)(3)(A)(ii).

5 **2. 8 U.S.C. § 1252(g) Bars Review of Petitioner’s Claims.**

6 Section 1252(g) categorically bars jurisdiction over “any cause or claim by or on behalf of any
7 alien arising from the decision or action by the [Secretary of Homeland Security] to commence
8 proceedings, adjudicate cases, or execute removal orders against any alien.” 8 U.S.C. § 1252(g) (emphasis
9 added). The Secretary of Homeland Security’s decision to commence removal proceedings, including the
10 decision to detain an alien pending such removal proceedings, squarely falls within this jurisdictional bar.
11 In other words, detention clearly “aris[es] from” the decision to commence removal proceedings against
12 an alien. *See Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) (“By its plain terms, [§ 1252(g)] bars
13 us from questioning ICE’s discretionary decisions to commence removal” and also to review “ICE’s
14 decision to take [plaintiff] into custody and to detain him during removal proceedings”); *Tazu v. Att’y*
15 *Gen. United States*, 975 F.3d 292, 298 (3d Cir. 2020) (“The text of § 1252(g)... strips us of jurisdiction to
16 review... [T]o perform or complete a removal, the [Secretary of Homeland Security] must exercise [her]
17 discretionary power to detain an alien for a few days. That detention does not fall within some other part
18 of the deportation process.”) (cleaned up) (internal quotations and citations omitted); *Valencia-Mejia v.*
19 *United States*, No. CV 08–2943 CAS (PJWx), 2008 WL 4286979, at *4 (C.D. Cal. Sept. 15, 2008) (“The
20 decision to detain plaintiff until his hearing before the Immigration Judge arose from this decision to
21 commence proceedings[.]”) (emphasis added); *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010
22 WL 11463156, at *6 (C.D. Cal. Aug. 18, 2010) (citing *Khorrami v. Rolince*, 493 F. Supp. 2d 1061 (N.D.
23 Ill. 2007) (“[Plaintiff’s] detention necessarily arises from the decision to initiate removal proceedings
24 against him.”) (emphasis added); *Herrera-Correra v. United States*, No. CV 08-2941 DSF (JCx), 2008
25 WL 11336833, at *3 (C.D. Cal. Sept. 11, 2008) (citing *Sissoko v. Rocha*, 509 F.3d 947, 949 (9th Cir.
26 2007) (“The [Secretary] may arrest the alien against whom proceedings are commenced and detain that
27 individual until the conclusion of those proceedings. . . . Thus, an alien’s detention throughout this process

1 *arises from* the [Secretary]’s decision to commence proceedings[.]” and review of claims arising from such
 2 detention is barred under § 1252(g)) (emphasis added). Put in the Supreme Court’s words, detention
 3 pending removal is a “specification” of the decision to commence proceedings. *See Reno v. Am.-Arab*
 4 *Anti-Discrimination Comm.* (“AADC”), 525 U.S. 471, 485 n.9 (1999) (“§ 1252(g) covers” a “specification
 5 of the decision to ‘commence proceedings’”). As such, judicial review of the Petitioner’s claims is barred
 6 by § 1252(g).

7 3. 8 U.S.C. § 1252(b)(9) Bars Review of Petitioner’s Claims.

8 Under § 1252(b)(9), “judicial review of all questions of law . . . including interpretation and
 9 application of statutory provisions . . . arising from any action taken . . . to remove an alien from the
 10 United States” is only proper before the appropriate court of appeals in the form of a petition for review of
 11 a final removal order. *See* 8 U.S.C. § 1252(b)(9); *AADC*, 525 U.S. at 483. Section 1252(b)(9) is an
 12 “unmistakable ‘zipper’ clause” that “channels judicial review of all [claims arising from deportation
 13 proceedings]” to a court of appeals in the first instance. *AADC*, 525 U.S. at 483; *see Lopez v. Barr*, No.
 14 CV 20-1330 (JRT/BRT), 2021 WL 195523, at *2 (D. Minn. Jan. 20, 2021) (citing *Nasrallah v. Barr*, 590
 15 U.S. 573, 579–80 (2020)).

16 Moreover, § 1252(a)(5) provides that a petition for review is the exclusive means for judicial
 17 review of immigration proceedings.

18 Notwithstanding any other provision of law (statutory or nonstatutory), . . .
 19 a petition for review filed with an appropriate court of appeals in
 20 accordance with this section shall be the sole and exclusive means for
 21 judicial review of an order of removal entered or issued under any
 provision of this chapter, except as provided in subsection (e) [concerning
 aliens not admitted to the United States].

22 8 U.S.C. § 1252(a)(5). “Taken together, § 1252(a)(5) and § 1252(b)(9) mean that *any* issue—whether
 23 legal or factual—arising from *any* removal-related activity can be reviewed *only* through the [petition-for-
 24 review] process.” *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (emphasis in original); *see id.* at
 25 1035 (“§§ 1252(a)(5) and [(b)(9)] channel review of all claims, including policies-and-practices
 26 challenges . . . whenever they ‘arise from’ removal proceedings”); *accord Ruiz v. Mukasey*, 552 F.3d 269,
 27 274 n.3 (2d Cir. 2009) (only when the action is “unrelated to any removal action or proceeding” is it

1 within the district court’s jurisdiction); *cf. Xiao Ji Chen v. U.S. Dep’t of Justice*, 434 F.3d 144, 151 n.3 (2d
2 Cir. 2006) (a “primary effect” of the REAL ID Act is to “limit all aliens to one bite of the apple” (internal
3 quotation marks omitted)).

