

1 ADAM GORDON
United States Attorney
2 ALYSSA SANDERSON
California Bar No. 353398
3 Assistant U.S. Attorney
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-7634
Facsimile: (619) 546-7751
6 Email: Alyssa.sanderson@usdoj.gov

7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LUIS ANTONIO RAMOS VILLANUEVA, Case No.: 3:25-cv-03679-CAB-SBC

11 Petitioner,

12 v.

13 CHRISTOPHER J. LAROSE, *et al.*,

14 Respondents.

**RESPONDENTS' RETURN IN
OPPOSITION TO PETITIONER'S
HABEAS PETITION**

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1 **I. INTRODUCTION**

2 Petitioner requests the Court to order his immediate release from Immigration
3 and Customs Enforcement (ICE) custody or require that he be afforded a bond hearing.
4 As an arriving alien found to have a credible fear of persecution, however, Petitioner’s
5 detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his
6 removal proceedings. Petitioner’s removal proceedings have not concluded because his
7 appeal of the immigration judge’s (“IJ”) decision ordering him removed to Mexico
8 remains pending. As Petitioner is subject to mandatory detention under 8 U.S.C. §
9 1225(b)(1)(B)(ii), the Court should deny Petitioner’s requests for relief.

10 **II. FACTUAL AND PROCEDURAL BACKGROUND**

11 Petitioner is a citizen and national of Mexico. Ex. 1 at 1. On January 9, 2025,
12 Petitioner applied for entry at the San Ysidro Port of Entry. *Id.* at 2. He was determined
13 to be an arriving alien inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), placed into
14 expedited removal proceedings under 8 U.S.C. § 1225(b)(1), and taken into ICE
15 custody pursuant to 8 U.S.C. § 1225(b)(1)(B). *Id.* at 5. He was then interviewed by an
16 asylum officer, pursuant to 8 U.S.C. § 1225(b)(1)(B). ECF No 1. ¶ 19. After receiving
17 a positive credible fear determination, Petitioner was issued a Notice to Appear (NTA).
18 *Id.* ¶¶ 19-20; Ex. 2. The filing of the NTA initiated removal proceedings, pursuant to 8
19 U.S.C. § 1229a, against Petitioner. Within his removal proceedings under § 1229a,
20 Petitioner applied for relief from removal, including asylum under 8 U.S.C. § 1158,
21 withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under the Convention
22 Against Torture.

23 On August 1, 2025, the IJ denied Petitioner’s applications for relief and ordered
24 him removed to Mexico. Ex. 3. On August 7, 2025, Petitioner appealed the IJ’s decision
25 to the Board of Immigration Appeals (BIA). *See* ECF No. 1 at ¶ 28. Because Petitioner’s
26 appeal remains pending, there is no administratively final order of removal at this time.
27 Petitioner remains mandatorily detained at the Otay Mesa Detention Center (“OMDC”)
28 under 8 U.S.C. § 1225(b)(1)(B)(ii). Should the BIA affirm the IJ’s decision, ICE will

1 commence efforts to execute his removal to Mexico.

2 **III. ARGUMENT**

3 **A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g)**

4 Petitioner bears the burden of establishing that this Court has subject matter
5 jurisdiction over his claims. *See Ass’n of Am. Med. Coll. v. United States*, 217 F.3d 770,
6 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989). As a
7 threshold matter, to the extent Petitioner is challenging the detention authority that he
8 is subjected to (8 U.S.C. § 1225(b)(1)), his claims are jurisdictionally barred by 8 U.S.C.
9 § 1252.

10 Courts lack jurisdiction over any claim or cause of action arising from any
11 decision to commence or adjudicate removal proceedings or execute removal orders.
12 *See* 8 U.S.C. § 1252(g) (“[N]o court shall have jurisdiction to hear any cause or claim
13 by or on behalf of any alien arising from the decision or action by the Attorney General
14 to *commence proceedings, adjudicate cases, or execute removal orders.*”) (emphasis
15 added). Here, Petitioner’s claims of unlawful detention necessarily arise from the
16 Department of Homeland Security’s¹ decision to commence removal proceedings
17 against him because that decision unavoidably triggers mandatory detention under 8
18 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
19 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
20 Cal. Aug. 18, 2010) (finding §§1252(g) bars judicial review of false imprisonment
21 claim because the plaintiff’s detention arose from the decision to commence removal
22 proceedings, and in turn, bars review of the “statute mandating detention during
23 removal proceedings of a person charged as an ‘arriving alien.’”).

