

1 Frances Arroyo #276747  
2 Los Angeles Legal Advocates  
3 farroyo@lalegaladvocates.com  
4 1025 W 190th St  
5 Suite 400  
6 Gardena, CA 90248

7 Natalie Renee Shepherd  
8 Of Counsel  
9 (805) 907-5309  
10 NatalieReneeShepherd@gmail.com

11 *Attorneys for Petitioner*

12 UNITED STATES DISTRICT COURT  
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **DANIEL NICOLAS MATEO,**  
15  
16 Petitioner,

17 vs.

18 **JEREMY CASEY, WARDEN OF IMPERIAL**  
19 **REGIONAL DETENTION FACILITY,**

20 **GREGORY J. ARCHAMBEAULT, IN HIS**  
21 **OFFICIAL CAPACITY AS SAN DIEGO**  
22 **FIELD OFFICE DIRECTOR, ICE**  
23 **ENFORCEMENT AND REMOVAL**  
24 **OPERATIONS;**

25 **KRISTI NOEM, SECRETARY OF THE U.S.**  
26 **DEPARTMENT OF HOMELAND SECURITY;**  
27 **AND**

28 **PAM BONDI, ATTORNEY GENERAL OF**  
29 **THE UNITED STATES,**

30 **IN THEIR OFFICIAL CAPACITIES,**

31 Respondents

PETITION FOR WRIT OF HABEAS  
CORPUS

Challenge to Unlawful Incarceration Under  
Color of Immigration Detention Statutes;  
Request for Declaratory and Injunctive Relief

Case No. '25CV3713 LL AHG

## INTRODUCTION

1  
2 1. Petitioner Daniel Nicolas Mateo is a longtime resident of the United  
3 States who has lived here continuously for more than two decades, built a family,  
4 worked steadily, and anchored his life entirely within this country. He is the father  
5 of U.S.-citizen minor children and an adult lawful permanent resident son, a  
6 grandfather, and a central source of emotional and financial stability for his family  
7 and community. Yet despite his deep roots, lack of criminal history, and an  
8 available release plan, Mr. Mateo has been detained for months without ever  
9 receiving an individualized custody determination—not because such a hearing  
10 would be futile, but because the government has categorically denied him one.

11 2. This detention rests on a legal error. After arresting Mr. Mateo deep in  
12 the interior of the United States, the Department of Homeland Security classified  
13 him as an “arriving alien” subject to mandatory detention under 8 U.S.C. §  
14 1225(b)(2)(A)—a provision designed for individuals seeking admission at the  
15 border. Relying on that classification, the Immigration Judge concluded that the  
16 court lacked jurisdiction to consider bond and denied Mr. Mateo any opportunity to  
17 demonstrate that he poses no danger and no flight risk. That misclassification  
18 persists today, even though Mr. Mateo has a pending appeal before the Board of  
19 Immigration Appeals and is therefore detained, if at all, under 8 U.S.C. § 1226(a),  
20 which requires an individualized custody determination consistent with due  
21 process.

22 3. Courts throughout the Ninth Circuit have now uniformly rejected the  
23 government’s position. District courts have repeatedly held that § 1225(b) does not  
24 authorize mandatory detention of longtime residents arrested in the interior and  
25 that detention during the pendency of a BIA appeal is governed by § 1226(a).  
26 Under that framework, civil detention may continue only if justified by an  
27 individualized assessment of flight risk or danger—an assessment Mr. Mateo has

1 never received. Each day he remains detained without that process constitutes an  
2 ongoing violation of the Immigration and Nationality Act, the Administrative  
3 Procedure Act, and the Fifth Amendment’s Due Process Clause.

4 4. This habeas petition seeks to end that unlawful confinement. Mr.  
5 Mateo asks this Court to order his immediate release or, at minimum, to require the  
6 government to provide a prompt, constitutionally adequate bond hearing at which  
7 it bears the burden of justifying continued detention. Habeas corpus exists  
8 precisely to remedy this kind of arbitrary deprivation of liberty. Where, as here, the  
9 government has chosen categorical detention over individualized judgment,  
10 judicial intervention is not only appropriate—it is necessary.

#### 11 **JURISDICTION & VENUE**

12 5. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in  
13 custody under the authority of the United States and seeks a writ of habeas corpus.  
14 This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises  
15 under the Constitution, laws, and treaties of the United States, and under 5 U.S.C.  
16 §§ 701–706 because Petitioner challenges agency action that is arbitrary,  
17 capricious, and not in accordance with law.

18 6. This Court has authority to grant declaratory and injunctive relief pursuant to  
19 28 U.S.C. §§ 2201–2202.

20 7. Venue is proper in the Southern District of California under 28 U.S.C. §  
21 1391(e) because Petitioner is detained at Imperial Regional Detention Facility,  
22 located within this judicial district, and because a substantial part of the events or  
23 omissions giving rise to this action occurred in this district.

#### 24 **PARTIES**

25 8. Petitioner DANIEL NICOLAS MATEO is a 57-year old father and husband  
26 who has been detained in Imperial Regional Detention Facility for over four  
27 months without any meaningful or individualized bond hearing.

1 9. Respondent JEREMY CASEY, Warden of Imperial Regional Detention  
2 Facility, where Petitioner is currently detained. He has immediate custody over  
3 Petitioner.

4 10. Respondent GREGORY J. ARCHAMBEAULT is the San Diego Field  
5 Office Director for ICE Enforcement and Removal Operations (“ERO”) and is  
6 sued in his official capacity. He exercises authority over the detention and removal  
7 of noncitizens in the San Diego region, including Petitioner.

8 11. Respondent KRISTI NOEM is the Secretary of the U.S. Department of  
9 Homeland Security (“DHS”), the federal agency responsible for immigration  
10 enforcement and detention. She is sued in her official capacity.

11 12. Respondent PAM BONDI is the Attorney General of the United States and  
12 the head of the U.S. Department of Justice, which oversees the Executive Office  
13 for Immigration Review (“EOIR”) and immigration judges. She is sued in her  
14 official capacity.

15 **REQUIREMENTS OF 28 U.S.C. § 2243**

16 13. The habeas statute requires courts to act swiftly in reviewing unlawful  
17 detention. Under 28 U.S.C. § 2243, the court must “forthwith” grant the writ or  
18 issue an order to show cause unless it appears from the petition that the petitioner  
19 is not entitled to relief.