4 Critically, “[§] 1252(b)(9) is a judicial channeling provision, not a claim-barring one.” *Aguilar v.*
5 *ICE*, 510 F.3d 1, 11 (1st Cir. 2007). Indeed, 8 U.S.C. § 1252(a)(2)(D) provides that “[n]othing . . . in any
6 other provision of this chapter . . . shall be construed as precluding review of constitutional claims or
7 questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance
8 with this section.” The petition-for-review process before the court of appeals ensures that aliens have a
9 proper forum for claims arising from their immigration proceedings and “receive their day in court.”
10 *J.E.F.M.*, 837 F.3d at 1031–32 (internal quotations omitted); *see also Rosario v. Holder*, 627 F.3d 58, 61
11 (2d Cir. 2010) (“The REAL ID Act of 2005 amended the [INA] to obviate . . . Suspension Clause
12 concerns” by permitting judicial review of “nondiscretionary” BIA determinations and “all constitutional
13 claims or questions of law.”).

14 Subsections (a)(5) and (b)(9) divest district courts of jurisdiction to review both direct and indirect
15 challenges to removal orders, including decisions to detain for purposes of removal or for proceedings.
16 *See Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (section 1252(b)(9) includes challenges to the
17 “decision to detain [an alien] in the first place or to seek removal[.]”). Here, Petitioner challenges the
18 decision and action to detain her in the future, which arises from DHS’s decision to commence removal
19 proceedings, and is thus an “action taken . . . to remove her from the United States.” *See* 8 U.S.C.
20 § 1252(b)(9); *see also, e.g., Jennings*, 583 U.S. at 294–95; *Velasco Lopez v. Decker*, 978 F.3d 842, 850
21 (2d Cir. 2020) (finding that 8 U.S.C. § 1226(e) did not bar review in that case because the petitioner did
22 not challenge “his initial detention”); *Saadulloev v. Garland*, No. 3:23-CV-00106, 2024 WL 1076106,
23 at *3 (W.D. Pa. Mar. 12, 2024) (recognizing that there is no judicial review of the threshold detention
24 decision, which flows from the government’s decision to “commence proceedings”). As such, the Court
25 lacks jurisdiction over this action and to enjoin Petitioner’s future detention. The reasoning in *Jennings*
26 outlines why the Petitioner’s claims cannot be reviewed by the Court.

27 The fact that the Petitioner is challenging the basis upon which she may be detained in the future is
28

1 enough to trigger § 1252(b)(9) because “detention *is* an ‘action taken . . . to remove’ an alien.” *See*
2 *Jennings*, 583 U.S. at 319 (Thomas, J., concurring); 8 U.S.C. § 1252(b)(9). The Court should dismiss the
3 Petitioner’s claims for lack of jurisdiction under § 1252(b)(9). Petitioner must present her claims before
4 the appropriate court of appeals because she challenges the Government’s decision or action to detain her
5 in the future, which must be raised before a court of appeals, not this Court. *See* 8 U.S.C. § 1252(b)(9).

6 **B. THE COURT SHOULD DISMISS THE PETITION FOR WRIT OF HABEAS**
7 **CORPUS AS PETITIONER IS SUBJECT TO DETENTION UNDER 8 U.S.C. §**
8 **1225.**

9 **1. Petitioner Is Subject to Mandatory Detention as an Applicant for Admission**
10 **Under 8 U.S.C. § 1225(b)(2).**

11 For the reasons set forth in Respondents’ prior briefing including, but not limited to, the motion to
12 dismiss (Case No. 25-cv-05632-PCP, ECF No. 66), the opposition to Plaintiffs’ motion to stay agency
13 action (Case No. 25-cv-05632-PCP, ECF No. 67), the opposition to Plaintiffs’ motion for class
14 certification (Case No. 25-cv-05632-PCP, ECF No. 68), and the motion to sever, transfer, and consolidate
15 (Case No. 25-cv-05632-PCP, ECF No. 76), as well as the hearing for these motions, Respondents contend
16 that Petitioner is subject to mandatory detention as an “applicant for admission” under 8 U.S.C.
17 § 1225(b)(2). Briefly, as an “applicant for admission,” who is present in the United States without having
18 been admitted, she is subject to mandatory detention and is entitled only to the process due to her under
19 the statute.

20 Respondents acknowledge this Court’s prior ruling rejecting their analysis to Petitioner’s
21 challenges to Respondents’ policies or practices at issue in this case including those arising under 8 U.S.C.
22 § 1225(b)(2). *See* Order Provisionally Certifying Class and Staying Agency Action, Case No. 25-cv-
23 05632-PCP, ECF No. 85. While Respondents respectfully disagree with that analysis, in the interest of
24 judicial economy and to conserve judicial resources, Respondents rely on all of their prior arguments
25 explaining why Petitioner is subject to mandatory detention under 8 U.S.C. § 1225 in this opposition and
26 return. Respondents reserve all rights, including the right to appeal, and the right to raise any prior
27 argument they made arising under 8 U.S.C. § 1225 in any future appeal. After the Court issued its orders
28 granting a preliminary injunction as to Petitioner, several courts in other districts in the Ninth Circuit
have denied motions for a temporary restraining order or preliminary injunctive relief for individuals, like

1 Petitioner, who were detained under 8 U.S.C. § 1225(b)(2) following conditional parole; moreover, these
 2 courts have upheld, at least preliminarily, mandatory detention under § 1225(b)(2). *See Altamirano Ramos*
 3 *v. Lyons*, No. 25-cv-09785, 2025 WL 3199872, at *4 (C.D. Cal. Nov. 12, 2025) (acknowledging that the
 4 court had previously rejected the government’s interpretation of § 1225(b)(2), but “after additional
 5 research and analysis, the court has concluded that Petitioner is subject to mandatory detention under
 6 § 1225(b)(2)(a), and that Petitioner is not eligible for a bond hearing under 8 U.S.C. § 1226(a)”); *Sixtos*
 7 *Chavez v. Noem*, No. 25-cv-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), *appeal docketed*, No.
 8 25-7077 (9th Cir. Nov. 7, 2025); *Valencia v. Chestnut*, No. 25-cv-01550, 2025 WL 3205133 (E.D. Cal.
 9 Nov. 17, 2025); *Alonzo v. Noem*, No. 25-cv-01519, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025). Should
 10 the Court prefer to receive a more exhaustive and fulsome analysis of any issue arising under 8 U.S.C.
 11 § 1225, Respondents will do so upon the Court’s request.