24 Removal proceedings are commenced when, as in the present case, “the alien is
25 issued a Notice to Appear before an immigration court.” *Herrera-Correra v. United*
26 *States*, No. CV 08–2941 DSF (JCx), 2008 WL 11336833, at *3 (C.D. Cal. Sept. 11,

27 _____
28 ¹ “In 2002, Congress transferred the Attorney General’s immigration enforcement responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*, 154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 2008); Ex. 2. The government “may arrest the alien against whom proceedings are
2 commenced and detain that individual until the conclusion of those proceedings.”
3 *Herrera-Correra*, 2008 WL 11336833, at *3. “Thus, an alien’s detention throughout
4 this process arises from the [government’s] decision to commence proceedings” and
5 review of claims arising from such detention are barred by §1252(g). *Id.* (citing *Sissoko*
6 *v. Rocha*, 509 F.3d 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at
7 *6.

8 Because Petitioner challenges the decision to detain him during the pendency of
9 his removal proceedings, as mandated by § 1225(b)(1), §1252(g) divests this Court of
10 subject matter jurisdiction to hear his claim. Thus, the Court must dismiss the petition.

11 **B. Petitioner is Lawfully Detained**

12 Petitioner challenges his detention on the basis that it has been prolonged in
13 violation of his Fifth Amendment due process rights. This request should be denied
14 because Petitioner’s detention is mandated by 8 U.S.C. § 1225(b)(1).

15 Under 8 U.S.C. § 1225(a)(1), an “applicant for admission” is defined as an “alien
16 present in the United States who has not been admitted or who arrives in the United
17 States.” Applicants for admission “fall into one of two categories, those covered by §
18 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281,
19 287 (2018). Because Petitioner is an arriving alien, §1225(b)(1) applies. Section
20 1225(b)(1) mandates detention when an immigration officer determines that the alien
21 has a credible fear of persecution. *See* 8 U.S.C. § 1225(b)(1)(B)(ii) (“If the officer
22 determines at the time of the interview that [the] alien has a credible fear of persecution
23 . . . , the alien *shall be detained* for further consideration of the application for asylum.”)
24 (emphasis added); *see also Matter of M-S*, 27 I. & N. Dec. 509, 519 (AG 2019) (“all
25 aliens transferred from expedited to full [removal] proceedings after establishing a
26 credible fear are ineligible for bond”).

27 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C. §
28 1225(b). 583 U.S. at 296-303. The Supreme Court stated that, “[r]ead most naturally,

1 [8 U.S.C.] §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission
2 until certain proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C.
3 § 1225(b)(1) nor § 1225(b)(2) “impose[] any limit on the length of detention” and
4 “neither § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.”
5 *Id.* The Supreme Court added that the sole means of release for noncitizens detained
6 pursuant to §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
7 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
8 (“That express exception to detention implies that there are no *other* circumstances
9 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
10 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
11 throughout the completion of applicable proceedings[.]” *Id.* at 302.

12 Here, Petitioner claims that, despite the statutory prohibition on such relief, the
13 Fifth Amendment’s Due Process Clause requires that he be immediately released. ECF
14 No. 1 at 14, ¶ 1. Petitioner’s due process claim, however, is foreclosed by the statutory
15 constraints discussed above.

16 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207-09 (1953), a
17 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
18 detention without a hearing violated his constitutional rights. The Supreme Court
19 rejected the petition, concluding that the noncitizen’s continued detention did not
20 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
21 entry stands on a different footing: ‘Whatever the procedure authorized by Congress is,
22 it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
23 omitted).

