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8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JUAN EMILIO RUIZ DE JESUS,
12 Petitioner,

13 v.

14 CHRISTOPHER J. LAROSE, Senior
15 Warden, Otay Mesa Detention Center;
16 Director, San Diego Field Office, U.S.
17 Immigration & Customs Enforcement,
18 Enforcement & Removal Operations;
19 TODD M. LYONS, Acting Director,
20 U.S. Immigration & Customs
21 Enforcement; KRISTI NOEM,
22 Secretary, U.S. Department of
23 Homeland Security; PAMELA BONDI,
24 U.S. Attorney General; and DAREN K.
25 MARGOLIN, Director, Executive
26 Office for Immigration Review,

27 Respondents.
28

Case No. '25CV3700 AGS BLM

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28
U.S.C. § 2241**

INTRODUCTION

1
2 1. Petitioner Juan Emilio Ruiz De Jesus is in the physical custody of
3 Respondents at the Otay Mesa Detention Center in San Diego, CA. He is a citizen of
4 Mexico and entered the United States without inspection in December 1998. He now
5 faces unlawful detention because the Department of Homeland Security (DHS) and
6 the Executive Office for Immigration Review (EOIR) have concluded that Petitioner
7 is subject to mandatory detention.
8

9
10 2. Petitioner is charged with having entered the United States without
11 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i); Exhibit A, Notice to Appear.
12

13 3. Based on this charge of inadmissibility, DHS denied Petitioner release
14 from immigration custody, consistent with a new DHS policy issued on July 8, 2025,
15 instructing all Immigration and Customs Enforcement (ICE) employees to consider
16 anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United
17 States without admission or inspection—to be subject to detention under 8 U.S.C. §
18 1225(b)(2)(A) and, therefore, ineligible for release on bond.
19

20
21 4. Similarly, on September 5, 2025, the Board of Immigration Appeals
22 (BIA or Board) issued a precedent decision, binding on all immigration judges,
23 holding that an immigration judge has no authority to consider bond requests for any
24 person who entered the United States without admission. *See Matter of Yajure*
25 *Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Board determined that such individuals
26 are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for
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1 release on bond.

2 5. Petitioner's detention on this basis violates the plain language of the
3 Immigration and Nationality Act (INA). Section 1225(b)(2)(A) does not apply to
4 individuals like Petitioner who previously entered and are now residing in the United
5 States. Instead, such individuals are subject to a different statute, § 1226(a), that allows
6 for release on conditional parole or bond. That statute expressly applies to people who,
7 like Petitioner, are charged as inadmissible for having entered the United States
8 without inspection.
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11 6. Respondents' new legal interpretation is plainly contrary to the statutory
12 framework and contrary to decades of agency practice applying § 1226(a) to people
13 like Petitioner.
14
15

16 7. On November 25, 2025, the U.S. District Court for the Central District
17 of California certified a nationwide Bond Eligible Class, defined as: All noncitizens
18 in the United States without lawful status who (1) have entered or will enter the United
19 States without inspection; (2) were not or will not be apprehended upon arrival; and
20 (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1),
21 or § 1231 at the time the Department of Homeland Security makes an initial custody
22 determination. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025
23 U.S. Dist. LEXIS 231977, at *4 (C.D. Cal. Nov. 25, 2025) (Sykes, J.) The district
24 court issued class-wide declaratory relief holding that DHS's policy is unlawful and
25 declaring that class members are detained under § 1226(a) and entitled to bond
26
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1 hearings. *See id.* at *26 (extending same declaratory relief granted to petitioners to the
2 class as a whole).