20 14. If an order to show cause is issued, the statute directs that the respondent  
21 must file a return “within three days unless for good cause additional time, not  
22 exceeding twenty days, is allowed.” *Id.* This statutory framework underscores the  
23 urgency of habeas relief, reflecting the historic role of the Great Writ as “perhaps  
24 the most important writ known to the constitutional law of England, affording as it  
25 does a swift and imperative remedy in all cases of illegal restraint or confinement.”  
26 *Fay v. Noia*, 372 U.S. 391, 400 (1963).

1 **FACTUAL AND PROCEDURAL BACKGROUND**

2 15. Petitioner Daniel Nicolas Mateo is a longtime resident of the United  
3 States, a devoted father, grandfather, and community member whose entire life is  
4 rooted here. Mr. Mateo has lived continuously in this country for more than  
5 twenty-three years, since his initial entry on or about July 26, 2002. He has  
6 remained in the United States ever since, building his life, family, and livelihood  
7 here. He is a devoted father and grandfather whose primary emotional, financial,  
8 and community ties are entirely within the United States. Mr. Mateo is known  
9 among friends, neighbors, and extended relatives as someone who works tirelessly,  
10 shows up for others, and provides stability in households that rely on him.

11 16. Mr. Mateo is the father of five children, three of whom are lawfully  
12 present in the United States. His eldest son, [REDACTED], is a  
13 lawful permanent resident. He is also the father of two U.S.-citizen minor children,  
14 [REDACTED] and [REDACTED]. Mr. Mateo  
15 has been deeply involved in raising his children and grandchildren, providing daily  
16 care, financial support, and stability. His detention has separated him from his  
17 minor children at formative stages of their lives and has imposed severe emotional  
18 and economic hardship on his family.

19 17. Numerous individuals who have known Mr. Mateo for years describe  
20 him as a gentle, hardworking man who has always provided for his family. They  
21 speak of him as someone who “never hesitates to help,” who “works every day  
22 without complaint,” and who serves as a role model within their community. Mr.  
23 Mateo’s absence has left a significant emotional and economic void.

24 18. Mr. Mateo has always maintained stable employment. Throughout his  
25 decades in the United States, he has worked continuously to support his household  
26 and extended family as a landscaper/gardener. Community members and relatives  
27 highlight his reliability, his strong work ethic, and the pride he takes in providing  
28

1 for his family. He is known as someone who helps neighbors move, offers rides to  
2 work, shows up for community gatherings, and supports others in moments of  
3 need. His community regards him as compassionate, grounded, and trustworthy —  
4 the kind of person people turn to when they need help or guidance.

5 19. Mr. Mateo also has a strong and reliable support system ready to  
6 receive him if he is released. His daughter-in-law, Alejandra, has committed to  
7 providing him with stable housing, food, transportation, and help navigating all  
8 obligations with immigration authorities. She earns a steady income and has the  
9 financial and logistical capacity to support him. Mr. Mateo has a structured, safe,  
10 and stable environment to return to immediately.

11 20. Mr. Mateo was detained by ICE on September 17, 2025 and  
12 immediately placed into removal proceedings. His first Master Calendar Hearing  
13 took place in late September, where the immigration judge confirmed that Mr.  
14 Mateo's best language is Mayan K'ank'obal and reset the hearing to allow time for  
15 the filing of his asylum application. Mr. Mateo complied with all requirements  
16 placed on him. He prepared his Form I-589 application for asylum, withholding of  
17 removal, and protection under the Convention Against Torture, and submitted his  
18 supporting materials.

19 21. On October 14, 2025, Petitioner appeared for a custody/bond hearing  
20 before the Immigration Court. At that hearing, the Immigration Judge denied bond  
21 for lack of jurisdiction, based on DHS's position that Petitioner was subject to  
22 mandatory detention and therefore ineligible for bond. As a result, no  
23 individualized custody determination was made, and the Immigration Court did not  
24 assess flight risk, danger, or conditions of release.

25 22. On October 16, 2025, the immigration judge issued a decision  
26 denying all forms of protection and ordering Mr. Mateo removed to Guatemala.  
27 The judge also deemed Mr. Mateo to have abandoned an application for  
28

1 cancellation of removal, despite the absence of any advisal or deadline indicating  
2 that such an application needed to be filed. This finding was inconsistent with the  
3 earlier hearing, which focused exclusively on the I-589 filing deadline and did not  
4 reference cancellation or impose any requirement relating to it.

5 23. Mr. Mateo timely appealed the immigration judge’s decision to the  
6 Board of Immigration Appeals in early November. His appeal remains pending.  
7 Throughout this time, Mr. Mateo has remained detained, separated from his  
8 children, grandchildren, and the community members who depend on him daily.  
9 His detention has caused significant emotional and financial strain on his family,  
10 who relied on his income, presence, and guidance.

11 24. Despite Mr. Mateo’s decades in the United States, his extensive  
12 family ties, his continuous employment history, his strong community support, and  
13 the availability of stable housing and supervision, he remains in ICE detention with  
14 no legitimate governmental purpose served by his continued confinement.

#### 15 **LEGAL FRAMEWORK**

#### 16 **Section 1226(a)—Not Section 1225(b)—Governed When Petitioner Was** 17 **Arrested in the Interior**

18 25. Pre-final order detention is governed by two distinct INA  
19 provisions—8 U.S.C. §§ 1225 and 1226—operating in separate spheres. The  
20 Supreme Court has emphasized that § 1225 applies to “aliens seeking admission  
21 into the country,” whereas § 1226 applies to “aliens already in the country pending  
22 the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289  
23 (2018). That division is dispositive here because Petitioner was not encountered at  
24 the border or at a port of entry while “seeking admission,” but was arrested years  
25 after entry, in the interior, following the government’s decision to place him into  
26 removal proceedings.