24 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
25 (2020), the Supreme Court once again addressed the due process rights of individuals
26 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
27 States. The Supreme Court stated that such individuals have no due process rights “other
28 than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in

1 respondent’s position has only those rights regarding admission that Congress has
2 provided by statute.”). The Supreme Court noted that its determination was supported
3 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
4 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544
5 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). Because
6 the only process due Petitioner is that afforded under section 1225(b), the Court must
7 reject his claim that his detention violates the Fifth Amendment’s Due Process Clause
8 and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-*
9 *Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir.
10 2022) (“The recognized liberty interests of U.S. citizens and aliens are not coextensive:
11 the Supreme Court has ‘firmly and repeatedly endorsed the proposition that Congress
12 may make rules as to aliens that would be unacceptable if applied to citizens.’”) (quoting
13 *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at *4
14 (“Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks
15 any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond
16 hearing.”).

17 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
18 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
19 Due Process Clause issue raised in this petition: Does an alien detained under 8 U.S.C.
20 § 1225(b)(1) have a due process right to release or a bond hearing after being detained
21 for a certain period of time? The answer is no. *See Rodriguez Figueroa v. Garland*, 535
22 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d
23 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579 (W.D.N.Y.
24 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021); *see also*
25 *Mendoza-Linares v. Garland*, No. 21-CV-1169 BEN (AHG), 2024 WL 3316306, *2
26 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
27 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez v.*
28 *Matuszewski*, No. 23-CV-151 JLS (KSC), 2023 WL 3103811. *3 (S.D. Cal. Apr. 25,

1 2023) (same).

2 In short, Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), which
3 provides, absent discretionary parole, that when an alien has a credible fear of
4 persecution, “the alien shall be detained for further consideration of the application for
5 asylum.” As the statutory authority Petitioner is detained under does not afford him
6 the right to immediate release or a bond hearing before an immigration judge, the
7 Court should reject his claim that his detention violates the Fifth Amendment’s Due
8 Process Clause and deny his requested relief.² See *Thuraissigiam*, 591 U.S. at 107,
9 140; *Mezei*, 345 U.S. at 212; *Guerrier*, 18 F.4th at 310.

10 **C. Petitioner’s Detention is Not Unconstitutionally Prolonged**

11 Petitioner’s detention, at this stage, is not unconstitutionally prolonged. To
12 determine whether detention is unreasonably prolonged, the Court should apply the
13 three-factor balancing test discussed in *Lopez v. Garland*, 631 F. Supp. 3d 870 (E.D.
14 Cal. 2022).³ See *D.D. v. LaRose*, S.D. Cal. No. 25-cv-02581-BJC-JLB (slip op.), ECF
15 No. 10 at 7. The *Lopez* three-factor test weighs (1) the total length of detention, (2) the
16 likely duration of future detention, and (3) delays in the removal proceedings caused by
17 the petitioner and the government. *Lopez*, 631 F.Supp.3d at 879.

18 First, Petitioner’s approximate 12-month detention does not favor granting
19 habeas relief. Courts in this district have found detention for much longer periods to be
20 unreasonably prolonged. *Durand v. Allen*, 23-cv-00279-RBM-BGS, 2024 WL 711607

21
22 ² Petitioner also argues that his continued detention violates his due process rights under
23 *Zadvydas v. Davis*, 533 U.S. 678 (2001). ECF No. 1 ¶ 47. However, 8 U.S.C. § 1231
24 and *Zadvydas* govern the detention of a noncitizen subject to a final order of removal.
25 See *Zadvydas*, 533 U.S. at 682. (“When an alien has been found to be unlawfully present
in the United States and a final order of removal has been entered . . .”). Because
Petitioner is not subject to a final order of removal, § 1231 and *Zadvydas* do not apply.

26 ³ Petitioner encourages the Court to apply the six-factor balancing test discussed in
27 *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020). ECF No. 1 ¶ 43. Petitioner,
28 however, is subject to mandatory detention under § 1225(b)(1) whereas the petitioner
in *Kydyrali* was initially granted parole, which was later revoked. *Kydyrali*, 499 F.
Supp. 3d at 769. Moreover, Petitioner fails to apply the *Kydyrali* six-factor test. See
ECF No. 1 ¶¶ 43-45. Thus, application of the *Lopez* three-factor test is appropriate here.