12 **2. Section 1226 Does Not Impact the Detention Authority for Applicants for**
 13 **Admission.**

14 Section 1226(a) is the applicable detention authority for aliens who have been admitted and are
 15 subject to removal proceedings under 8 U.S.C. § 1229a, 8 U.S.C. §§ 1226, 1227(a), and 1229a, and does
 16 not impact the directive in 8 U.S.C. § 1225(b)(2)(A) that “if the examining immigration officer determines
 17 that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be
 18 detained for a proceedings under [8 U.S.C. § 1229a],” *id.* § 1225(b)(2)(A).² As the Supreme Court
 19 explained, 8 U.S.C. § 1226(a) “applies to aliens already present in the United States” and “creates a

20 _____
 21 ² The specific mandatory language of 8 U.S.C. § 1225(b)(2)(A) governs over the general permissive
 22 language of 8 U.S.C. § 1226(a). “[I]t is a commonplace of statutory construction that the specific governs
 23 the general” *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 384 (1992); *see RadLAX Gateway*
 24 *Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) (explaining that the general/specific canon
 25 is “most frequently applied to statutes in which a general permission or prohibition is contradicted by a
 26 specific prohibition or permission” and in order to “eliminate the contradiction, the specific provision is
 27 construed as an exception to the general one”); *Perez-Guzman v. Lynch*, 835 F.3d 1066, 1075 (9th Cir.
 28 2016) (discussing, in the context of asylum eligibility for aliens subject to reinstated removal orders, this
 canon and explaining that “[w]hen two statutes come into conflict, courts assume Congress intended
 specific provisions to prevail over more general ones”). Here, 8 U.S.C. § 1225(b)(2)(A) “does not negate
 [8 U.S.C. § 1226(a)] entirely,” which still applies to admitted aliens who are deportable, “but only in its
 application to the situation that [8 U.S.C. § 1225(b)(2)(A)] covers.” A. Scalia & B. Garner, *Reading Law:
 The Interpretation of Legal Texts* 185 (2012).

1 default rule for those aliens by permitting—but not requiring—the [Secretary] to issue warrants for their
2 arrest and detention pending removal proceedings.” *Jennings*, 583 U.S. at 289, 303; *Matter of Q. Li*,
3 29 I&N Dec. 66, 70 (BIA 2025); *see also Matter of M-S-*, 27 I&N Dec. 509, 516 (U.S. Atty. Gen. 2019)
4 (describing 8 U.S.C. § 1226(a) as a “permissive” detention authority separate from the “mandatory”
5 detention authority under 8 U.S.C. § 1225).³

6 Generally, such aliens may be released on bond or their own recognizance, also known as
7 “conditional parole.” 8 U.S.C. § 1226(a); *Jennings*, 583 U.S. at 303, 306. Section 1226(a) does not,
8 however, confer the *right* to release on bond; rather, both DHS and IJs have broad discretion in
9 determining whether to release an alien on bond as long as the alien establishes that he or she is not a
10 flight risk or a danger to the community. *See* 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8); *Matter of Guerra*,
11 24 I&N Dec. 37, 39 (BIA 2006); *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999). Further, ICE must
12 detain certain aliens due to their criminal history or national security concerns under 8 U.S.C. § 1226(c).
13 *See* 8 U.S.C. § 1226(c)(1), (c)(2); 8 C.F.R. §§ 236.1(c)(1)(i), 1236.1(c)(1)(i); *see also id.*
14 § 1003.19(h)(2)(i)(D). Release of such aliens is permitted only in very specific circumstances. *See*
15 8 U.S.C. § 1226(c)(2).

16 Notably, 8 U.S.C. § 1226(c) references certain grounds of inadmissibility, 8 U.S.C.
17 § 1226(c)(1)(A), (D)-(E), and the Supreme Court in *Barton v. Barr*—after issuing its decision in
18 *Jennings*—recognized the possibility that aliens charged with certain grounds of inadmissibility could be
19 detained pursuant to 8 U.S.C. § 1226. 590 U.S. 222, 235 (2020); *see also Nielsen v. Preap*, 586 U.S. 392,

20
21 ³ Importantly, a warrant of arrest is not required in all cases. *See* 8 U.S.C. § 1357(a). For example, an
22 immigration officer has the authority “to arrest any alien who in his presence or view is entering or
23 attempting to enter the United States in violation of any law or regulation” or “to arrest any alien in the
24 United States, if he has reason to believe that the alien so arrested is in the United States in violation of
25 any such law or regulation and is likely to escape before a warrant can be obtained for his arrest” *Id.*
26 § 1357(a)(2); 8 C.F.R. § 287.3(a), (b) (recognizing the availability of warrantless arrests); *see Q. Li*, 29
27 I&N Dec. at 70 n.5. Moreover, DHS may issue a warrant of arrest within 48 hours (or an “additional
28 reasonable period of time” given any emergency or other extraordinary circumstances), 8 C.F.R.
§ 287.3(d); doing so does not constitute “post-hoc issuance of a warrant,” *Q. Li*, 29 I&N Dec. at 69 n.4.
While the presence of an arrest warrant is a threshold consideration in determining whether an alien is
subject to 8 U.S.C. § 1226(a) detention authority under a plain reading of 8 U.S.C. § 1226(a), there is
nothing in *Jennings* that stands for the assertion that aliens processed for arrest under 8 U.S.C. § 1225
cannot have been arrested pursuant to a warrant. *See Jennings*, 583 U.S. at 302.