1           26. Section 1225’s text and structure confirm its border/inspection focus.  
2 Its provisions repeatedly reference “arriving” noncitizens, “stowaways,” and  
3 actions by “examining immigration officers,” reflecting Congress’s intent to  
4 regulate inspection and admission processing—not interior apprehensions of long-  
5 time residents. See *Lepe v. Andrews*, 2025 WL 2716910, at \*4 (E.D. Cal. Sept. 23,  
6 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at  
7 \*12–14 (D. Nev. Sept. 17, 2025). Critically, § 1225(b)(2)(A) applies by its terms to  
8 an “alien seeking admission,” i.e., a present-tense inspection posture—not a person  
9 living in the United States who was later arrested in the interior. Applying §  
10 1225(b)(2)(A) to interior arrests “pushes the statutory text beyond its breaking  
11 point.” *Lopez Benitez v. Francis*, 2025 WL 2371588, at \*7 (S.D.N.Y. Aug. 13,  
12 2025); see also *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir.  
13 2024) (rejecting theories that treat individuals as perpetual “applicants” in a way  
14 that untethers the statutory scheme from the admission/inspection context).

15           27. Section 1226, by contrast, governs arrest-and-detention for people  
16 already inside the United States pending removal proceedings—and it is expressly  
17 discretionary. It authorizes arrest and detention “pending a decision on whether the  
18 alien is to be removed,” and permits release on bond or conditional parole “except  
19 as provided in subsection (c).” 8 U.S.C. § 1226(a)(1)–(2). Implementing  
20 regulations provide for a bond hearing before an immigration judge at which the  
21 detainee may present evidence regarding danger and flight risk. 8 C.F.R. §  
22 1236.1(d); *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006); *Martinez v. Clark*,  
23 124 F.4th 775, 783 (9th Cir. 2024). This is the statutory framework Congress  
24 designed for post-entry custody determinations—precisely Petitioner’s posture.  
25 See *Lopez Benitez*, 2025 WL 2371588, at \*8; *Lepe*, 2025 WL 2716910, at \*5.

26           28. Text, structure, history, and canons confirm § 1226(a) is the default  
27 for inadmissible noncitizens arrested in the interior. Reading § 1225 to reach long-

1 time residents apprehended inside the country would collapse Congress’s two-track  
2 scheme and contradict decades of agency practice applying § 1226(a) to  
3 inadmissible noncitizens already residing in the United States. See *Rodriguez v.*  
4 *Bostock*, 2025 WL 2782499, at \*3 (W.D. Wash. Sept. 30, 2025); *Matter of Yajure*  
5 *Hurtado*, 29 I. & N. Dec. 216 n.6 (BIA 2025). It would also create serious  
6 surplusage problems—especially after Congress’s 2025 enactment of the Laken  
7 Riley Act, which added a narrow mandatory-detention carve-out in §  
8 1226(c)(1)(E), confirming by negative implication that § 1226(a) remains the  
9 baseline for other interior arrests. See *Vazquez*, 2025 WL 2676082, at \*19; *Shady*  
10 *Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010);  
11 *Corley v. United States*, 556 U.S. 303, 314 n.5 (2009). When Congress legislates  
12 against a settled administrative backdrop, courts presume the new provisions  
13 “work in harmony with what has come before,” not to silently upend the  
14 architecture. *Monsalvo Velazquez v. Bondi*, 145 S. Ct. 1232, 1242 (2025)  
15 (quotation omitted).

16 29. Consistent with those principles, district courts have rejected the  
17 government’s expansive § 1225 theory with near-total unanimity and have held  
18 that interior arrestees are detained under § 1226(a), not § 1225(b). See, e.g.,  
19 *Chavez Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC) slip op. at 9 (S.D. Cal.  
20 Nov. 25, 2025); *Yohan Diaz-Villatoro v. LaRose*, 2025 WL 3251377, at \*3–4 (S.D.  
21 Cal. Nov. 21, 2025); *Aparicio Sanchez v. Noem*, 2025 WL 3214987, at \*3–4 (S.D.  
22 Cal. Nov. 18, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept.  
23 3, 2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803  
24 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL  
25 2084238, at \*9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK,  
26 2025 WL 1869299, at \*8 (D. Mass. July 7, 2025); *Lopez-Campos v. Raycraft*, No.  
27 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*,

1 No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Benitez v.*  
2 *Noem*, No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025) (minute order); *Leal-*  
3 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24,  
4 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug.  
5 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL  
6 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142,  
7 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-  
8 12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v.*  
9 *Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report  
10 and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);  
11 *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-BFM, slip op. at \*13  
12 (C.D. Cal. July 28, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117-BLF, 2025 WL  
13 2677125, at \*4 (N.D. Cal. Sept. 18, 2025). No court has adopted the government’s  
14 theory that § 1225(b)(2)(A) mandates detention for long-time residents arrested in  
15 the interior.

16 30. Accordingly, because Petitioner was arrested in the interior after years  
17 of residence in the United States, his detention is governed by § 1226(a)’s  
18 discretionary framework—not § 1225(b)—and he is entitled to the individualized  
19 custody process that framework presupposes. See 8 U.S.C. § 1226(a); *Jennings*,  
20 583 U.S. at 288–89; *Lepe*, 2025 WL 2716910, at \*4–5; *Lopez Benitez*, 2025 WL  
21 2371588, at \*7–8; *Vazquez*, 2025 WL 2676082, at \*12–16.

22 **Petitioner’s Current Detention Is Governed by INA § 1226(a), Not § 1231**

23 31. Although the Immigration Judge denied Petitioner’s applications for  
24 relief and issued a removal order on October 16, 2025, Petitioner’s detention  
25 remains governed by INA § 1226(a) because he filed a timely appeal to the Board  
26 of Immigration Appeals. Under binding Ninth Circuit precedent, a noncitizen who  
27 files a BIA appeal is not considered to be subject to a “final order of removal” for

1 purposes of detention. The government may not treat such an individual as  
2 detained under INA § 1231.

3 32. The Ninth Circuit has repeatedly held that detention during the  
4 administrative appeal process is governed by § 1226, not § 1231. See *Prieto-*  
5 *Romero v. Clark*, 534 F.3d 1053, 1058–60 (9th Cir. 2008) (holding that a  
6 noncitizen with a pending BIA appeal “is not being detained under § 1231(a)(2)”  
7 and instead “is detained pursuant to § 1226(a)”; *Casas-Castrillon v. DHS*, 535  
8 F.3d 942, 948 (9th Cir. 2008) (detention pending administrative and judicial  
9 review “is necessarily governed by § 1226(a)”; *Diouf v. Napolitano* (“*Diouf II*”),  
10 634 F.3d 1081, 1085–87 (9th Cir. 2011) (same).