1 at *5 (S.D. Cal. Feb. 21, 2024) (thirty-two months); *Sibomana v. LaRose*, No. 22-cv-
2 933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal. Apr. 20, 2023) (nineteen months);
3 *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA-JLB, 2023 WL 139801 at *6
4 (S.D. Cal. Jan. 9, 2023) (three years); *Kydyrali*, 499 F. Supp. 3d at 773 (twenty seven
5 months). Petitioner’s relatively short detention does not compare to other cases
6 granting habeas relief. *See, e.g., Yagao v. Figueroa*, No. 17-CV-2224-AJB-MDD, 2019
7 WL 1429582, at *1 (S.D. Cal. Mar. 29, 2019) (affording petitioner a bond hearing after
8 42 months of detention pending removal proceedings). Notably, “the length of
9 detention . . . is the most important factor.” *Banda v. McAleenan*, 385 F. Supp. 3d
10 1099, 1118 (W.D. Wash. 2019). At this stage, the length of Petitioner’s detention is
11 reasonable. *See D.D.*, S.D. Cal. Case No. 25-cv-02581-BJC-JLB, ECF No. 10 at 8:22-
12 24 (concluding that “Petitioner’s continued *Banda v. McAleenan* detention, at this
13 point, is not so unreasonable that it requires a bond hearing to meet due process
14 standards”). Moreover, the length of Petitioner’s detention, by itself, does not favor
15 granting habeas relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL
16 3154520, at *3 (S.D. Cal. Nov. 12, 2025) (“The Court agrees with Respondents that
17 the length of Petitioner’s detention to date—almost 12 months—does not by itself,
18 without more, establish prolonged detention in violation of due process.”). Not only
19 does the length of Petitioner’s detention fall comparatively short of the length courts
20 in this district have found to warrant habeas relief, the other *Lopez* factors do not favor
21 habeas relief either.

22 Second, the likely duration of future detention weighs against Petitioner.
23 Petitioner offers no reason to believe that his appeal will not be resolved in the
24 reasonably foreseeable future.

25 Finally, Petitioner offers no evidence of any unreasonable delay by the
26 government in his removal proceedings. *See D.D.*, S.D. Cal. Case No. 25-cv-02581-
27 BJC-JLB, ECF No. 10 at 8:16-18 (finding “the delay factor is neutral” even though the
28 petitioner’s hearings “were continued multiple times by the immigration judge”). Thus,

1 the third factor weighs against Petitioner.

2 Balancing the above factors, the record does not support a finding that “detention
3 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
4 2023 WL 139801, at *6, or an order requiring Petitioner’s release. Thus, the Court
5 should reject Petitioner’s claim that his mandatory detention entitled him to be released
6 from ICE custody during the pendency of his removal proceedings.

7 **IV. CONCLUSION**

8 For the reasons stated herein, Respondents respectfully request that the Court
9 dismiss this petition for lack of jurisdiction or deny it on the merits.

10 DATED: December 31, 2025

11 Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 s/ Alyssa Sanderson
15 ALYSSA SANDERSON
16 Assistant United States Attorney
17 Attorney for Respondents
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Assistant U.S. Attorney
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San Diego, CA 92101-8893
5 Telephone: (619) 546-7634
Facsimile: (619) 546-7751
6 Email: Alyssa.sanderson@usdoj.gov

7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LUIS ANTONIO RAMOS VILLANUEVA,

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13 CHRISTOPHER J. LAROSE, *et al.*,

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Case No.: 3:25-cv-03679-CAB-SBC

TABLE OF EXHIBITS

EXHIBITS:

1. Form I-213, dated January 9, 2025
2. Notice to Appear, dated February 11, 2025
3. Order of the Immigration Judge, dated August 1, 2025

DATED: December 31, 2025

Respectfully submitted,

ADAM GORDON
United States Attorney

s/Alyssa Sanderson
ALYSSA SANDERSON
Assistant United States Attorney
Attorney for Respondents