3
4 8. Following the district court’s grant of class-wide declaratory relief,
5 Immigration Judges across the country continued to deny bond hearings to members
6 of the Bond Eligible Class and were instructed to continue asserting that *Matter of*
7 *Yajure Hurtado* remained good law. *See Maldonado Bautista*, No. 5:25-cv-01873-
8 SSS-BFM, Order on Application for Reconsideration or Clarification, ECF No. 92 at
9 8–9 (Dec. 18, 2025).
10

11
12 9. On December 18, 2025, the district court issued a consolidated order and
13 entered final judgment vacating DHS’s July 8, 2025, mandatory detention policy, and
14 declaring that Bond Eligible Class members are detained under 8 U.S.C. § 1226(a),
15 not § 1225(b)(2), and are entitled to consideration for release on bond. *Maldonado*
16 *Bautista*, 2025 U.S. Dist. LEXIS 262265, at *87–88.
17

18
19 10. Although Petitioner is a member of the Bond Eligible Class and may be
20 granted relief on that basis alone, he seeks separate habeas relief that the *Maldonado*
21 court did not—and could not—award on a class-wide basis. *See id.* at *79 n.23
22 (clarifying that class relief did not include habeas relief and noting that any class-wide
23 order “forc[ing] government compliance would run afoul of § 1252(f)(1).”); *see also*
24 8 U.S.C. § 1252(f)(1) (prohibiting class-wide injunctive relief that would “enjoin or
25 restrain the operation” of certain provisions of the Immigration and Nationality Act,
26 including §§ 1225 and 1226).
27
28

1 11. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he
2 be immediately released from unlawful detention.

3
4 **JURISDICTION**

5 8. This action arises under the U.S. Constitution and the INA, 8 U.S.C. §
6 1101 *et seq.*

7
8 9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
9 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the U.S.
10 Constitution (the Suspension Clause).

11
12 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14
15 **VENUE**

16 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
17 484, 493-500 (1973), venue lies in the U.S. District Court for the Southern District of
18 California, the judicial district in which Petitioner currently is detained.

19
20 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
21 because Respondents are employees, officers, and agencies of the United States, and
22 because a substantial part of the events or omissions giving rise to the claims occurred
23 in the Southern District of California.

24
25 **REQUIREMENTS OF 28 U.S.C. § 2243**

26
27 13. The Court must grant the petition for writ of habeas corpus or order
28 Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.

1 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return
2 “within three days unless for good cause additional time, not exceeding twenty days,
3 is allowed.” *Id.*

4
5 14. Habeas corpus is “perhaps the most important writ known to the
6 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
7 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
8 added). “The application for the writ usurps the attention and displaces the calendar
9 of the judge or justice who entertains it and receives prompt action from him within
10 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
11 2000) (citation omitted).

14 **PARTIES**

15
16 15. Petitioner Juan Emilio Ruiz De Jesus is a native and citizen of Mexico.
17 He entered the United States without inspection in 1998. He has been in immigration
18 detention since September 2025. On December 12, 2025, an Immigration Judge
19 denied Petitioner bond finding a lack of jurisdiction solely based on the BIA’s decision
20 in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petitioner is in custody
21 and under the direct control of Respondents and their agents.

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23
24 16. Respondent Christopher J. LaRose is Senior Warden of the Otay Mesa
25 Detention Center, where Petitioner is detained. Respondent LaRose has immediate
26 physical custody of Petitioner and he is sued in his official capacity.

27
28 17. Respondent is the Director of the San Diego Field Office of ICE’s

1 Enforcement and Removal Operations division. As such, he/she is a legal custodian
2 of Petitioner, is responsible for Petitioner's detention and removal, and has authority
3 to release him. He/she is named in his/her official capacity. At the time of this filing,
4 the Director's name is not publicly available.
5

6 18. Respondent Todd M. Lyons is the Acting Director of ICE, which is the
7 federal agency responsible for implementing and enforcing the INA, including the
8 detention and removal of noncitizens. Respondent Lyons has control over the actions
9 of Respondent Director of the San Diego Field Office for ICE and ICE in general.
10 Respondent Lyons is a legal custodian of Petitioner and is sued in his official
11 capacity.
12
13

14 19. Respondent Kristi Noem is the DHS Secretary. She is responsible for the
15 implementation and enforcement of the INA, and oversees ICE, which is responsible
16 for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is
17 sued in her official capacity.
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19

20 20. Respondent Pamela Bondi is the Attorney General of the United States.
21 She is responsible for the Department of Justice (DOJ), of which EOIR and the
22 immigration court system it operates is a component agency. Respondent Bondi is a
23 legal custodian of Petitioner and is sued in her official capacity.
24
25

26 21. Respondent Daren K. Margolin is the Director of EOIR, which is the
27 federal agency responsible for implementing and enforcing the INA in removal
28 proceedings, including for custody redeterminations in bond hearings. Respondent

1 Margolin is sued in his official capacity.

2 **LEGAL FRAMEWORK**

3
4 22. The INA prescribes three basic forms of detention for the vast majority
5 of noncitizens in removal proceedings.

