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

9 SELIM KIRBOGA,
10
11 Plaintiff,

12 vs.

13 CHRISTOPHER LAROSE, warden of
14 Otay Mesa Detention Center
15 DANIEL A. BRIGHTMAN, San Diego
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations (“ICE/ERO”);
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 (“ICE”);
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 (“DHS”);
25 PAMELA BONDI, Attorney General of
26 the United States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.


Case No.: '25CV3706 GPC DDL

Agency Number: 

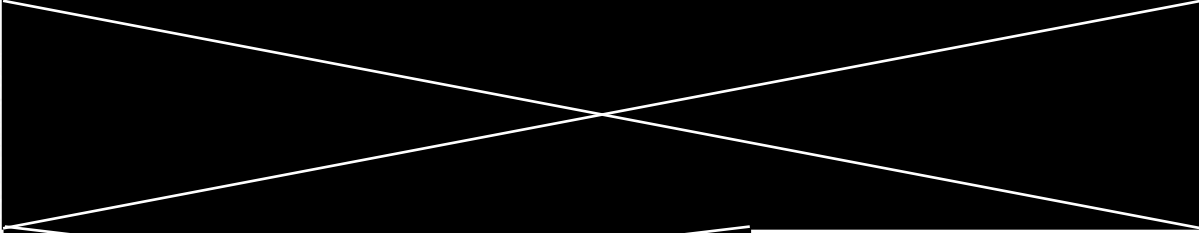
PETITION FOR WRIT OF HABEAS
CORPUS

1 **INTRODUCTION**

2 1. Turkey is an Islamic Republic that enforces a racist agenda upon
3 many of its religious and ethnic minorities. This includes a preference for Sunni
4 Islam and the Turkish language. Kurds are not allowed to go to Kurdish schools,
5 play Kurdish music or even publicly speak the Kurdish language. There is a huge
6 social stigma associated with anyone that does not embrace the Sunni Turkish
7 majority.
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11 2. The petitioner was born in Turkey to a Kurdish family and
12 community. He has experienced persecution since he was a small boy 

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 He finally realized there was
no place safe for him in Turkey and he made his way to the United States.

3. After he crossed into the United States, Mr. Kirboga waited for
Border Patrol and was then taken into custody on or about June 2, 2024. He was
briefly detained. It was determined that he was not a danger and not a flight risk so

1 was paroled on his own recognizance on June 2, 2024. See Exhibit A¹ It was also
2 determined that he should be placed in 240 removal proceedings and not 235
3 expedited removal. A Notice to Appear was issued and 240 removal proceedings
4 were initiated.
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7 4. Mr. Kirboga attended all his immigration hearings. He filed for
8 asylum within one year of his arrival to the United States. His case was set for a
9 master calendar hearing on May 27, 2025.
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11 5. On May 27, 2025, petitioner appeared. He still had not procured
12 counsel and asked the court to continue his case to allow him to return with
13 counsel. However, without any prior notice, counsel for DHS made a motion to
14 dismiss his removal proceedings. The motion was not granted. Petitioner was given
15 10 days to respond as is required by the Immigration Court Practice Manual. As
16 Mr. Kirboga exited the courtroom he was surrounded by masked, armed ICE
17 agents and other law enforcement personnel. He was immediately put into
18 handcuffs. Mr. Kirboga was led to the elevator and taken to the basement where
19 Mr. Kirboga was booked.
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27 ¹ "The subject does not appear to be a threat to national security, border security, or public
28 safety. The subject was released from the custody of the Department of Homeland Security
(DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was
authorized through proper channels in accordance with San Diego Sector protocols."