Exhibit 1

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) RAMOS VILLANUEVA, LUIS ANTONIO		First	Middle	Sex M	Hair BLK	Eyes BLU	Cmplxn LGT
Country of Citizenship MEXICO	Passport Number and Country of Issue [REDACTED]		[REDACTED]	Height [REDACTED]	Weight [REDACTED]	Occupation	
U.S. Address [REDACTED]				Scars and Marks NONE INDICATED			
Date, Place, Time, and Manner of Last Entry 01/09/2025, 2504 - SYS, 14:36, AT FOOT			Passenger Boarded at IN TRANSIT				
Number, Street, City, Province (State) and Country of Permanent Residence [REDACTED]				F.B.I. Number [REDACTED]			
Date of Birth 08/20/1971	Age: 53	Date of Action 01/09/2025	Location Code 2504 - SYS	<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
City, Province (State) and Country of Birth GUADALAJARA, MEXICO		AR <input type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> NONE				
NIV Issuing Post and NIV Number GUADALAJARA, MEXICO		Social Security Account Name None					
Date Visa Issued March 15, 2023		Social Security Number None					
Immigration Record NEGATIVE			Criminal Record None Known				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) [REDACTED]				Number and Nationality of Minor Children 0			
Father's Name, Nationality, and Address, if Known [REDACTED] NATIONALITY: MEXICO			Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED] NATIONALITY: MEXICO				
Monies Due/Property in U.S. Not in Immediate Possession See Narrative		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Words(s) See Narrative			
Name and Address of (Last)(Current) U.S. Employer NONE		Type of Employment NONE	Salary 0.0 USD	Employed from/to 0/0/00 - 0/0/00			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) [REDACTED]							
STATUS AT ENTRY							
Other Applicant for Admission None							
CLAIMED DOCUMENTS							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges 01/09/2025			HANLEY, [REDACTED] CBP OFFICER (Date/Initials)		<i>[Signature]</i> (Signature and Title of Immigration Officer)		
Distribution: A-FILE		Received: (Subject and Documents) (Report of Interview) HANLEY, [REDACTED] - CBP OFFICER Officer: <i>[Signature]</i> on: January 9, 2025 (time) Disposition: EXPEDITED REMOVAL-CREDIBLE FEAR (ERCF) Examine Officer: <i>[Signature]</i> COCKRELL, [REDACTED] SUPERVISORY CBP OFFICER					

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RAMOS VILLANUEVA, LUIS ANTONIO	File Number [REDACTED]	Date January 9, 2025
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Border Crossing Card - [REDACTED] (Retained: Cancelled)
 Visa - [REDACTED]
 Passport - [REDACTED]

RECORDS CHECKED

-
- ATS-P Neg
- TECS Pos
- NCIC Pos
- CIS Neg
- CLAIM Neg
- CCD Pos
- IAFIS Pos
- EARM Neg

SECTION CODES

 Sec212(a)(7)(A)(i)(I)
 8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

Narrative:

 Subject, Ramos Villanueva, Luis Antonio [REDACTED] TN Visa [REDACTED] foil
 [REDACTED] DSP-150 [REDACTED] is CANCELLED under authority of Section
 212(a)(7)(A)(i)(I) Immigrant without documents, of the Immigration and Naturalization Act
 (INA), USC 8 1182(a)-Alien Inadmissible under 212(a).

On January 09, 2025, at approximately 1436 hours, Ramos Villanueva, Luis Antonio applied for entry into the U.S. at the San Ysidro Port of Entry through Pedestrian Primary Lanes seeking admission to travel to Las Vegas, Nevada. Primary officer received a computer-generated alert on Ramos Villanueva. CBPO Huffman received two negative U.S. Customs Declaration and referred to Ramos Villanueva to secondary inspection for further processing. During secondary inspection, subject was found to have NCIC/TECS hits for being a fugitive of a foreign country. Criminal Enforcement unit was contacted regarding the alert on Ramos Villanueva. CEU Arciaga contacted INTERPOL but got no response regarding Ramos Villanueva active warrant in Mexico. CEU advised to served with an I-275 Visa Cancellation, approved by BC Aguiar, G. and allowed to withdraw his application for admission into the U.S. in lieu of formal removal proceedings and return Ramos Villanueva to Mexican officials.