11 33. Because Petitioner’s removal order is not administratively final while  
12 his BIA appeal remains pending, DHS may not lawfully detain him under § 1231.  
13 His detention is therefore governed by § 1226(a) and is subject to constitutional  
14 limits on civil detention and the procedural protections required by due process.

15 **Because § 1226(A) Governs, Petitioner Has a Liberty Interest and Due**  
16 **Process Rights, Including a Constitutionally Adequate Custody Hearing**

17 34. This statutory distinction reflects fundamental constitutional limits on  
18 civil immigration detention and Congress’s recognition of the different due process  
19 rights afforded to those already inside the United States. “The relevant distinction  
20 ... is between persons inside the United States and persons outside the United  
21 States. That distinction is consistent with the long history of our immigration laws  
22 and with the Constitution.” *Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO, 2025  
23 WL 2716910, at \*5 (E.D. Cal. Sept. 23, 2025) (quoting *Zadvydas v. Davis*, 533  
24 U.S. 678, 693 (2001)). Once a person enters the country, “the legal circumstance  
25 changes, for the Due Process Clause applies to all ‘persons’ within the United  
26 States, including aliens, whether their presence here is lawful, unlawful, temporary,  
27 or permanent.” *Id.*



1 what process is constitutionally required before the government may deprive a  
2 person of liberty is the balancing test articulated in *Mathews v. Eldridge*, 424 U.S.  
3 319 (1976).

4 38. The Ninth Circuit applies *Mathews* in the immigration-detention  
5 context, and district courts throughout the Circuit routinely evaluate prolonged  
6 civil detention and bond-hearing adequacy under that framework. See, e.g., *Diaz v.*  
7 *Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022); *Jensen v. Garland*, No. 5:21-cv-  
8 01195-CAS-AFM, 2023 WL 3246522, at \*4 (C.D. Cal. May 3, 2023); *Hernandez*  
9 *v. Wofford*, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at \*3 (E.D.  
10 Cal. Aug. 21, 2025); *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL  
11 2822876, at \*6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose*, No. 25-cv-1824-  
12 GPC-MSB, 2025 WL 2800149, at \*10 (S.D. Cal. Oct. 1, 2025); *Oliveros v. Kaiser*,  
13 No. 25-cv-07117-BLF, 2025 WL 2677125, at \*7 (N.D. Cal. Sept. 18, 2025);  
14 *O.P.A.M. v. Wofford*, No. 1:25-cv-01423, 2025 WL 3120552, at \*9 (E.D. Cal. Nov.  
15 7, 2025).

16 39. Under *Mathews*, the private interest here is at its apex: freedom from  
17 civil confinement. The risk of erroneous deprivation is also substantial where the  
18 government detains a long-time interior resident under a mandatory detention  
19 scheme that provides no bond hearing at all, thereby eliminating the individualized  
20 determination Congress prescribed in § 1226(a) and its implementing regulations.  
21 The government’s countervailing interests—preventing flight and protecting the  
22 community—are legitimate but are precisely the interests that § 1226(a)’s bond  
23 process is designed to evaluate through individualized adjudication.

24 40. Reflecting those principles, every district court in this Circuit to  
25 address the government’s “misclassification” theory under *Mathews* has held that  
26 detaining interior residents under the wrong statute—thereby denying access to §  
27 1226(a)’s bond procedures—violates due process. See *Maldonado-Vazquez v.*

1 *Feeley*, No. 5:24-cv-00452-SVW-PD, 2025 WL 2863421, at \*10 (C.D. Cal. June  
2 30, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL  
3 3043936, at \*7–8 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, No. 5:25-cv-02771-  
4 ODW (PDx), 2025 WL 2986672, at \*4–5 (C.D. Cal. Oct. 22, 2025); *Arrazola-*  
5 *Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285, at \*2  
6 (C.D. Cal. Aug. 15, 2025); *E.C. v. Noem*, No. 5:25-cv-02612-ODW (PDx), at \*5  
7 (C.D. Cal. Oct. 28, 2025); *Oliveros*, 2025 WL 2677125, at \*7; *Hernandez Nieves v.*  
8 *Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110, at \*4 (N.D. Cal. Sept. 3, 2025);  
9 *Noori*, 2025 WL 2800149, at \*10; *Cordero Pelico*, 2025 WL 2822876, at \*6;  
10 *O.P.A.M.*, 2025 WL 3120552, at \*9.

11 41. In short: because Petitioner is a person inside the United States, his  
12 detention implicates a profound liberty interest protected by the Fifth Amendment.  
13 And because § 1226(a) is the governing detention statute for interior residents like  
14 Petitioner, due process requires an individualized custody determination—one that  
15 meaningfully tests whether continued civil confinement is necessary to serve the  
16 government’s narrow interests in preventing flight or protecting the community.  
17 Each day Petitioner is held without that constitutionally adequate process is an  
18 ongoing deprivation of liberty.

19 **The Government Bears the Burden of Proof**

20 42. Although § 1226(a) does not specify who bears the burden of proof at  
21 a custody redetermination hearing—and the BIA has historically placed that  
22 burden on the noncitizen in ordinary § 1226(a) proceedings, see *In re Guerra*, 24 I.  
23 & N. Dec. 37 (BIA 2006); *In re Adeniji*, 22 I. & N. Dec. 1102, 1116 (BIA 1999)—  
24 courts within the Ninth Circuit have made clear that this regulatory allocation  
25 cannot control once a constitutional violation has occurred, including in the §  
26 1226(a) context. See *Singh v. Barr*, 400 F. Supp. 3d 1005, 1018 (S.D. Cal. 2019)  
27 (citing *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)).



1 46. Courts outside the Ninth Circuit concur that due process requires the  
2 government to bear the burden of justifying continued detention by clear and  
3 convincing evidence when a noncitizen has been denied a constitutionally adequate  
4 § 1226(a) hearing. See *Velasco Lopez v. Decker*, 978 F.3d 842, 855–56 (2d Cir.  
5 2020); *Ixchop Perez v. McAleenan*, 435 F. Supp. 3d 1055, 1062 (N.D. Cal. 2020);  
6 *Darko v. Sessions*, 342 F. Supp. 3d 429, 436 (S.D.N.Y. 2018); *Brito v. Barr*, 415 F.  
7 Supp. 3d 258, 266 (D. Mass. 2019).