1 6. At no time was Mr. Kirboga given any written notice that his parole
2 was being terminated. Nor was Mr. Kirboga told how or why a determination had
3 been made that he was now deemed a flight risk and/or a danger to society.
4

5 7. The court granted the motion to dismiss on June 10, 2025. Mr.
6 Kirboga had repeatedly expressed a fear of return to Turkey so was granted a
7 Credible Fear Interview. The result of the CFI was positive and Mr. Kirboga was
8 issued a new Notice to Appear which was entered on July 09, 2025 and put back in
9 section 240 removal proceedings.
10

11 8. On May 27, 2025 Respondents sought to have Mr. Kirboga's 240
12 removal proceedings terminated and to somehow cancel his parole so he could be
13 placed into 235 Expedited Removal proceedings and deport him. Respondents did
14 so based not on Mr. Kirboga's personal circumstances or individualized facts, nor
15 due to any mistake or change in circumstances as alleged in their oral motion to
16 dismiss but because of Respondents' interpretation of President Trump's whim and
17 categorical determination that, the Fifth Amendment notwithstanding, noncitizens
18 are not entitled to due process.
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1 the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8
2 U.S.C. § 1252(e)(2).
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4 VENUE

5 14. Venue is proper because Petitioner is in Respondents' custody in
6 San Diego, California. Venue is further proper because a substantial part of the
7 events or omissions giving rise to Petitioner's claims occurred in this District,
8 where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).
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11 13. For these same reasons, divisional venue is proper under Local
12 5Rule HC.1
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14 REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

15 16. The Court must grant the petition for writ of habeas corpus or
16 issue an order to show cause (OSC) to the Respondents "forthwith," unless the
17 petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court
18 must require Respondents to file a return "within three days unless for good cause
19 additional time, not exceeding twenty days, is allowed." *Id.*
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22 17. Courts have long recognized the significance of the habeas statute
23 in protecting individuals from unlawful detention. The Great Writ has been
24 referred to as "perhaps the most important writ known to the constitutional law of
25 England, affording as it does a swift and imperative remedy in all cases of illegal
26 restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).
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28

1 18. Petitioner is “in custody” for the purpose of § 2241 because he is
2 arrested and detained by Respondents.
3

4 **PARTIES**

5 19. Selim Kirboga (“Petitioner”) is a 32-year-old citizen of Turkey.
6 He is a resident of San Diego, California, and is present within the state of
7 California as of the time of the filing of this petition.
8

9 20. Respondent Christopher Larosse is the Warden of the Otay Mesa
10 Detention Center and is a legal custodian of Petitioner.
11

12 21. Respondent Sydney Aki is the Field Office Director for the San
13 Diego Field Office, Immigration and Customs Enforcement and Removal
14 Operations (“ICE”). The San Diego Field Office is responsible for local custody
15 decisions relating to non-citizens charged with being removable from the United
16 States, including the arrest, detention, and custody status of non- citizens. The San
17 Diego Field Office’s area of responsibility includes San Diego, California and the
18 Otay Mesa Detention Center. Respondent Sidney Aki is a legal custodian of
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Petitioner.

22 22. Respondent Todd Lyons is the acting director of U.S. Immigration
23 and Customs Enforcement, and he has authority over the actions of respondent
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Sidney Aki and ICE in general. Respondent Lyons is a legal custodian of
Petitioner.

1 the United States. The purpose of the Refugee Act is to enforce the “historic policy
2 of the United States to respond to the urgent needs of persons subject to
3 persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-
4 212, 94 Stat. 102 (1980).

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6 29. The “motivation for the enactment of the Refugee Act” was the
7 United Nations Protocol Relating to the Status of Refugees, “to which the United
8 States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424,
9 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory
10 meaning to our national commitment to human rights and humanitarian concerns.’”
11 *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

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14 30. The Refugee Act established the right to apply for asylum in the
15 United States and defines the standards for granting asylum. It is codified in
16 various sections of the INA.