During the sworn statement an oral interview by CBPO Hanley in the English language requested by Ramos Villanueva. Ramos Villanueva stated that he was a citizen and national of Mexico by birth in Guadalajara, Jalisco, Mexico. Ramos Villanueva stated he is in possession of a valid TN Visa, which he was going to work for Customized Solutions LLC. As an accountant. Ramos Villanueva stated he lived in Zapopan, Jalisco Mexico with his wife and daughter. Ramos Villanueva stated he has never been arrested in any country. Ramos Villanueva did claim fear for his life in returning to Mexico. Ramos Villanueva believes he would be harmed [REDACTED]

Ramos Villanueva stated he would be harmed if he were to return to his home country.
 ... (CONTINUED ON NEXT PAGE)

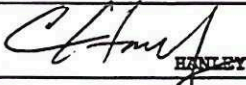
Signature  HANLEY, [REDACTED]	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RAMOS VILLANUEVA, LUIS ANTONIO	File Number [REDACTED]	Date January 9, 2025
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DISPOSITION: Ramos Villanueva, Luis Antonio is inadmissible to the United States pursuant to Sections 212(a) (7) (A) (i) (I) Immigrant without Documents, of the Immigration and Naturalization Act (INA), and USC 8 1182(a)- Alien Inadmissible Under Section 212(a). Ramos Villanueva was served Form I-275 Withdrawal of Application for Admission/Consular Notification. Visa was cancelled and Ramos Villanueva was returned to Mexico in lieu of removal proceedings.

Signature  HANLEY, [REDACTED]	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name RAMOS VILLANUEVA, LUIS ANTONIO	File Number [REDACTED]	Date 01/10/2025
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ADDENDUM

Addendum Reason: Additional "Q and A"
Added by BURNS, [REDACTED]
Added on 01/10/2025
SAN YSIDRO, CA - [REDACTED]
Interpreted by N/A in the ENGLISH language

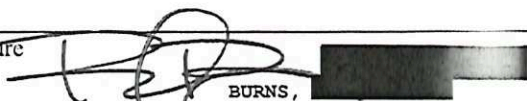
Addendum Narrative:

RAMOS VILLANUEVA's, Luis Antonio [REDACTED] (PoC: Mexico) TN Lincoln Visa and issued DSP-150 visa are being cancelled due to violations of the INA. RAMOS VILLANUEVA is wanted by Mexican Authorities with an active warrant for fraud. During the oral interview and sworn statement given by CBPO Hanley in the English language at the request of RAMOS VILLANUEVA. RAMOS VILLANUEVA stated that his parents, wife, and daughter have never lived in the United States and although RAMOS VILLANUEVA has a valid TN visa, he himself has never lived in the United States. RAMOS VILLANUEVA stated that he currently lives in Zapopan, Jalisco, MX. RAMOS VILLANUEVA stated that his parents do not have documentation that would permit them to enter, live or work in the United States and he has a TN visa. RAMOS VILLANUEVA stated that his parents do not have any United States Immigration petitions pending on his behalf. RAMOS VILLANUEVA stated that both his mother and father are citizens of Mexico and that the only family member living in the United States is his father's sister.

RAMOS VILLANUEVA stated that he recently began working for Customized Solutions LLC as an accountant and prior to that he worked for [REDACTED] an accounting company based in Jalisco, MX, as a chairholder. RAMOS VILLANUEVA stated that he is no longer employed by [REDACTED]

RAMOS VILLANUEVA stated he is also in possession of a tourist visa and has never been deported or removed from the United States. RAMOS VILLANUEVA stated he has never violated any Immigration, Customs, or Agriculture laws. RAMOS VILLANUEVA stated that when he was younger, he had a denied visa application because he didn't have enough money to prove. RAMOS VILLANUEVA stated that he completed his visa applications and is currently in possession of a tourist and TN visa. RAMOS VILLANUEVA stated that he understands his visas are being cancelled pursuant to Section 212 (a) (7) (A) (i) (I) of the Immigration and Nationality Act.