1 416-19 (2019) (recognizing that aliens who are inadmissible for engaging in terrorist activity are subject to
2 8 U.S.C. § 1226(c)). As the Supreme Court in *Barton* also noted, “redundancies are common in statutory
3 drafting—sometimes in a congressional effort to be doubly sure, sometimes because of congressional
4 inadvertence or lack of foresight, or sometimes simply because of the shortcomings of human
5 communication.” *Barton*, 590 U.S. at 239. “Redundancy in one portion of a statute is not a license to
6 rewrite or eviscerate another portion of the statute contrary to its text” *Id.*; see also *Matter of Yajure*
7 *Hurtado*, 29 I&N Dec. 216, 222 (BIA 2025) (“Interpreting the provisions of section [1226(c)] as rendering
8 null and void the provisions of section [1225](b)(2)(A) (or even the provisions of section... 1225(b)(1)),
9 would be in contravention of the ‘cardinal principle of statutory construction,’ which is that courts are to
10 give effect, if possible, to every clause and word of a statute, rather than to emasculate an entire section.”
11 (quoting *United States v. Menasche*, 348 U.S. 528, 538–39 (1955)). The statutory language of 8 U.S.C.
12 § 1226(c)—including the most recent amendment pursuant to the Laken Riley Act, see 8 U.S.C.
13 § 1226(c)(1)(E), merely reflects a “congressional effort to be doubly sure” that certain aliens are detained,
14 *Barton*, 590 U.S. at 239.

15 To reiterate, to interpret 8 U.S.C. § 1225(b)(2)(A) as not applying to all applicants for admission
16 would render it meaningless. As explained above, Congress expanded 8 U.S.C. § 1225(b) in 1996 to apply
17 to a broader category of aliens, including those aliens who crossed the border illegally. IIRIRA § 302.
18 There would have been no need for Congress to make such a change if 8 U.S.C. § 1226 was meant to
19 apply to aliens present without admission. Thus, 8 U.S.C. § 1226 does not have any controlling impact on
20 the directive in 8 U.S.C. § 1225(b)(2)(A) that “if the examining immigration officer determines that an
21 alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be
22 detained for a proceeding under [8 U.S.C. § 1229a].” 8 U.S.C. § 1225(b)(2)(A).

23 **C. PETITIONER CANNOT OBTAIN AN INJUNCTION PROHIBITING HER**
24 **TRANSFER.**

25 In her habeas petition, Petitioner improperly seeks an order enjoining Respondents from
26 “deporting Petitioner[] pending the duration of these proceedings.” See Pet. at 19. The Court cannot
27 provide that relief. The Attorney General has discretion to determine the appropriate place of detention.
28 *Milan-Rodriguez v. Sessions*, No. 16-cv-01578-AWI, 2018 WL 400317, *10 (Jan. 12, 2018) (citing *Rios-*

1 *Berrios v. I.N.S.*, 776 F.2d 859, 863 (9th Cir. 1985) (“We wish to make ourselves clear. We are not saying
2 that the petitioner should not have been transported to Florida. That is within the province of the Attorney
3 General to decide.”)). And while the Court may review whether such discretion resulted in a deprivation
4 of rights, Petitioner has not shown how her mandatory future detention, or any transfer, would interfere
5 with the ability to present her case or access counsel more than any other similarly situated detainee. *See*
6 *Milan-Rodriguez*, 2018 WL 400317, *10 (“There is nothing in the record to indicate that Petitioner’s
7 transfer was irregular or anything other than an ordinary incident of immigration detention.”). If Petitioner
8 is detained, Respondents have the authority under the INA to transfer her outside of the district.

9 **D. THIS COURT SHOULD NOT REVERSE THE BURDEN OF PROOF.**

10 Petitioner claims that at any custody hearing, Respondents should bear the burden of proving by,
11 clear and convincing evidence, that she is a flight risk or a danger to the community. *See* Pet. at 19. At
12 any future hearing, Petitioner should have the burden of demonstrating that she is not a flight risk or
13 danger to the community. It would be improper to reverse the burden of proof and place it on
14 Respondents in these circumstances. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1210-12 (9th Cir. 2022)
15 (“Nothing in this record suggests that placing the burden of proof on the government was
16 constitutionally necessary to minimize the risk of error, much less that such burden-shifting would be
17 constitutionally necessary in all, most, or many cases.”); *Matter of Guerra*, 24 I&N at 39.

18 **E. THIS COURT LACKS JURISDICTION TO ORDER SOME OF THE RELIEF
19 PETITIONER SEEKS**

20 This Court lacks jurisdiction to “prohibit[] Defendants from re-arresting or re-detaining
21 Petitioner without an order from *this Court* finding that a material change in individual circumstances
22 related to her flight risk or danger to the community justifies her re-arrest and re-detention.” Pet. 19
23 (emphasis added). Pursuant to 8 C.F.R. § 1003.19, immigration judges—not district courts—have
24 jurisdiction to review custody and bond determinations made by the Department of Homeland Security.
25 *See also Hernandez v. Sessions*, 872 F.3d 976, 982 (9th Cir. 2017) (explaining process of custody and
26 bond determinations). Petitioner cites to no authority whatsoever permitting this Court to assume
27 jurisdiction over such determinations. *See* Pet. 19. As such, the Court should reject Petitioner’s attempt
28 to swap this Court’s role and that of the immigration judge.