8 47. In sum, where (as here) the government has deprived Petitioner of the  
9 individualized custody determination § 1226(a) presupposes and due process  
10 requires, the Constitution—not agency default rules—controls the remedial  
11 hearing. The government must therefore prove, by clear and convincing evidence,  
12 that continued detention is necessary to prevent flight or protect the community.

### 13 EXHAUSTION OF REMEDIES

14 48. There is no statutory exhaustion requirement applicable to this habeas  
15 petition. *McKart v. United States*, 395 U.S. 185, 193 (1969); *Laing v. Ashcroft*, 370  
16 F.3d 994, 998 (9th Cir. 2004). Accordingly, any exhaustion requirement is  
17 prudential, not jurisdictional.

18 49. Prudential exhaustion is excused where (1) agency expertise is  
19 unnecessary, (2) administrative review would be futile, or (3) the petitioner would  
20 suffer irreparable harm. *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). Each  
21 of these factors supports waiver here.

22 50. Agency expertise is not necessary to resolve the question presented  
23 because there are no disputed facts. The issue is a pure question of statutory  
24 interpretation—whether Petitioner’s detention is governed by § 1225(b)(2)(A) or §  
25 1226(a). The Board of Immigration Appeals (“BIA”) has no special competence in  
26 resolving questions of habeas jurisdiction or the statutory reach of these provisions.  
27 See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).



1 1134, 1135 (9th Cir. 2013) (per curiam); *Vazquez v. Feeley*, 2025 WL 2676082, at  
2 \*10 (D. Nev. Sept. 17, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1254  
3 (W.D. Wash. 2025).

4 53. This Court, following other courts in this District, should likewise  
5 conclude that exhaustion would be futile. Where, as here, detention turns on a pure  
6 question of law and the Board of Immigration Appeals would be obligated to apply  
7 binding administrative precedent to conclude that detention is mandatory under 8  
8 U.S.C. § 1225(b)(2), further administrative review cannot provide effective relief.  
9 See *Hoyos Amado v. U.S. Dep't of Justice*, No. 25-cv-2687-LL (DDL), 2025 WL  
10 3079052, at \*3 (S.D. Cal. Nov. 4, 2025) (collecting Southern District of California  
11 cases excusing exhaustion on futility grounds). Courts in this District have  
12 repeatedly held that exhaustion is excused where the BIA is bound by *Matter of*  
13 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I. & N.  
14 Dec. 66 (BIA 2025), to find that detention is mandatory under § 1225(b)(2). See  
15 *Efrain Fernando Caal Chub v. LaRose*, No. 25-CV-3513-RSH-BLM, 2025 WL  
16 3654008, at \*2 (S.D. Cal. Dec. 17, 2025); *Garcia v. Noem*, No. 25-CV-2180-DMS-  
17 MMP, 2025 WL 2549431, at \*4–5 (S.D. Cal. Sept. 3, 2025); *Valdovinos v. Noem*,  
18 No. 25-CV-2439 TWR (KSC), slip op. at 9 (S.D. Cal. Sept. 25, 2025). Because the  
19 BIA would be compelled to deny relief under controlling precedent, requiring  
20 exhaustion here would serve no purpose and is therefore excused.

21 54. This case therefore presents a paradigmatic basis for excusing  
22 prudential exhaustion. Petitioner sought bond before the Immigration Judge and  
23 was denied for lack of jurisdiction; he filed an administrative appeal; and the BIA  
24 has already resolved the controlling legal question adversely to Petitioner in  
25 *Hurtado*.

1 55. No further administrative process can provide the relief sought—a  
2 bond hearing under § 1226(a). Habeas corpus under 28 U.S.C. § 2241 is therefore  
3 the only adequate and appropriate remedy.

4 **CLAIMS FOR RELIEF**

5 **COUNT ONE**

6 ***(Unlawful Detention Under the Immigration and Nationality Act and***  
7 ***the Administrative Procedure Act)***

8 56. Petitioner re-alleges and incorporates by reference all preceding  
9 paragraphs as though fully set forth herein.

10 57. Petitioner is currently detained pursuant to an unlawful and  
11 unauthorized application of 8 U.S.C. § 1225(b)(2)(A), despite being a long-time  
12 resident of the United States apprehended in the interior and placed into removal  
13 proceedings.

14 58. As set forth above, the Immigration and Nationality Act draws a clear  
15 and dispositive distinction between individuals “seeking admission” at the border,  
16 whose detention is governed by § 1225, and individuals already inside the United  
17 States pending removal proceedings, whose detention is governed by § 1226.  
18 *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

19 59. Petitioner Mr. Mateo falls squarely within the latter category. He has  
20 lived in the United States for more than two decades, working continuously,  
21 raising children and grandchildren, and serving as a central emotional and financial  
22 anchor for his family and community. He was not encountered at or near a border,  
23 was not stopped during an inspection or admission process, and was not seeking  
24 entry into the United States at the time of his arrest.

25 60. Instead, Mr. Mateo was detained by ICE on September 17, 2025, deep  
26 in the interior of the United States, and immediately placed into removal  
27 proceedings. He complied with all requirements imposed by the Immigration

1 Court, appeared at his Master Calendar Hearing, prepared and submitted an  
2 application for asylum and related relief, and remained fully engaged with the  
3 immigration process.

4 61. Despite this posture, DHS treated Mr. Mateo as subject to mandatory  
5 detention, and at his October 14, 2025 custody hearing, the Immigration Judge  
6 denied bond for lack of jurisdiction, based solely on DHS’s position that Mr.  
7 Mateo was detained under § 1225(b)(2)(A). As a result, the court made no  
8 individualized custody determination and did not evaluate flight risk, danger, or  
9 conditions of release.

10 62. That classification was contrary to the INA. Section 1225(b)(2)(A)  
11 applies, by its own terms, only to an “alien seeking admission.” It does not  
12 authorize mandatory detention of long-term residents arrested years after entry,  
13 living and working in the interior, and placed into standard removal proceedings.  
14 Applying § 1225 in this context “pushes the statutory text beyond its breaking  
15 point.” *Lopez Benitez v. Francis*, 2025 WL 2371588, at \*7 (S.D.N.Y. Aug. 13,  
16 2025); See also e.g. *Chavez Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC)  
17 slip op. at 9 (S.D. Cal. Nov. 25, 2025); *Yohan Diaz-Villatoro v. LaRose*, 2025 WL  
18 3251377, at \*3–4 (S.D. Cal. Nov. 21, 2025); *Aparicio Sanchez v. Noem*, 2025 WL  
19 3214987, at \*3–4 (S.D. Cal. Nov. 18, 2025); *Vasquez Garcia v. Noem*, 2025 WL  
20 2549431 (S.D. Cal. Sept. 3, 2025).