6 23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard
7 removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)
8 detention are generally entitled to a bond hearing at the outset of their detention, *see*
9 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged
10 with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C.
11 § 1226(c).
12

13
14 24. Second, the INA provides for mandatory detention of noncitizens subject
15 to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking
16 admission referred to under § 1225(b)(2).
17

18
19 25. Last, the INA also provides for detention of noncitizens who have been
20 ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C.
21 § 1231(a)–(b).
22

23 26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

24 27. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as
25 part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of
26 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to
27 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by
28

1 the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

2 28. Following the enactment of the IIRIRA, EOIR drafted new regulations
3 explaining that, in general, people who entered the country without inspection were
4 not considered detained under § 1225 and that they were instead detained under §
5 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of
6 Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312,
7 10323 (Mar. 6, 1997).
8

9
10 29. Thus, in the decades that followed, most people who entered without
11 inspection and were placed in standard removal proceedings received bond hearings,
12 unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c).
13 That practice was consistent with many more decades of prior practice, in which
14 noncitizens who were not deemed “arriving” were entitled to a custody hearing before
15 an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No.
16 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
17 authority previously found at § 1252(a)).
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21 30. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new
22 policy that rejected well-established understanding of the statutory framework and
23 reversed decades of practice.
24

25 31. The new policy, entitled “Interim Guidance Regarding Detention
26 Authority for Applicants for Admission,” claims that all persons who entered the
27 United States without inspection shall now be subject to mandatory detention under §
28

1 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and
2 affects those who have resided in the United States for months, years, and even
3 decades.
4

5 32. On September 5, 2025, the BIA adopted this same position in a published
6 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who
7 entered the United States without admission or parole are subject to detention under §
8 1225(b)(2)(A) and are ineligible for IJ bond hearings.
9

10 33. Since Respondents adopted their new policies, this Court and many
11 others have rejected Respondents' new interpretation of the INA's detention
12 authorities and the BIA's reasoning in *Matter of Yajure Hurtado*, which adopts the
13 same reasoning in DHS's policy. *See, e.g., Esquivel-Ipina v. LaRose*, No. 25-CV-2672
14 JLS (BLM), 2025 U.S. Dist. LEXIS 210275 (S.D. Cal. Oct. 24, 2025) (Sammartino,
15 J.); *Lopez v. Larose*, No. 25-cv-2717-JES-AHG, 2025 U.S. Dist. LEXIS 214488, at
16 *14 (S.D. Cal. Oct. 30, 2025) (Simmons, J.) (agreeing with "the vast majority of its
17 sister courts" in finding that § 1226(a) applies); *see also Patel v. McShane*, No. 25-
18 5975, 2025 U.S. Dist. LEXIS 228258, at *1 (E.D. Pa. Nov. 20, 2025) (noting "at least
19 282" recent district court decisions rejecting the government's interpretation of §
20 1225); *Mendes v. Hyde*, No. 25-cv-627-JJM-AEM, 2025 U.S. Dist. LEXIS 251341, at
21 *1-2 (D.R.I. Dec. 5, 2025) (emphasizing that "[a]t least 225 judges have ruled in more
22 than 700 cases" rejecting DHS's interpretation of § 1225(b)(2)) (citation omitted).
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34. Courts have uniformly rejected DHS's and EOIR's new interpretation

1 because it defies the INA. As this Court and others have explained, the plain text of
2 the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people
3 like Petitioner. *See, e.g., Pacham v. Archambeault*, No. 3:25-cv-03163-GPC-DEB,
4 2025 U.S. Dist. LEXIS 261217, at *1 (S.D. Cal. Dec. 17, 2025) (Curiel, J.)