1 **F. THIS COURT SHOULD NOT AFFECT THE EXECUTION OF ANY FUTURE**
2 **REMOVAL ORDER.**

3 Petitioner’s habeas petition suggests that this Court can enjoin her detention indefinitely and
4 even if she is subject to a final removal order. *See* Pet. 19 & ¶¶ 66-77. Petitioner’s immigration
5 proceedings will continue even after the Court rules on her habeas petition. At some point, Petitioner
6 may be subject to a final order of removal. Assuming Petitioner becomes subject to a final order of
7 removal, her detention is mandatory under the INA. *See* 8 U.S.C. § 1231(a)(2)(A) (“During the removal
8 period, the Attorney General shall detain the alien. Under no circumstance during the removal period
9 shall the Attorney General release an alien who has been found inadmissible under section 1182(a)(2)
10 or 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B) of this title”). The
11 Supreme Court has unambiguously upheld detention pending an alien’s removal. *See Zadvydas v.*
12 *Davis*, 533 U.S. 678, 701 (2001) (an alien is not entitled to habeas relief after the expiration of the
13 presumptively reasonable six-month period of detention under § 1231(a)(6) unless he can show the
14 detention is “indefinite”—*i.e.*, that there is “good reason to believe that there is no significant
15 likelihood of removal in the reasonably foreseeable future.”). Thus, if Petitioner becomes subject to a
16 future final order of removal, her detention will be required by statute.

17 Moreover, 8 U.S.C. § 1252(g) further limits the Court’s authority to stay removal even during the
18 process of extra-statutory procedures. Congress spoke clearly that “no court” has jurisdiction over “any
19 cause or claim” arising from the execution of removal orders, “notwithstanding any other provision of
20 law,” whether “statutory or nonstatutory,” including habeas, mandamus, or the All Writs Act. 8 U.S.C.
21 § 1252(g). This jurisdiction-stripping provision precludes habeas review under 28 U.S.C. § 2241 (as well
22 as review pursuant to the All Writs Act and Administrative Procedure Act) of claims arising from a
23 decision or action to “execute” a final order of removal. *See AADC*, 525 U.S. at 482. Numerous courts of
24 appeals, including the Ninth Circuit, have consistently held that claims seeking a stay of removal—even
25 temporarily to assert other claims to relief—are barred by Section 1252(g). *See Rauda v. Jennings*,
26 55 F.4th 773, 778 (9th Cir. 2022) (holding Section 1252(g) barred plaintiff’s claim seeking a temporary
27 stay of removal while he pursued a motion to reopen his immigration proceedings); *Camarena v. Dir.,*
28 *ICE*, 988 F.3d 1268, 1274 (11th Cir. 2021) (“[W]e do not have jurisdiction to consider ‘any’ cause or

1 claim brought by an alien arising from the government’s decision to execute a removal order. If we held
2 otherwise, any petitioner could frame his or her claim as an attack on the government’s authority to
3 execute a removal order rather than its execution of a removal order.”); *E.F.L. v. Prim*, 986 F.3d 959, 964-
4 65 (7th Cir. 2021) (rejecting plaintiff’s argument that jurisdiction remained because petitioner was
5 challenging DHS’s “legal authority” as opposed to its “discretionary decisions”); *Tazu*, 975 F.3d at 297
6 (observing that “the discretion to decide whether to execute a removal order includes the discretion to
7 decide when to do it” and that “[b]oth are covered by the statute”) (emphasis in original); *Hamama v.*
8 *Adducci*, 912 F.3d 869, 874–77 (6th Cir. 2018) (vacating district court’s injunction staying removal,
9 concluding that § 1252(g) stripped district court of jurisdiction over removal-based claims and remanding
10 with instructions to dismiss those claims); *Silva v. United States*, 866 F.3d 938, 941 (8th Cir. 2017)
11 (Section 1252(g) applies to constitutional claims arising from the execution of a final order of removal,
12 and language barring “any cause or claim” made it “unnecessary for Congress to enumerate every possible
13 cause or claim”).

14 Even if the Court grants Petitioner’s habeas petition, any order cannot affect the execution of any
15 future removal order including, but not limited to, Petitioner’s mandatory detention under the INA.

16 G. PETITIONER IS NOT ENTITLED TO FEES.

17 Finally, Petitioner seeks “reasonable attorney’s fees and costs.” *See* Pet. at 20. Petitioner fails to
18 state why she would be entitled to fees or why Respondents’ positions are not “substantially justified.”
19 *See generally* Pet.; *see also Meza-Vazquez v. Garland*, 993 F.3d 726, 729 (9th Cir. 2021) (explaining
20 the test for when the Federal Government’s positions are substantially justified). If the Court concludes
21 that Petitioner is entitled to fees, Respondents request the opportunity to brief whether fees are
22 permissible and proper.

23 IV. CONCLUSION

24 The Court lacks jurisdiction over Petitioner’s claims. Additionally, Petitioner is subject to
25 mandatory detention under 8 U.S.C. § 1225(b). Accordingly, the Court should deny Petitioner’s habeas
26 petition. At minimum, the Court cannot issue an order that affects the execution of any future final order
27 of removal for Petitioner.

1 DATED: January 6, 2026

Respectfully submitted,

2
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 FRESCIA GARRO PINCHI, JUANY GALO)
14 SANTOS, and JOSE TELETOR SENTE, on)
behalf of themselves and others similarly)
15 situated,)

16 Plaintiffs-Petitioners,)

17 v.)