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19 31. The INA gives the Attorney General or the Secretary of Homeland
20 Security discretion to grant asylum to noncitizens who satisfy the definition of
21 “refugee.” Under that definition, individuals generally are eligible for asylum if
22 they have experienced past persecution or have a well-founded fear of future
23 persecution on account of race, religion, nationality, membership in a particular
24 social group, or political opinion and if they are unable or unwilling to return to
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1 and avail themselves of the protection of their homeland because of that
2 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
3

4 32. Although a grant of asylum may be discretionary, the right to
5 apply for asylum is not. The Refugee Act broadly affords a right to apply for
6 asylum to any noncitizen “who is physically present in the United States or who
7 arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
8

9 33. Because of the life-or-death stakes, the statutory right to apply for
10 asylum is robust. The right necessarily includes the right to counsel, at no expense
11 to the government, see 8 U.S.C. § 1229a(b)(4)(A), § 1362, the right to notice of the
12 right to counsel, see 8 U.S.C. § 1158(d)(4), and the right to access information in
13 support of an application, see § 1158(b)(1)(B) (placing the burden on the applicant
14 to present evidence to establish eligibility.).
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18 34. Noncitizens seeking asylum are guaranteed Due Process under the
19 Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306
20 (1993).
21

22 35. Noncitizens who are applicants for asylum are entitled to a full
23 hearing in immigration court before they can be removed from the United States. 8
24 U.S.C. § 1229a. Consistent with due process, noncitizens may seek administrative
25 appellate review before the Board of Immigration Appeals of removal orders
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1 entered against them and judicial review in federal court upon a petition for
2 review. 8 U.S.C. § 1252(a) *et seq.*
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4 36. Immigration detention is a form of civil confinement that
5 “constitutes a significant deprivation of liberty that requires due process
6 protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).
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8 37. Immigration detention should not be used as a punishment and
9 should only be used when, under an individualized determination, a noncitizen is a
10 flight risk because they are unlikely to appear for immigration court or a danger to
11 the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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13 38. Parole must be terminated upon written notice after an
14 individualized determination that the purposes no longer apply. 8 C.F.R. §
15 212.5(e)(2)(i).
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19 **FACTUAL BACKGROUND**
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21 39. Petitioner is an ethnic Kurd and a citizen of Turkey. He was born
22  1993 in Turkey.
23

24 40. Petitioner had suffered persecution in Turkey as a result of his
25 ethnicity his entire life. From the time he was kicked off a roof as a small child to
26 his being shot in the military, he has had to live in fear in Turkey. As a result he
27 left Turkey and made his way to the United States to seek Asylum.
28

1 41. On or about June 2, 2024, petitioner was able to enter the United
2 States. He was apprehended, detained for a period of time, and then, after a
3 determination he was not a flight risk or a danger, he was released into the United
4 States on his own recognizance, a form of conditional parole.
5

6 42. On or about June 2, 2024, Respondents commenced removal
7 proceedings against Petitioner under 8 U.S.C. § 1229a.
8

9 43. On information and belief, Petitioner regularly complied with and
10 appeared for ICE check-ins.
11

12 44. Petitioner applied for asylum with EOIR in August 2024.
13

14 45. On May 27, 2025, Mr. Kirboga was attending his regularly
15 scheduled Master Calendar Hearing when, without notice, the government attorney
16 made a motion to dismiss his removal proceedings. Mr. Kirboga objected to the
17 motion. Petitioner alleges this was just a ruse so that ICE could detain him when
18 we exited the courtroom and place him in section 235 Expedited Removal. This
19 would deny his right to have his asylum application heard and would immediately
20 subject him to removal with little judicial oversight. He would no longer be able to
21 have a fair opportunity to present his case. The court did NOT dismiss his case. He
22 was given 10 days to respond to the motion to dismiss as is required in the
23 Immigration Court Practice Manual. As petitioner exited the courtroom, Mr.
24 Kirboga was still in 240 removal proceedings.
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1 46. As Mr. Kirboga exited the courtroom masked gunmen surrounded
2 him and placed him in handcuffs. He was never given a written notice that his
3 parole was being terminated. He was not given any particularized reason for why
4 he was being placed into detention. He was eventually transported to Otay Mesa
5 Detention Center. The detailed record of arrest, attached as Exhibit B, states “On
6 May 27, 2025 KIRBOGA, Selim will be processed as an Expedited Removal and
7 detained at the Otay Mesa Detention Center (OMDC).” This is impossible. When
8 Mr. Kirboga was arrested he was still in 240 removal proceedings. He was not
9 subject to Section 235 Expedited Removal. The agents had no cause to arrest him.
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14 47. The ICE agents did not provide him any process. The ICE agents
15 did not offer him any opportunity to be heard prior to arresting and detaining him.
16 They did not provide him with any particularized determination as to why his
17 liberty was being denied and his parole cancelled.
18