5
6 35. Section 1226(a) applies by default to all persons “pending a decision on
7 whether the [noncitizen] is to be removed from the United States.” These removal
8 hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of
9 a[] [noncitizen].”

10
11
12 36. The text of § 1226 also explicitly applies to people charged as being
13 inadmissible, including those who entered without inspection. *See* 8 U.S.C. §
14 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by
15 default, such people are afforded a bond hearing under subsection (a). As the
16 *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’
17 to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute
18 generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*
19 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also*
20 *Gomes*, 2025 WL 1869299, at *7.

21
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24 37. Section 1226 therefore leaves no doubt that it applies to people who face
25 charges of being inadmissible to the United States, including those who are present
26 without admission or parole.

27
28 38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or

1 who recently entered the United States. The statute's entire framework is premised on
2 inspections at the border of people who are "seeking admission" to the United States.
3
4 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this
5 mandatory detention scheme applies "at the Nation's borders and ports of entry, where
6 the Government must determine whether a[] [noncitizen] seeking to enter the country
7 is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
8

9 39. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does
10 not apply to people like Petitioner, who have already entered and were residing in the
11 United States at the time they were apprehended.
12

13 **FACTS**

14 42. Petitioner Juan Emilio Ruiz De Jesus is 52 years old and has resided in
15 the United States for at least 27 years, since his entry in 1998. Prior to detention, he
16 was living in Ocoee, Florida.
17

18 43. In 2019, Petitioner was placed in removal proceedings, however those
19 proceedings were dismissed, and Petitioner was permitted to remain in the United
20 States.
21

22 44. In September 2025, ICE arrested Petitioner during a traffic stop in
23 Florida. Petitioner has been in ICE custody since that time and is now detained at the
24 Otay Mesa Detention Center.
25

26 45. Petitioner is currently in standard removal proceedings before the Otay
27 Mesa Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner
28

1 with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered
2 the United States without inspection. *See* Exhibit A. Petitioner’s Master Calendar
3 hearing is currently scheduled for January 15, 2026.
4

5 46. Petitioner has two adult sons, two U.S. citizen grandchildren, and a U.S.
6 citizen daughter-in-law residing close to him in Ocoee, Florida. Petitioner’s presence
7 and support have played a vital role in their lives and he is an asset to his community.
8 For at least eight years, Petitioner has been self-employed performing tree care and
9 landscaping services. One of Petitioner’s clients who has known him for at least seven
10 years described Petitioner as an outstanding person, a hardworking professional, and
11 a true friend, as well as a person of character and integrity. Outside of two minor traffic
12 infractions, Petitioner has no other criminal history, and he is neither a flight risk nor
13 a danger to the community.
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17 47. On Friday, December 12, 2025, Petitioner requested a bond
18 redetermination hearing before an IJ.
19

20 48. Despite receiving the *Maldonado* court’s order granting class-wide
21 declaratory relief to the Bond Eligible Class of which Petitioner is a class member, the
22 IJ denied Petitioner bond, holding that he lacked jurisdiction to consider Petitioner’s
23 bond request pursuant to *Matter of Yajure Hurtado*. *See* Exhibit B, Bond Decision.
24

25 49. While hundreds of judges have issued several hundred decisions holding
26 that § 1226 applies to individuals like Petitioner, Respondents seemingly ignore the
27 courts’ sound reasoning and continue to misapply § 1225. At the same time, IJs
28

1 continue to deny bond based on *Matter of Yajure Hurtado*. This is precisely what
2 occurred when Petitioner sought a bond hearing just one week ago.

3
4 50. Significantly, Judge Sykes found that the government refused to comply
5 with the binding class-wide declaratory judgment in *Maldonado*. See *Maldonado*
6 *Bautista*, Order, ECF No. 92 at 8–9. Judge Sykes also found it “troubling” that
7 Respondents directed IJs to “disregard” the court’s orders and to continue applying
8 *Matter of Yajure Hurtado* despite a binding declaration that DHS’s mandatory
9 detention policy is unlawful and that class members were entitled to bond hearings.
10
11 *Id.* at 9 (emphasis in original).