18 SERGIO ALBARRAN, Field Office Director)
of the San Francisco Immigration and)
19 Customs Enforcement Office; KRISTI)
NOEM, Secretary of the United States)
20 Department of Homeland Security; TODD)
LYONS, Acting Director of United States)
21 Immigration and Customs Enforcement,)
acting in their official capacities; U.S.)
22 DEPARTMENT OF HOMELAND)
SECURITY; U.S. IMMIGRATION AND)
23 CUSTOMS ENFORCEMENT,)

24 Defendants-Respondents.)

CASE NO. 25-cv-5632-PCP

**DECLARATION OF DEPORTATION OFFICER
MICHAEL SILVA**

Date: December 9, 2025

Time: 10:00 a.m.

Courtroom:

Honorable P. Casey Pitts
United States District Judge

1 I, Michael Silva, make the following statements under oath and subject to the penalty of perjury:

2 1. I am over 18 years of age and have personal knowledge of the matters set forth in my
3 declaration, and if called to testify with respect thereto, could, and would do so competently under oath.

4 2. I am a Deportation Officer (“DO”) with the U.S. Department of Homeland Security
5 (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations
6 (“ERO”), in the San Francisco Field Office. I have been employed with DHS since September 20, 2015,
7 as a DO.

8 3. I am currently assigned to the Alternatives to Detention Unit, and my responsibilities
9 include enforcing final orders of removal against aliens. This includes monitoring non-detained cases
10 with removal orders, obtaining travel documents for aliens ordered removed, and effectuating the
11 removal of aliens to their home countries.

12 4. I am familiar with ICE policies and procedures governing the detention and removal of
13 aliens who come into ICE’s custody.

14 5. I am the DO assigned to the cases of Petitioners Ms. Frescia Garro Pinchi (“Ms. Garro
15 Pinchi”) and Juany Galo Santos (“Ms. Galo Santos”). The facts in this declaration are based on my
16 personal knowledge, consultation with other DHS and ICE personnel, and review of official documents
17 and records maintained by the agency and Department and other relevant sources during the regular
18 course of my duties. I provide this declaration based on the best of my knowledge, information, belief, and
19 reasonable inquiry for the above-captioned case.

20 **Ms. Garro Pinchi’s Background and Procedural History**

21 6. I have obtained and attached to my declaration true and correct copies of the following
22 documents from Ms. Garro Pinchi’s case file and records maintained by DHS, which will be referenced as
23 Exhibits (“Exh.”) as follows:

24 Exh. A: Form I-862, Notice to Appear (NTA), dated April 14, 2023.

25 Exh. B: Form I-200, Warrant for Arrest of Alien dated April 14, 2023.

26 Exh. C: Form I-220A, Order of Release on Recognizance.

27 Exh. D: Form I-200, Warrant for Arrest of Alien dated July 3, 2025.

1 Exh. E: Form I-830, Notice to EOIR of Alien Address, dated July 3, 2025.

2 7. Ms. Garro Pinchi is a native and citizen of Peru who entered the United States without
3 admission, inspection, or parole at or near San Luis, Arizona, on or about April 14, 2023. *See* Exh. A.

4 8. On April 14, 2023, Ms. Garro Pinchi was issued a Form I-200, Warrant for Arrest of Alien
5 and taken into custody pursuant to Section 236 of the Immigration and Nationality Act (INA). *See* Exh. B.

6 9. On April 14, 2023, Ms. Garro Pinchi was issued a Notice to Appear placing her into
7 removal proceedings before the Immigration Court, charging her with removability under section
8 212(a)(6) of the INA. *See* Exh. A.

9 10. On April 15, 2023, Ms. Garro Pinchi was issued a Form I-220A, Order of Release on
10 Recognizance, for humanitarian reasons. *See* Exh. C.

11 11. On August 15, 2024, Ms. Garro Pinchi appeared pro se at a master calendar hearing at the
12 San Francisco Immigration Court, and requested a continuance to seek legal counsel, which was granted
13 by the Immigration Judge.

14 12. On July 3, 2025, Ms. Garro Pinchi appeared pro se at a master calendar hearing at the San
15 Francisco Immigration Court, and the Department made an oral motion to dismiss to pursue expedited
16 removal of Ms. Garro Pinchi. The Immigration Judge continued the hearing until July 31, 2025, to allow
17 Ms. Garro Pinchi an opportunity to respond to the motion.

18 13. After the master calendar hearing, and outside of the courtroom, three DOs identified
19 themselves as Immigration Officers and verified Ms. Garro Pinchi's identity. Once informed that she
20 would be taken into custody, a friend who was present with Ms. Garro Pinchi impeded the arrest by
21 grabbing onto her. After the DOs were able to deescalate the situation by moving Ms. Garro Pinchi to a
22 holding room at 630 Sansome Street, she was served with a Form I-200, Warrant for Arrest of Alien,
23 pursuant to section 236 of the INA, which had been prepared and signed in advance but had been
24 impracticable to serve previously due to the danger posed by the commotion outside the courtroom.
25 Thereafter, Ms. Garro Pinchi was transferred to the Mesa Verde ICE Processing Center in Bakersfield
26 California, where she was detained pursuant to section 236(a) of the INA. *See* Exh. D-E.

27 14. On July 3, 2025, DHS filed an I-830 notifying the Immigration Court of Ms. Garro Pinchi's
28

1 detention. *See* Exh. E.

2 15. On July 5, 2025, ERO released Ms. Garro Pinchi from ICE custody pursuant to the July 4,
3 2025, temporary restraining order issued by the U.S. District Court for the Northern District of California
4 in Case No. 25-cv-05632-RMI (RFL).