19 48. On January 20, 2025, President Donald Trump issued several
20 executive actions relating to immigration, including “Protecting the American
21 People Against Invasion,” an executive order (EO) setting out a series of interior
22 immigration enforcement actions. The Trump administration, through this and
23 other actions, has outlined sweeping, executive branch-led changes to immigration
24 enforcement policy, establishing a formal framework for mass deportation. The
25 “Protecting the American People Against Invasion” EO instructs the DHS
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1 Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to
2 prioritize civil immigration enforcement procedures including through the use of
3 mass detention.
4

5 49. On information and belief, Respondents are detaining Petitioner
6 regardless of the individual facts and circumstances of his case.
7

8 50. On information and belief, Respondents are using the immigration
9 detention system as a means to punish individuals for asserting rights under the
10 Refugee Act.
11

12 51. On information and belief, Petitioner has no criminal history.
13

14 CLAIMS FOR RELIEF

15 COUNT ONE

16 Violation of Fifth Amendment Right to Due Process

17 Procedural Due Process

18 52. Petitioner restates and realleges all paragraphs as if fully set forth
19 here.
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21

22 53. The Due Process Clause of the Fifth Amendment to the U.S.
23 Constitution prohibits the federal government from depriving any person of “life,
24 liberty, or property, without due process of law.” U.S. Const. Amend. V. Due
25 process protects “all ‘persons’ within the United States, including [non-citizens],
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1 whether their presence here is lawful, unlawful, temporary, or permanent.”

2 *Zadvydas*, 533 U.S. at 693.

3
4 54. Due process requires that government action be rational and non-
5 arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

6
7 55. While asylum is a discretionary benefit, the right to apply is not. 8
9 U.S.C. § 1158(a)(1). Any noncitizen who is “physically present in the United
10 States or who arrives in the United States (whether or not at a designated port of
11 arrival . . .), irrespective of such [noncitizen’s] status, may apply for asylum.” *Id.*

12 56. Because the denial of the right to apply for asylum can result in
13 serious harm or death, the statutory right to apply is robust and meaningful. It
14 includes the right to legal representation, and notice of that right, *see id.* §§
15 1229a(b)(4)(A), 1362, 1158(d)(4); the right to present evidence in support of
16 asylum eligibility, *see id.* § 1158(b)(1)(B); the right to appeal an adverse decision
17 to the Board of Immigration Appeals and to the federal circuit courts, *see id.* §§
18 1229a(c)(5), 1252(b); and the right to request reopening or reconsideration of a
19 decision determining removability, *see id.* § 1229a(c)(6)-(7).

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23 57. Expedited removal, in contrast, severely limits the availability of
24 such rights. Interviews occur on an exceedingly fast timeline; review of a negative
25 interview decision by an immigration judge must occur within seven days of the
26 decision. *See* 8 C.F.R. § 1003.42.
27
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1 58. While there is a right to “consult” with an attorney or another
2 person about the credible fear interview process, see 8 U.S.C. § 1225(b)(1)(B)(iv)
3 and 8 C.F.R. §§ 208.30(d)(4), 235.3(b)(4)(i)(B), (ii), the consultation “shall not
4 unreasonably delay the process.” The consultant may be “present” during the
5 interview but may only make a “statement” at the end of the interview if permitted
6 by the asylum officer. 8 C.F.R. § 208.30(d)(4). The immigrant subject to expedited
7 removal may present evidence “if available”, *id.*—often an impossibility given the
8 fast timeline and the default of detention during the process. See generally Heidi
9 Altman, et. al., Seeking Safety from Darkness: Recommendations to the Biden
10 Administration to Safeguard Asylum Rights in CBP Custody, Nov. 21, 2024,
11 [https://www.nilc.org/wpcontent/uploads/2024/11/NILC_CBP-Black-Hole-](https://www.nilc.org/wpcontent/uploads/2024/11/NILC_CBP-Black-Hole-Report_112124.pdf)
12 [Report_112124.pdf](https://www.nilc.org/wpcontent/uploads/2024/11/NILC_CBP-Black-Hole-Report_112124.pdf) (describing the obstruction of access to counsel for people
13 undergoing credible fear screenings in Customs and Border Protection custody).