21 63. By contrast, § 1226(a) governs the arrest and detention of individuals  
22 already inside the United States pending a decision on removal and expressly  
23 provides for discretionary release on bond or conditional parole following an  
24 individualized custody hearing. 8 U.S.C. § 1226(a)(1)–(2); 8 C.F.R. § 1236.1(d).

25 64. Federal district courts confronting nearly identical facts have near-  
26 uniformly rejected DHS’s expansive § 1225 theory and held that long-time  
27 residents apprehended in the interior are detained under § 1226(a), not § 1225(b).

1 Those courts have repeatedly found reliance on Matter of Yajure Hurtado to be  
2 inconsistent with the statutory text, structure, history, and longstanding agency  
3 practice.

4 65. Mr. Mateo's circumstances underscore precisely why § 1226(a)  
5 applies. He is a devoted father and grandfather with U.S. citizen minor children  
6 and an adult lawful permanent resident son; he has worked continuously for  
7 decades; and he has a stable, verifiable release plan, including housing and  
8 supervision offered by his daughter-in-law, Alejandra. Nothing about his profile  
9 resembles the border-inspection context Congress addressed in § 1225.

10 66. Nevertheless, Mr. Mateo has remained detained since September 17,  
11 2025, without any opportunity to demonstrate that he is neither a danger nor a  
12 flight risk, and without any individualized assessment of whether detention serves  
13 a legitimate regulatory purpose.

14 67. Because Mr. Mateo was arrested in the interior and placed into  
15 removal proceedings, his detention is governed by § 1226(a) as a matter of law.  
16 Respondents' continued reliance on § 1225(b)(2)(A) is ultra vires, exceeds  
17 statutory authority, and results in ongoing unlawful confinement.

18 68. Accordingly, Respondents' detention of Petitioner violates the  
19 Immigration and Nationality Act, and Petitioner is entitled to immediate relief,  
20 including release or, at minimum, a prompt and constitutionally adequate custody  
21 determination under § 1226(a).

## 22 **COUNT TWO**

### 23 ***(Violation of Fifth Amendment's Due Process Clause)***

24 69. Petitioner re-alleges and incorporates by reference all preceding  
25 paragraphs as though fully set forth herein.

26 70. Petitioner's continued detention violates the Due Process Clause of  
27 the Fifth Amendment, which protects all persons within the United States from

1 arbitrary or unjustified deprivations of liberty. *Zadvydas v. Davis*, 533 U.S. 678,  
2 693 (2001). Civil immigration detention, being nonpunitive, may be justified only  
3 when it serves legitimate regulatory goals—such as ensuring appearance or  
4 protecting the public—and only when accompanied by adequate procedural  
5 safeguards. *Id.* at 690; *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).

6 71. Because Petitioner is detained under INA § 1226(a), the Constitution  
7 requires an individualized custody determination that meaningfully assesses  
8 whether continued detention is necessary. The governing framework for  
9 determining what process is constitutionally due is the balancing test articulated in  
10 *Mathews v. Eldridge*, 424 U.S. 319 (1976).

11 72. Under *Mathews*, courts weigh the following three factors: (1) “the  
12 private interest that will be affected by the official action”; (2) “the risk of an  
13 erroneous deprivation of such interest through the procedures used, and the  
14 probable value, if any, of additional or substitute procedural safeguards”; and (3)  
15 “the Government’s interest, including the function involved and the fiscal and  
16 administrative burdens that the additional or substitute procedural requirement  
17 would entail.” *Mathews*, 424 U.S. at 335. *Vazquez v. Feeley*, 2025 WL 2676082, at  
18 \*17 (D. Nev. Sept. 17, 2025).

19 **Private Interest**

20 73. Petitioner’s private interest—the interest in freedom from physical  
21 confinement—is at its apex. The Supreme Court and Ninth Circuit have repeatedly  
22 recognized that civil detention inflicts profound liberty harms, particularly where  
23 detention separates individuals from their families, livelihoods, and communities.  
24 *Zadvydas*, 533 U.S. at 690; *Hernandez v. Sessions*, 872 F.3d 976, 993–95 (9th Cir.  
25 2017).

26 74. Mr. Mateo has lived in the United States for more than twenty years.  
27 His entire adult life is rooted here. He is a devoted father to multiple children in the

1 United States, including U.S. citizen minor children and an adult lawful permanent  
2 resident son, and a grandfather who plays an active, daily role in the lives of his  
3 grandchildren. He has been a consistent emotional and financial anchor for his  
4 family, providing stability in households that depend on him.

5 75. Prior to his detention, Mr. Mateo worked continuously to support his  
6 family and extended community. Friends, neighbors, and relatives describe him as  
7 a gentle, hardworking, and reliable presence—someone who shows up when others  
8 need help, supports neighbors, and serves as a role model. His detention has  
9 abruptly removed him from these responsibilities and relationships.

10 76. The consequences of Mr. Mateo’s detention are severe and ongoing.  
11 His family has lost its primary source of financial support. His children and  
12 grandchildren have lost a central caregiver and stabilizing figure. The emotional  
13 toll of prolonged separation has compounded with economic hardship, creating  
14 precisely the kind of irreparable harm courts have long recognized as flowing from  
15 unjustified immigration detention. *Hernandez*, 872 F.3d at 995.

16 77. Mr. Mateo’s private interest in liberty is therefore extraordinarily  
17 strong. The first *Mathews* factor weighs decisively in his favor.

18 **Risk of Erroneous Deprivation**

19 78. The risk of erroneous deprivation in this case is substantial. Mr.  
20 Mateo was denied any individualized custody determination whatsoever. At his  
21 October 14, 2025 custody hearing, the Immigration Judge denied bond for lack of  
22 jurisdiction, based solely on DHS’s misclassification of Mr. Mateo as subject to  
23 mandatory detention. As a result, the court did not assess flight risk, danger, family  
24 ties, employment history, or conditions of release.