5 **Ms. Galo Santos' Background and Procedural History**

6 16. I have obtained and attached to my declaration true and correct copies of the following
7 documents from Ms. Galo Santos' case file and records maintained by DHS, which will be referenced as
8 Exhibits ("Exh.") as follows:

9 Exh. F: Form I-862, Notice to Appear (NTA), dated December 17, 2023.

10 Exh. G: Form I-200, Warrant for Arrest of Alien.

11 Exh. H: Form I-220A, Order of Release on Recognizance.

12 17. Ms. Galo Santos is a native and citizen of Honduras who entered the United States without
13 admission, inspection, or parole at or near Eagle Pass, Texas, on or about December 16, 2023. *See* Exh. F.

14 18. On December 17, 2023, Ms. Galo Santos was issued a Form I-200, Warrant for Arrest of
15 Alien, and taken into custody pursuant to Section 236 of the INA. *See* Exh. G.

16 19. On December 17, 2023, Ms. Galo Santos was issued a Notice to Appear placing her into
17 removal proceedings before the Immigration Court, charging her with removability under section
18 212(a)(6) of the Immigration and Nationality Act (INA). *See* Exh. F.

19 20. On December 17, 2023, Ms. Galo Santos was issued a Form I-220A, Order of Release on
20 Recognizance pursuant to Section 236 of the INA, due to a lack of space. *See* Exh. H.

21 21. Ms. Galo Santos was scheduled for an initial master calendar hearing at the San Francisco
22 Immigration Court on October 10, 2025, which was continued to February 19, 2026, upon a motion to
23 continue filed by Ms. Galo Santos' counsel.

24 ///

25 ///

26 ///

27 I affirm under penalty of perjury under the laws of the United States of America that the foregoing

28
DECLARATION OF DEPORTATION OFFICER MICHAEL SILVA
25-CV-5632-PCP

1 is true and correct to the best of my knowledge and belief. Executed on November 14, 2025, in San
2 Francisco, California.

3 **MICHAEL SILVA** Digitally signed by MICHAEL SILVA
Date: 2025.11.14 16:19:10 -08'00'

4 Michael Silva
5 Deportation Officer
6 Enforcement and Removal Operations
7 U.S. Immigration and Customs Enforcement
8 U.S. Department of Homeland Security
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EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED] FINS # [REDACTED] File No: [REDACTED]
DOB: [REDACTED]

In the Matter of: FRESCIA ANTHUANE GARRO PINCHI

Respondent: [REDACTED] currently residing at:
[REDACTED] (Number, street, city, state and ZIP code) [REDACTED] (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.

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 LUIS, AZ , on or about April 14, 2023 ;
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:

100 MONTGOMERY ST., STE 800 SAN FRANCISCO CA 94104

(Complete Address of Immigration Court, including Room Number, if any)

on June 05, 2023 at 08:30 AM to show why you should not be removed from the United States based on the

charge(s) set forth above. ARMANDO ALVAREZ
Acting/Patrol Agent in Charge Date: 2023.04.14 17:03:34 -07:00
(Signature and Title of Issuing Officer) (Sign in ink)

Date: April 14, 2023 Yuma, Arizona
(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)

BORDER PATROL AGENT

Date: 04/14/2023

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

Certificate of Service

This Notice To Appear was served on the respondent by me on April 14, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- 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 SPANISH 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.

(Signature of Respondent if Personally Served) (Sign in ink)

JUAN L. QUEZADA
Date: 2023.04.14 07:41:21 -07:00
JUAN L. QUEZADA, BORDER PATROL AGENT
0103320133.CBP

(Signature and Title of officer) (Sign in ink)

EOIR - 2 OF 3

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-sorn>. 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.

EXHIBIT B

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [Redacted]

Event N [Redacted]

FINS #:1336672140

Date: April 14, 2023

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that: FRESCIA ANTHUANE GARRO PINCHI

(Full name of alien)

an alien who entered the United States at or near SAN LUIS, ARIZONA on April 14, 2023 is within the country in violation of the immigration laws and is

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

ARMANDO ALVAREZ Date: 2023.04.14 17:03:57-07:00 0634210701.CBP

(Signature of Designated Immigration Officer) ALVAREZ, ARMANDO

(Print name of Designated Immigration Officer)

ACTING/PATROL AGENT IN CHARGE

(Title)

Certificate of Service

Served by me at YUMA, ARIZONA on April 14, 2023 at 02:30 PM I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

JUAN L QUEZADA Date: 2023.04.14 19:41:27-07:00 0103320153.CBP

JUAN L. QUEZADA

(Signature of officer serving warrant)

BORDER PATROL AGENT

(Title of officer serving warrant)

EXHIBIT C

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [Redacted]
Date: April 14, 2023
Event: [Redacted]

Name: FRESCIA ANTHUANE GARRO PINCHI

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:

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

[X] You must surrender for removal from the United States if so ordered.

[X] You must report in (writing) (person) to NON-DETAIN UNIT 415-271-3617 (Name and Title of Case Officer) at 630 Sansome St. 5th Fl. San Francisco, CA 94111 on 05/16/2023 at 09:00 AM (Location of DHS Office) (Day of each month) (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.

[X] You must not change your place of residence without first securing written permission from the immigration officer listed above.

[X] You must not violate any local, State, or Federal laws or ordinances.

[X] You must assist the Department of Homeland Security in obtaining any necessary travel documents.

[X] Other: Employment not authorized

[] 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.