14 59. Review of a negative credible fear decision by an immigration
15 judge is limited. “A credible fear review is not as exhaustive or in-depth as an
16 asylum hearing in removal proceedings,” and there is no right to submit evidence,
17 as it may be admitted only at “the discretion of the immigration judge.”
18 Immigration Court Practice Manual, Chpt. 7.4(d)(4)(E). After denial of a credible
19 fear interview and affirmance by a judge, removal is a near certainty; the
20 immigrant is ineligible for other forms of relief from removal.

1 63. Under the APA, a court shall “hold unlawful and set aside agency
2 action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
3

4 64. An action is an abuse of discretion if the agency “entirely failed to
5 consider an important aspect of the problem, offered an explanation for its decision
6 that runs counter to the evidence before the agency, or is so implausible that it
7 could not be ascribed to a difference in view or the product of agency expertise.”
8 *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551U.S. 644, 658 (2007)
9
10 (*quoting Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,
11 463 U.S. 29, 43 (1983)).
12

13 65. To survive an APA challenge, the agency must articulate “a
14 satisfactory explanation” for its action, “including a rational connection between
15 the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551,
16 2569 (2019) (citation omitted).
17

18 66. By categorically revoking Petitioner’s parole and transferring him
19 to Otay Mesa Detention Center without consideration of his individualized facts
20 and circumstances, Respondents have violated the APA.
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22 67. Respondents have made no finding that Petitioner is a danger to
23 the community.
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25 68. Respondents have made no finding that Petitioner is a flight risk.
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1 Petitioner’s June 2, 2024 entry to the United States to seek asylum would attach
2 new legal consequences including the loss of significant rights related to his right
3 to seek asylum.
4

5 **COUNT FOUR**

6 **Violation of Fifth Amendment Right to Due Process**

7 **Procedural Due Process**

8
9 74. Petitioner restates and realleges all paragraphs as if fully set forth
10 here.
11

12 75. The Due Process Clause of the Fifth Amendment to the U.S.
13 Constitution prohibits the federal government from depriving any person of “life,
14 liberty, or property, without due process of law.” U.S. Const. Amend. V. Due
15 process protects “all ‘persons’ within the United States, including [non-citizens],
16 whether their presence here is lawful, unlawful, temporary, or permanent.”
17 *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.
18
19

20
21 76. Due process requires that government action be rational and non-
22 arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
23

24 77. While the government has discretion to detain individuals under 8
25 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this
26 discretion is not “unlimited” and must comport with constitutional due process. See
27 *Zadvydas*, 533 U.S. at 698.
28

1 82. Petitioner is not amenable to nor may he be subjected to expedited
2 removal because he is not “arriving in the United States” as he has been physically
3 present for nearly a year.
4

5 83. Petitioner is not amenable to nor may he be subjected to expedited
6 removal under the January 2025 designation because he was paroled. 8 U.S.C.
7 §1225(b)(1)(A)(iii)(II) (limiting expedited removal designations only to
8 individuals who “has not been admitted or paroled into the United States”).
9
10

11 84. Because Petitioner is not subject to the designation, Respondents’
12 use of the January 2025 designation to detain him is unlawful.
13
14

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner respectfully requests this Court to grant the
17 following:
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19 (1) Assume jurisdiction over this matter;

20
21 (2) Issue an Order to Show Cause ordering Respondents to show
22 cause why this Petition should not be granted within three days;
23