RAMOS VILLANUEVA stated that if returned to Mexico he feared for his life and that he would be harmed in his home country. RAMOS VILLANUEVA stated that as far he knew, his family is safe in Mexico. RAMOS VILLANUEVA added that he needs help because he fears for his life in Mexico and would like legal services for his case.

Signature  BURNS, [REDACTED]	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RAMOS VILLANUEVA, LUIS ANTONIO	File Number [REDACTED]	Date 01/10/2025
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ADDENDUM

Addendum Reason: ERCE CONVERSION
Added by [REDACTED] Carlos
Added on 01/10/2025
SAN YSIDRO, CA - 2504
Interpreted by DHS/CBP in the ENGLISH language

Addendum Narrative:

On January 09, 2025, at approximately 1436 hours, Ramos Villanueva, Luis Antonio applied for entry into the U.S. at the San Ysidro Port of Entry through Pedestrian Primary Lanes seeking admission to travel to Las Vegas, Nevada. Primary officer received a computer-generated alert on Ramos Villanueva. The primary officer received two negative U.S. Customs Declaration and referred to Ramos Villanueva to secondary inspection. In secondary inspection, subject was found to have a computer-generated alert from a foreign country. Criminal Enforcement Unit was contacted regarding the alert on Ramos Villanueva. CEU contacted INTERPOL but received no response regarding his active warrant in Mexico. Due to the computer-generated alert, Ramos Villanueva was issued an I-275 visa cancellation. During the interview, under sworn statement, Ramos Villanueva stated he feared being returned to his home country of Mexico.

RAMOS VILLANUEVA was issued an I-275 visa cancellation and turned over to AEU to be processed for Expedited Removal/ Credible Fear.

DISPOSITION: Ramos Villanueva, Luis Antonio is inadmissible to the United States pursuant to section 212(a) (7) (A) (i) (I) of the Immigration and Nationality Act, as amended. Ramos Villanueva, Luis Antonio was served with form M-444 in the Spanish language, provided with a list of free legal services and taken into DHS custody pending credible fear interview with an asylum officer; to be determined at a later time, date, and place.

Signature <i>[Handwritten Signature]</i> AYALA-RAFFO, [REDACTED]	Title CBP OFFICER
--	----------------------

Physically Acquired Signature

Exhibit 2

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.

Upon information and belief, the language that the alien understands is **SPANISH**

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 02-12-25, 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)

(Signature and Title of officer)

EOIR - 2 OF 44

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.

Exhibit 3



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

RAMOS VILLANUEVA, LUIS ANTONIO

To:

Emily T. Neubert, Esq.
1835 W. Orangewood Ave.
Suite 104
Orange, CA 92868

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

08/01/2025

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 08/01/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

I. **Removability**

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I).

The immigration court found Respondent not removable not inadmissible under the following Section(s) of the Act:

II. **Applications for Relief**

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was granted denied withdrawn with prejudice withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was granted denied withdrawn with prejudice withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was granted denied withdrawn with prejudice withdrawn without prejudice

C. Waiver

- A waiver under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

D. Adjustment of Status

- Adjustment of Status under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

E. Other

See attached Standard Language Addenda of Law for Asylum, Withholding, and Convention Against Torture, for Political Opinion, and for Particular Social Group, which are incorporated into this decision by reference,

III. Voluntary Departure

- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was denied.
- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
 - Further information regarding voluntary departure has been added to the record.
 - Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

the presumptive civil monetary penalty amount of \$3,000.00 USD

\$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

- Respondent was ordered removed to Mexico.
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

- Proceedings were dismissed terminated with prejudice
 terminated without prejudice administratively closed.
- Respondent's status was rescinded under INA § 246.
- Other:



Immigration Judge: ROBINSON, EUGENE 08/01/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 09/02/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : RAMOS VILLANUEVA, LUIS ANTONIO | A-Number 

Riders:

Date: 08/01/2025 By: GONZALEZ, EMELY, Court Staff