ARMANDO ALVAREZ
Date: 2023.04.14 17:03:49 -07:00
0634210701.CBP

(Signature of DHS Official)

ARMANDO ALVAREZ
Acting/Patrol Agent in Charge

(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.

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

APR 15 2023
(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)

EXHIBIT D

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. [Redacted]

Date: 07/03/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that GARRO PINCHI, FRESCIA is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
the pendency of ongoing removal proceedings against the subject;
the failure to establish admissibility subsequent to deferred inspection;
biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

[Signature]
(Signature of Authorized Immigration Officer)
S 3602 RILI - SDDO
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service
I hereby certify that the Warrant for Arrest of Alien was served by me at San Francisco, CA
on GARRO PINCHI, FRESCIA on 7/13/2025, 0935, and the contents of this notice were read to him or her in the SPANISH language.
J. L. 4892 [Signature]
Name and Signature of Officer N/A
Name or Number of Interpreter (if applicable)

EXHIBIT E

U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS

Event No. 

Date: July 3, 2025

To: Enter Name of BIA or Immigration Court I-830 _____
Enter BIA or Immigration Court Three Letter Code@usdoj.gov _____

From: Enter Name of ICE Office SAN FRANCISCO, CA, DOCKET CONTROL OFFICE
Enter Street Address of ICE Office DOCKET CONTROL OFFICE SAN FRANCISCO

Enter City, State and Zip Code of ICE Office SAN FRANCISCO, CA

Respondent: Enter Respondent's Name GARRO PINCHI, FRESCIA

Alien File No: Enter Respondent's Alien Number 

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:
Enter Name of Institution where Respondent is being detained _____
Enter Street Address of Institution where Respondent is being detained _____
Enter City, State and Zip code of Institution where Respondent is being detained _____
Enter Respondent's Inmate Number _____
His/her anticipated release date is Enter Respondent's Anticipated Release Date. _____

Detained by ICE on Enter Date Respondent was Detained by ICE at: July 3, 2025
Enter Name of ICE Detention Facility where Respondent is being detained _____
Enter Street Address of ICE Detention Facility where Respondent is being detained _____
Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained _____

Detained by ICE and transferred on Enter Date Respondent was transferred to: July 3, 2025
Enter Name of ICE Detention Facility where Respondent has been transferred MESA VERDE ICE PROCESSING CENTER
Enter Street Address of ICE Detention Facility where Respondent has been transferred 425 GOLDEN STATE AVE
Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred BAKERSFIELD, CA 93301

Released from ICE custody on the following condition(s):
 Order of Supervision or Own Recognizance (Form I-220A)
 Bond in the amount of Enter Dollar Amount of Respondent's Bond _____
 Removed, Deported, or Excluded
 Other _____

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:

Enter Respondent's Street Address _____
Enter Respondent's City, State and Zip Code _____
Enter Respondent's Telephone Number (including area code) _____

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title DO E05959 ORTIZ-MARTINEZ

EOIR - 1 of 1

EXHIBIT F

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: JUANY ISOLINA GALO SANTOS currently residing at:

FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET SAN FRANCISCO, CALIFORNIA, 94102

+1 (510) 606-3254

(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.

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 HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near EAGLE PASS, TX , on or about December 16, 2023 ;
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:

630 SANSOME ST, 4TH FL, RM 475 SAN FRANCISCO CA 94111

(Complete Address of Immigration Court, including Room Number, if any)

on October 10, 2025 at 10:30 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

ARTURO AGUILAR
Date: 2023.12.17 00:24:40 -06:00
0189509793.CBP

charge(s) set forth above.

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: December 17, 2023

Eagle Pass, Texas

(City and State)

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)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 17, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- 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 SPANISH 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.

[Signature]

(Signature of Respondent if Personally Served)

JEREMY D FLACK,
Agent

JEREMY D FLACK
Date: 2023.12.17 00:36:34 -06:00
0583147175 CBP

(Signature and Title of officer)

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-sorn>. 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.

EXHIBIT G

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No.

Event

Date: December 17, 2023

FINS #: 1351348732

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that: JUANY ISOLINA GALO SANTOS

(Full name of alien)

an alien who entered the United States at or near EAGLE PASS, TEXAS on December 16, 2023 is within the country in violation of the immigration laws and is

(Port)

(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of Designated Immigration Officer)

(Print name of Designated Immigration Officer)

ACTING/PATROL AGENT IN CHARGE

(Title)

Certificate of Service

Served by me at EAGLE PASS, TEXAS on December 17, 2023 at 12:23 AM. I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

JEREMY FLACK

(Signature of officer serving warrant)

BORDER PATROL AGENT

(Title of officer serving warrant)

EXHIBIT H

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

ORDER OF RELEASE ON RECOGNIZANCE

File No.: 

Name: GALO SANTOS, JUANY

Date: Dec 17, 2023

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 Immigration and Customs Enforcement 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 Duty officer at San Francisco Sub Office on January 18, 2024, 08:00 AM as directed.

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.

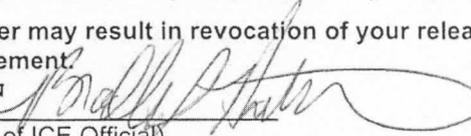
- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State or Federal laws or ordinances.
- You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your 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 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- 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 Immigration and Customs Enforcement.

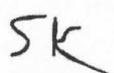
B. HARTMAN
SDDO


(Name and Title of ICE Official)

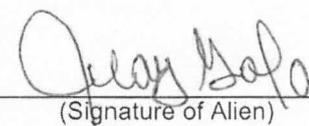
Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

S. KANG



(Signature of ICE Official Serving Order)



(Signature of Alien)

Dec 17, 2023

Date

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 ICE Official Cancelling Order)

Date