24 (3) Declare that Petitioner’s detention without an individualized
25 determination violates the Due Process Clause of the Fifth Amendment and the
26 Administrative Procedures Act;
27
28

1 (4) Declare that Respondents' application of the January 2025
2 Designation to petitioner is illegal;
3

4 (5) Issue a Writ of Habeas Corpus ordering Respondents to release
5 Petitioner from custody;
6

7 (6) Issue an Order prohibiting the Respondents from transferring
8 Petitioner from the district without the court's approval;
9

10 (7) Award Petitioner attorney's fees and costs under the Equal Access
11 to Justice Act, and on any other basis justified under law; and
12

13 (8) Grant any further relief this Court deems just and proper.
14

15 Dated: December 20, 2025.

/s/ Brian J. McGoldrick
BRIAN J. MCGOLDRICK, ESQ.
CASB # 169104
attorney@brianmcgoldrick.com
4916 Del Mar Avenue
San Diego, CA 92107
Telephone: +1 619-675-2366
Pro Bono Attorney for Petitioner




EXHIBIT A

U.S. Department of Homeland Security Subject ID: [REDACTED] Record of Deportable/Inadmissible Alien

Family Name (CAPS) KIRBOGA, SELIM		First	Middle	Sex	Hair	Eyes	Complexion
Country of Citizenship TURKIYE		Passport Number and Country of Issue TURKIYE		Height		Weight	
Date, Place, Time, and Manner of Last Entry 06/01/2024, 0700, 23.5 mile(s) E of TEC, PWA (Afoot)		Passenger Boarded at		Occupation LABORER			
Number, Street, City, Province (State) and Country of Permanent Residence TURKIYE		Date of Birth [REDACTED] Age: 30		Date of Action 06/02/2024		Location Code SDC/BLV	
Date Visa Issued		City, Province (State) and Country of Birth TURKEY, TURKIYE		Form : (Type and No.) <input checked="" type="checkbox"/> AR <input type="checkbox"/> Form : (Type and No.) <input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>		Scars and Marks None Indicated	
Immigration Record NEGATIVE		Social Security Account Name		Social Security Number		F.B.I. Number [REDACTED]	
Criminal Record None Known		Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)		Number and Nationality of Minor Children		Status at Entry PWA Mexico	
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative		Status When Found TRAVEL/SEEKIN G		Length of Time Illegally in U.S. AT ENTRY	
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Words(s) I6A	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment		Salary Hr		Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) [REDACTED]							
ARREST COORDINATES: ----- Latitude: 32.614175 Longitude: -116.265535							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: FIRA							
Alien has been advised of communication privileges		ERNESTO LOA Date: 2024.06.03 02:40:00-07:00 0236456297.CBP (Date/Initials)		ERNESTO LOA Date: 2024.06.03 02:40:00-07:00 0236456297.CBP (Signature and Title of Immigration Officer)			
Distribution:		Received: (Subject and Documents) (Report of Interview)					
		Officer: _____ on: June 02, 2024 at 0321 (time) Disposition: Notice to Appear Released (I-862)					
		Examining Officer: _____ <small>JOSE T RAYA Date: 2024.06.03 01:55:30-07:00 0236456297.CBP</small>					

U.S. Department of Homeland Security


Continuation Page for Form I213

Alien's Name KIRBOGA, SELIM	File Number 	Date 06/02/2024
<p>ADDRESS USED ON I-862: ----- Address Type: VALID - RESIDENTIAL Address: </p> <p>FATHER NAME AND ADDRESS: ----- Nationality: TURKIYE KIRBOGA, RESIT</p> <p>MOTHER NAME AND ADDRESS: ----- Nationality: TURKIYE KIRBOGA, SORIYA</p> <p>CUSTODY REDETERMINATION: ----- OREC</p> <p>RECORDS CHECKED: ----- ABIS Negative EARM Negative NGI Negative TECS Negative</p> <p>Other Family/Associates Not in Event: ----- Father, KIRBOGA, RESIT, TURKE Mother, KIRBOGA, SORIYA, TURKE</p> <p>NARRATIVE: ----- IMMIGRATION HISTORY: No Prior immigration history. CRIMINAL HISTORY: No prior criminal history.</p> <p>ENCOUNTER: A Border Patrol agent encountered this subject in the San Diego Border Patrol Sector's area of responsibility (AOR). It was determined that this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.</p> <p>After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for processing using the</p>		
Signature	ERNESTO LOA Date: 2024.06.03 02:40:10 -07:00 0236456297.CBP 	Title