25 79. This categorical denial of process created a serious and ongoing risk  
26 of error. Mr. Mateo was not evaluated as an individual; he was treated as a legal  
27 abstraction. The procedures used—mechanical application of § 1225(b)(2)(A) to  
28

1 an interior arrest—eliminated the very safeguards Congress built into § 1226(a) to  
2 prevent erroneous and arbitrary detention.

3 80. The facts demonstrate the magnitude of that risk. Mr. Mateo has no  
4 history suggesting danger, has deep family and community ties, and has a clear and  
5 viable release plan, including stable housing and supervision offered by his  
6 daughter-in-law, Alejandra, who has the financial and logistical capacity to support  
7 him and ensure compliance with immigration obligations.

8 81. A simple, well-established safeguard—a § 1226(a) bond hearing  
9 before a neutral adjudicator—would dramatically reduce the risk of erroneous  
10 deprivation. Such hearings are routine, require minimal administrative effort, and  
11 are specifically designed to assess whether detention is actually necessary to serve  
12 regulatory goals.

13 82. The second Mathews factor therefore weighs heavily in favor of  
14 Petitioner.

15 **Government Interest**

16 83. The government’s interest in continuing to detain Mr. Mateo without  
17 an individualized custody determination is minimal. Civil immigration detention is  
18 justified only to prevent flight or protect the community. *Zadvydas*, 533 U.S. at  
19 690. Neither interest is meaningfully served here.

20 84. Mr. Mateo has lived in the United States for decades, has deep family  
21 and community ties, and has demonstrated consistent compliance with immigration  
22 proceedings. There is no evidence that he poses a danger to anyone, and no  
23 individualized finding that he presents a flight risk. Detention under these  
24 circumstances serves no legitimate regulatory purpose.

25 85. Nor can the government credibly claim that providing a bond hearing  
26 would impose an undue administrative burden. Immigration courts conduct §  
27 1226(a) bond hearings as a matter of course. As courts have recognized, the

1 government “cannot claim a cognizable interest in avoiding procedures that ensure  
2 compliance with the Constitution.” *Cordero Pelico v. Kaiser*, 2025 WL 2822876,  
3 at \*6 (N.D. Cal. Oct. 3, 2025).

4 86. When detention serves no individualized purpose and is maintained  
5 solely through misapplication of the law, the government’s interest “carries little  
6 weight.” The third *Mathews* factor thus also favors Petitioner.

7 **Balance of Equities**

8 87. Balancing the *Mathews* factors confirms that Mr. Mateo’s continued  
9 detention without an individualized custody hearing violates due process. His  
10 liberty interest is profound; the risk of erroneous deprivation under the procedures  
11 used is extreme; and the government’s interest in avoiding a bond hearing is  
12 negligible.

13 88. Because Respondents have deprived Mr. Mateo of the individualized  
14 custody determination required by § 1226(a) and the Fifth Amendment, his  
15 continued detention is unconstitutional. Each additional day he remains confined  
16 without constitutionally adequate process compounds the violation and inflicts  
17 ongoing, irreparable harm.

18 89. Petitioner is therefore entitled to immediate relief, including release  
19 or, at minimum, a prompt bond hearing that complies with due process and  
20 meaningfully evaluates whether detention is necessary to serve the government’s  
21 legitimate regulatory interests.

22  
23  
24  
25 **COUNT THREE**

26 *(Administrative Procedure Act, 5 U.S.C. §§ 701–706)*

1 90. Petitioner re-alleges and incorporates by reference all preceding  
2 paragraphs as though fully set forth herein.

3 91. The Administrative Procedure Act (“APA”) requires reviewing courts  
4 to “hold unlawful and set aside agency action” that is “not in accordance with  
5 law,” “in excess of statutory jurisdiction, authority, or limitations,” or “arbitrary,  
6 capricious, [or] an abuse of discretion.” 5 U.S.C. § 706(2)(A), (C).

7 92. Respondents are unlawfully detaining Petitioner pursuant to an  
8 unauthorized interpretation and application of 8 U.S.C. § 1225(b)(2)(A) to a  
9 noncitizen apprehended inside the United States, notwithstanding Congress’s clear  
10 directive that detention of such individuals is governed by 8 U.S.C. § 1226(a).

11 93. Through Immigration and Customs Enforcement (“ICE”) and binding  
12 adjudicatory directives adopted by the Board of Immigration Appeals,  
13 Respondents have implemented a policy and practice of classifying noncitizens  
14 apprehended in the interior of the United States as “applicants for admission”  
15 subject to mandatory detention under § 1225(b)(2)(A).

16 94. This policy—memorialized most recently in *Matter of Yajure*  
17 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)—constitutes final agency action within  
18 the meaning of 5 U.S.C. § 704. It binds immigration judges, dictates detention  
19 outcomes, and leaves no meaningful discretion to conduct individualized custody  
20 determinations under § 1226(a).

21 95. As applied to Petitioner, this policy foreclosed any bond hearing,  
22 deprived him of individualized custody review, and resulted in ongoing detention  
23 without statutory or constitutional authorization.

24 96. Respondents’ application of § 1225(b)(2)(A) to Petitioner is contrary  
25 to the plain text, structure, and purpose of the Immigration and Nationality Act.

26 97. Section 1225 governs the inspection and detention of individuals  
27 seeking admission at the border or a port of entry. Section 1226 governs detention  
28

1 of individuals already present in the United States pending removal proceedings.  
2 *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

3 98. Petitioner is not an arriving alien. He is a longtime resident of the  
4 United States who was apprehended in the interior, has substantial family and  
5 community ties, and was already living and working in this country at the time of  
6 his arrest. Nothing in the INA authorizes treating such an individual as an applicant  
7 for admission subject to mandatory detention under § 1225(b).

8 99. Federal district courts across the Ninth Circuit have uniformly  
9 rejected Respondents' position and held that detention of noncitizens apprehended  
10 in the interior is governed by § 1226(a), not § 1225(b). See, e.g., *Rodriguez v.*  
11 *Bostock*, 2025 WL 2782499, at \*1 (W.D. Wash. Sept. 30, 2025); *Mosqueda v.*  
12 *Noem*, 2025 WL 2591530, at \*4–5 (C.D. Cal. Sept. 8, 2025); *Lepe v. Andrews*,  
13 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Vazquez v. Feeley*, 2025 WL  
14 2676082, at \*19–21 (D. Nev. Sept. 17, 2025).