12
13 51. Given Respondents’ refusal to adhere to sound judicial reasoning or
14 binding judgments and their outright instruction to IJs to disregard court orders, “a
15 bond determination by a DHS officer or an immigration judge would not remedy the
16 core constitutional violation at issue here.” See *Buestan v. McShane*, No. 25-CV-8544
17 (JGLC), 2025 U.S. Dist. LEXIS 252068, at *15 (S.D.N.Y. Dec. 5, 2025). Under these
18 circumstances and to prevent further unlawful detention, the appropriate remedy is
19 immediate release. See *Amm v. Bobby Thompson, Warden, S. Tex. ICE Processing*
20 *Ctr.*, No. SA-25-CV-1210-FB (HJB), 2025 U.S. Dist. LEXIS 232689, at *17 (W.D.
21 Tex. Nov. 18, 2025) (ordering immediate release because remanding for a bond
22 hearing would require the immigration judge to take action that BIA precedent
23 forecloses).

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28 52. Petitioner remains in unlawful detention because Respondents continue

1 to apply an impermissibly broad reading of § 1225 to him. Without relief from this
2 court, he faces the prospect of months, or even years, in immigration custody,
3 separated from his family and community.
4

5 **CLAIMS FOR RELIEF**

6 **COUNT I**

7 **Violation of the INA**

8
9 50. Petitioner incorporates by reference the allegations of fact set forth in the
10 preceding paragraphs.
11

12 51. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
13 apply to all noncitizens residing in the United States who are subject to the grounds
14 of inadmissibility. As relevant here, it does not apply to those who previously entered
15 the country and have been residing in the United States prior to being apprehended
16 and placed in removal proceedings by Respondents. Such noncitizens are detained
17 under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
18
19

20 52. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
21 continued detention and violates the INA.
22

23 **COUNT II**

24 **Violation of Fifth Amendment Due Process**

25
26 53. Petitioner repeats, re-alleges, and incorporates by reference each and
27 every allegation in the preceding paragraphs as if fully set forth herein.

28 54. The government may not deprive a person of life, liberty, or property

1 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
2 from government custody, detention, or other forms of physical restraint—lies at the
3 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
4 (2001).
5

6 55. Petitioner has a fundamental interest in liberty and being free from
7 official restraint.
8

9 56. The government’s detention of Petitioner without a bond redetermination
10 hearing to determine whether he is a flight risk or danger to others violates his right to
11 due process.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner prays that this Court grant the following relief:
15

- 16 a. Assume jurisdiction over this matter;
17 b. Order that Petitioner shall not be transferred outside the U.S. District
18 Court for the Southern District of California while this habeas petition is pending;
19 c. Issue an Order to Show Cause ordering Respondents to show cause why
20 this Petition should not be granted within three days;
21
22 d. Issue a Writ of Habeas Corpus requiring that Respondents release
23 Petitioner immediately or, in the alternative, provide Petitioner with a bond hearing
24 pursuant to 8 U.S.C. § 1226(a) within seven days;
25
26 e. Declare that Petitioner’s detention is unlawful;
27
28 f. Award Petitioner’s attorney’s fees and costs under the Equal Access to

1 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified
2 under law; and

3
4 g. Grant any other and further relief that this Court deems just and proper.

5 Date: December 19, 2025

Respectfully submitted,

6

/s/ Alexa S. White

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Alexa S. White (SBN 343072)

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Counsel for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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I represent Petitioner, Juan Emilio Ruiz De Jesus, and submit this verification on his behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and the documents submitted in support thereof are true and correct to the best of my knowledge.

Dated this 19th Day of December, 2025.