EOIR - 5 of 7

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name KIRBOGA, SELIM	File Number 	Date 06/02/2024
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E3/IDENT and IAFIS Systems.

IMMIGRATION/CRIMINAL VIOLATION:

The subject claims to be a citizen and national of Turkiye without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.

The subject stated that both parents are citizens of Turkiye and no other country.

CONSULAR NOTIFICATION:

The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36(1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time.

***** RELEASED ON ORDER OF RECOGNIZANCE / EOIR-33 DOCKET *****

DISPOSITION:

While in custody, the subject was unable to provide a complete/valid address of a point of contact (POC) in the United States, but stated their intended destination was Los Angeles, CA.

The subject is being processed as NTA/OR due to lack of bed space.

The subject was served with DHS forms I-220A, I-862, I-286, and given a copy of agency form G-56, a list of free legal services, and the "Notice to Appear Tear Sheet."

The subject was informed, per agency for I-220A, that they must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review and / or surrender for removal from the United States if so ordered.

The subject was given a copy of form EOIR-33 and instructed that if their address and/or telephone number changes while awaiting or going through immigration proceedings, they are to file this form with the Department of Homeland Security within five (5) working days of that change.

The subject does not appear to be a threat to national security, border security, or public safety. The subject was released from the custody of the Department of Homeland Security (DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was authorized through proper channels in accordance with San Diego Sector protocols.

Signature	ERNESTO LOA Date: 2024.06.03 02:40:20 -07:00 0236456297.CBP	Title
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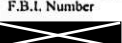
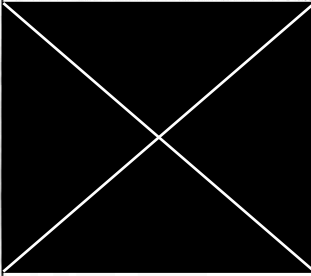
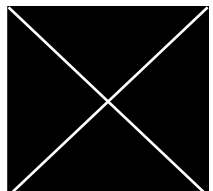
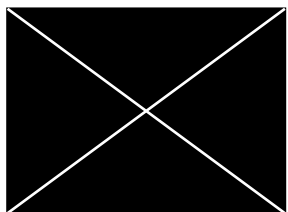
EOIR - 6 of 7

EXHIBIT B

U.S. Department of Homeland Security





Subject ID 

Record of Deportable/Inadmissible Alien

Family Name (CAPS) KIRBOGA, SELIM		First	Middle	Sex	Hair	Eyes	Complexion	
Country of Citizenship TURKIYE		Passport Number and Country of Issue  TURKIYE		File Number 		Height	Weight	Occupation LABORER
U.S. Address 				Scars and Marks				
Date, Place, Time, and Manner of Last Entry 06/01/2024 Unknown Time, TEC, WI-Without Inspection			Passenger Boarded at					
Number, Street, City, Province (State) and Country of Permanent Residence SIIRT, , TURKIYE				F.B.I. Number 				
Date of Birth 11/01/1993		Age: 31		Date of Action 05/27/2025		Location Code SND/SND		
City, Province (State) and Country of Birth TURKIYE		AR <input checked="" type="checkbox"/>		Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name						
Date Visa Issued		Social Security Number						
Immigration Record NEGATIVE				Criminal Record				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None		
Father's Name, Nationality, and Address, if Known KIRBOGA, RESIT NATIONALITY: TURKIYE			Mother's Present and Maiden Names, Nationality, and Address, if Known KIRBOGA, SORIYA NATIONALITY: TURKIYE					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		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		Type of Employment		Salary		Employed from/to Hr		
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.)								
				Left Index fingerprint				
				Left Middle fingerprint				
				Right Index fingerprint				
Subject Health Status ----- The subject claims good health.								
Current Administrative Charges ----- 05/27/2025 - 212a7A1I - IMMIGRANT WITHOUT AN IMMIGRANT VISA								
Previous Criminal History ... (CONTINUED ON I-831)								
Alien has been advised of communication privileges		5/27/25 ee (Date/Initials)		ESTEBAN 11288 CASTANEDA Deportation Officer (Signature and Title of Immigration Officer)				
Distribution: AFILE				Received: (Subject and Documents) (Report of Interview)				
				Officer: ESTEBAN 11288 CASTANEDA				
				on: May 27, 2025 (time)				
				Disposition: Expedited Removal with Credible Fear				
				Examining Officer: BARILE, JOHN				

U.S. Department of Homeland Security


Continuation Page for Form I-213

Alien's Name KIRBOGA, SELIM	File Number 	Date 05/27/2025
----- Subject has no criminal history		
RECORDS CHECKED ----- EARM Pos AFIS Pos TECS Pos		
ARRESTING AGENTS ----- F. D8478 H. GONZALEZ ROGELIO NUNEZ		
AT/NEAR ----- SAN DIEGO, CALIFORNIA		
Record of Deportable/Excludable Alien: ----- KIRBOGA, Selim 		
POB: Turkey DOB: 11/01/1993 FBI: JW9HPC5KX		
ARREST Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), conducted a custodial arrest on KIRBOGA, Selim on May 27, 2025, a citizen and national of Turkey. KIRBOGA, Selim was scheduled for the Executive Office for Immigration review (EOIR) hearing on May 27, 2025. Deportation Officer(s) Gonzalez, F and Nunez, R informed KIRBOGA, Selim that he was being placed under arrest per the I-200, Warrant for Arrest of Alien. KIRBOGA, Selim was transported to SND staging for processing without incident.		
PROCESSING On May 27, 2025, I, Deportation Officer Castaneda, E, was assigned processing duties located at the San Diego ICE Office at 880 Front St, San Diego CA 92101. While performing my duties, I was tasked with the processing of KIRBOGA, Selim 		
IMMIGRATION HISTORY: KIRBOGA, Selim is a citizen and national of Turkey without the necessary legal documents to enter, pass through, or remain in the United States. On June 1, 2024, KIRBOGA, Selim entered illegally crossing the international boundary at or near the Port of Entry in BOULEVARD, CA without being inspected by an immigration officer at a designated Port of Entry.		
CRIMINAL HISTORY KIRBOGA, Selim does not have any criminal history.		
HEALTH/MEDICAL KIRBOGA, Selim claimed to be in good health and is taking medication for his knees.		
CONSULAR NOTIFICATION/DETAINEE PHONE CALL		
Signature ESTEBAN 11288 CASTANEDA 	Title Deportation Officer	

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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name KIRBOGA, SELIM	File Number 	Date 05/27/2025
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KIRBOGA, Selim was informed that he had the right to contact the consular representatives of his country if he wished. The consular notification sheet was placed in the file.
KIRBOGA, Selim was given an opportunity to make a phone call. The detainee telephone call sheet was placed in the file.

CHARGES OF REMOVABILITY

KIRBOGA, Selim is inadmissible under Section 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.

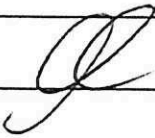
DISPOSITION:

On May 27, 2025, KIRBOGA, Selim will be processed as an Expedited Removal and detained at the Otay Mesa Detention Center (OMDC).

KIRBOGA, Selim claimed credible fear and served a M-444 credible fear worksheet and a list of free legal services.

Other Identifying Numbers

ALIEN- 

Signature ESTEBAN 11288 CASTANEDA 	Title Deportation Officer
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