/s/ Alexa S. White
Alexa S. White (SBN 343072)
Millicent Law Group
2451 Crystal Drive, Suite 600
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Phone: (202) 948-7948
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EXHIBIT A

Allegations: Admits All; | Charges: Concedes All;
Designated Country: MEXICO |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED] 1973
Event No: [REDACTED]

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

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

In the Matter of:
Respondent: JUAN EMILIO RUIZ-DE JESUS currently residing at:

7488 Calzada de la Fuente San Diego, CALIFORNIA 92154 (619) 671-8700
(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 MEXICO and a citizen of MEXICO ;
3. You arrived in the United States at or near LAREDO, TX , on or about December 11, 1998 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the See Continuation Page Made a Part Hereof

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:

See Continuation Page Made a Part Hereof

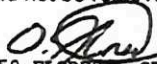
- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

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

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on October 27, 2025 at 8:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.


O 8159 FLORES - SDDO
(Signature and Title of Issuing Officer)

Date: October 14, 2025 SAN DIEGO, CA
(City and State)

EOIR - 1 of 7

Allegations: Admits All; Charges: Concedes All; Designated Country: MEXICO

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)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on October 14, 2025, 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.

x _____
(Signature of Respondent if Personally Served)

 _____
(Signature and Title of officer)

Allegations: Admits All; | Charges: Concedes All;
Designated Country: MEXICO |

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-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.

Allegations: Admits All; | Charges: Concedes All;

Designated Country: MEXICO |

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name RUIZ-DE JESUS, JUAN EMILIO	File Number 	Date 09/11/2025
<p>THE SERVICE ALLEGES THAT YOU:</p> <p>-----</p> <p>Immigration and Nationality Act;</p> <p>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:</p> <p>-----</p> <p>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.</p> <p>null</p>		
Signature O 8159 FLORES 	Title SDDO	

EOIR - 4 of 7

Allegations: Admits All; | Charges: Concedes All;

Designated Country: MEXICO |

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RUIZ-DE JESUS, JUAN EMILIO.	File Number XXXXXXXXXX Event No:	Date 10/13/2025
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Notice of Rights in Accordance with the Cansino Castellar Settlement Agreement

The Department of Homeland Security has determined you will remain in custody for your removal proceedings. You have the right to a prompt first appearance before the immigration court. The date of your first appearance will be at least 10 days from now so you can have an opportunity to find an attorney. But you can request an earlier hearing date if you give up your right to that 10-day period by signing where indicated on the NTA form. At your first appearance, you can request more time to prepare your case or to seek an attorney. You can also ask the court about the process for seeking your release.

CERTIFICATION OF SERVICE

- Notice read by subject.
- Notice read to subject by J. 8974 Ruiz, in SPANISH language.
Name of Officer/Interpreter

[Signature]
Signature of Subject

10/14/2025
Date

Signature <u>J. 8974 Ruiz</u>	Title Deportation Officer
----------------------------------	------------------------------

EOIR - 5 of 7

Allegations: Admits All; | Charges: Concedes All;

Designated as:
 • Non-Profit Organization
 • Referral Service
 • Private Attorney

List of Pro Bono Legal Service Providers

Updated October 2025

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 1 of 2)	
<p>Jewish Family Service of San Diego*</p> <p>8788 Balboa Avenue San Diego, CA 92123 Tel: (858) 637-3365 Fax: (858) 637-3011 immigration@jfssd.org www.jfssd.org/site/PageServer?pagename=programs_refugee_main</p> <ul style="list-style-type: none"> • Please leave a voicemail any time day or night. Calls returned in the order received. If currently detained and you reach our voicemail, leave your full name and A-number in a voicemail and we will schedule a meeting in person or remote. • Specialize in Bond Hearings, Removal Defense, Cancellation of Removal, Asylum, Withholding of Removal, UN Convention Against Torture, Adjustment of Status, VAWA, U Visa, SIJS and T visa. • Languages: Spanish and multilingual interpretation may be available 	<p>ABA Commission on Immigration Detention Information Hotline**</p> <p>1050 Connecticut Avenue, NW, Unit 400 Washington, DC 20036 immcenter@americanbar.org www.americanbar.org/groups/public_interest/immigration/</p> <ul style="list-style-type: none"> • Pro se case assistance for detained respondents only • Respondents detained at Immigration and Customs Enforcement (ICE) or Bureau of Prisons (BOP) facilities should contact our speed dial at 2150# or by calling (202) 442-3363 • To contact on behalf of an individual detained by ICE or BOP, email immcenter@americanbar.org • Respondents detained at Department of Defense (DOD) military facilities (including Guantanamo) should contact our toll-free hotline at 1 (855) 641-6081
<p>Al Otro Lado*</p> <p>634 S. Spring Street, Suite 908 Los Angeles, CA 90014 Tel: (323) 238-9935 info@alotrolado.org www.alotrolado.org</p> <ul style="list-style-type: none"> • Asylum, WOR, CAT, Defensive VAWA, T Visa, U Visa, Cancellation, and Bond; Please call and leave a message to schedule an appointment • Languages: Spanish, English, and others with interpretation services 	<p>Casa Cornelia Law Center*</p> <p>Post Office Box 12666 San Diego, CA 92112 Tel: (619) 231-7788 Fax: (619) 231-7784 www.casacornelia.org services@casacornelia.org</p> <ul style="list-style-type: none"> • Services include: Asylum, Withholding of Removal, UN Convention Against Torture, Defensive VAWA, U, T Visas, and SIJS, Bond Hearings. • Focus on asylum seekers, and victims of serious crime. • Will accept detained cases • Call for assistance • Languages: Spanish; multilingual interpretation may be available.

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

Allegations: Admits All; | Charges: Concedes All;

Designated Country: MEXICO |
 * Non-Profit Organization
 ** Referral Service
 *** Private Attorney

List of Pro Bono Legal Service Providers

Updated October 2025

<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

Otay Mesa Immigration Court

Otay Mesa, California (page 2 of 2)	
<p>La Maestra Community Health Centers*</p> <p>4060 Fairmount Avenue San Diego, CA 92105 Tel: (619) 280-4213 Fax: (619) 961-0805 mportugal@lamaestra.org; ecedillo@lamaestra.org www.lamaestra.org</p> <ul style="list-style-type: none"> • Bond hearings only • All Ukrainians cases • All Afghan cases • All victims of trafficking cases (U-Visa, T-Visa, and VAWAs) • Languages: Spanish, Dari, and Pashto 	<p>Southern California Immigration Project*</p> <p>2534 State Street, Suite 208 San Diego, CA 92101 Tel: (619) 516-8119 socalimmigrationp@gmail.com www.socalimmigrationproject.org</p> <ul style="list-style-type: none"> • Specialize in African countries and LGBTQ from any country • Asylum cases only • No hablamos español
<p>Immigrant Defenders Law Center*</p> <p>303 A Street, Suite 305 San Diego, CA 92101 Tel: (213) 314-0701 Fax: (213) 282-3133 sdinfo@immdef.org</p> <ul style="list-style-type: none"> • Must be low income • No walk-ins, appointment only • Languages: Spanish and other languages available upon request 	<p>Immigrant Rights Legal Defense Program (IRLDP) - San Diego County Public Defender*</p> <p>451 A Street, Suite 1450 San Diego, CA 92101 Tel: (619) 446-2883 oac@sdcounty.ca.gov</p> <ul style="list-style-type: none"> • Removal defense cases only

Individuals must contact the providers on this list directly to request legal services. Although the providers on this list offer pro bono (free) legal representation, they may not have the capacity at this time to accept new cases.

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.

EXHIBIT B



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

Respondent Name:

RUIZ-DE JESUS, JUAN EMILIO

To:

Alvarez, Juan Edgardo
Attorney at Law
1650 W. SAND LAKE RD. SUITE 301
ORLANDO, FL 32809

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/12/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
Lack of jurisdiction. The Immigration Judge lacks authority to consider and set bond in the Respondent's case. The Respondent entered the U.S., without admission or inspection, and is therefore considered an arriving alien.

See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

- Other:

JPJ

Immigration Judge: Penalosa Jr., Jose 12/12/2025

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

Appeal Due: 01/12/2026

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service | Address Unavailable

To: Alien | Alien c/o custodial officer | Alien atty/rep. | DHS

Respondent Name : RUIZ-DE JESUS, JUAN EMILIO | A-Number : 

Riders:

Date: 12/12/2025 By: Cardenas, Lupe, Court Staff