15 100. By applying § 1225(b)(2)(A) to Petitioner notwithstanding this  
16 statutory framework, Respondents have acted in excess of statutory jurisdiction  
17 and authority, in violation of 5 U.S.C. § 706(2)(C).

18 101. Respondents' detention of Petitioner is also arbitrary and capricious  
19 within the meaning of 5 U.S.C. § 706(2)(A).

20 102. Respondents failed to engage in any reasoned decision-making when  
21 classifying Petitioner as subject to mandatory detention. No individualized  
22 assessment was made regarding Petitioner's circumstances, ties to the community,  
23 flight risk, danger, or eligibility for release under § 1226(a).

24 103. Instead, Respondents relied on a categorical rule that treats interior  
25 arrests as indistinguishable from border apprehensions—an approach that  
26 disregards statutory distinctions Congress deliberately enacted and eliminates  
27 procedural protections Congress expressly preserved.

1 104. This mechanical misclassification resulted in the denial of a custody  
2 hearing for lack of jurisdiction, thereby insulating Respondents’ detention decision  
3 from meaningful review and perpetuating an ongoing deprivation of liberty  
4 unsupported by law or reason.

5 105. Agency action that “entirely fails to consider an important aspect of  
6 the problem” or that “runs counter to the evidence before the agency” is arbitrary  
7 and capricious. Here, Respondents ignored Petitioner’s decades of residence,  
8 extensive family ties, stable employment history, and readily available conditions  
9 of supervision—factors directly relevant to detention authority under § 1226(a).

10 106. As a direct result of Respondents’ unlawful policy and practice,  
11 Petitioner has been detained without statutory authorization and without the  
12 individualized custody determination required by law.

13 107. This unlawful detention is ongoing and constitutes continuing agency  
14 action that this Court has authority—and an obligation—to set aside under the  
15 APA.

16 108. Petitioner is therefore entitled to declaratory and injunctive relief,  
17 including an order vacating Respondents’ unlawful application of § 1225(b)(2)(A)  
18 to his detention and directing that he be immediately released or provided a  
19 prompt, constitutionally adequate bond hearing under § 1226(a).

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioner respectfully requests that this Court:

- 22 a. Issue a writ of habeas corpus directing Respondents to immediately release  
23 Petitioner from custody, as his detention under 8 U.S.C. § 1225(b)(2)(A) is  
24 unlawful under the Immigration and Nationality Act, the Administrative  
25 Procedure Act, and the Due Process Clause of the Fifth Amendment;  
26 b. In the alternative, order Respondents to provide Petitioner with a prompt,  
27 individualized, and constitutionally adequate custody hearing before a

1 neutral decisionmaker under 8 U.S.C. § 1226(a), to be held within seven (7)  
2 days, at which the Government bears the burden of proving, by clear and  
3 convincing evidence, that continued detention is necessary to prevent flight  
4 or protect the community and that no less restrictive alternative would  
5 reasonably satisfy the Government's legitimate interests;

- 6 c. Declare that Respondents' reliance on 8 U.S.C. § 1225(b)(2)(A) to detain  
7 Petitioner following his apprehension in the interior of the United States is  
8 contrary to law and in excess of statutory authority, in violation of 5 U.S.C.  
9 § 706(2)(A) and (C);
- 10 d. Declare that Respondents' continued detention of Petitioner without an  
11 individualized custody determination under § 1226(a) violates the Fifth  
12 Amendment's Due Process Clause, including Petitioner's fundamental  
13 liberty interest in freedom from arbitrary civil confinement;
- 14 e. Expedite briefing and adjudication of this petition pursuant to 28 U.S.C. §  
15 1657(a) and the Court's inherent authority, given Petitioner's ongoing and  
16 unlawful deprivation of liberty;
- 17 f. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act,  
18 28 U.S.C. § 2412(d), and any other applicable authority; and
- 19 g. Grant such other and further relief as the Court deems just and proper.

20  
21 DATED: December 22, 2025

22  
23 Respectfully Submitted,

24  
25 

26  
27 \_\_\_\_\_  
Frances Arroyo #276747  
Los Angeles Legal Advocates

28 PETITION FOR WRIT OF HABEAS CORPUS

1 farroyo@lalegaladvocates.com  
2 1025 W 190th St  
3 Suite 400  
4 Gardena, CA 90248

5   
6 Natalie Renee Shepherd  
7 Of Counsel  
8 (805) 907-5309  
9 NatalieReneeShepherd@gmail.com

10  
11 **EXHIBIT LIST**

- 12 • Exhibit A: Bond Packet  
13 • Exhibit B: October 14, 2025 IJ Bond Order  
14 • Exhibit C: Notice of Appeal, filed November 7, 2025.  
15

16 **VERIFICATION PURSUANT TO 28 U.S.C. 2242**

17  
18 I am submitting this verification on behalf of the Petitioner because I am one of  
19 Petitioner's attorneys. I have discussed with the Petitioner the events described in  
20 the Petition. Based on those discussions, I hereby verify that the factual statements  
21 made in the attached Petition for Writ of Habeas Corpus are true and correct to the  
22 best of my knowledge.  
23  
24  
25  
26  
27

Frances E. Arroyo, Esq. (SBN: 276747)  
Carlos J. Ortiz, Esq. (SBN: 318384)  
Ivo S. Genchev, Esq. (SBN: 285844)  
James Jun Seok Huh (SBN: 74946)  
Diego G. Brito (SBN:314424)  
**Los Angeles Legal Advocates**  
P.O. Box 866  
Hawthorne, CA. 90251  
T: (310) 340-8173

*DETAINED*

Attorney for Respondent(s):  
**NICOLAS MATEO, DANIEL**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
IMPERIAL, CALIFORNIA**

In the Matters of:

**NICOLAS MATEO, DANIEL**

Respondent(s),

In Removal Proceedings

File No(s):



**Honorable Immigration Judge: Munoz**

**Next Hearing: October 14, 2025 at 10:00AM**

**SUPPORTING DOCUMENTS FOR BOND DETERMINATION HEARING**

**NICOLAS MATEO, DANIEL**



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# **Exhibit A**

**BOND REQUEST WORKSHEET**

Alien's Name: Daniel Nicolas Mateo Alien Number: A [REDACTED]

Attorney's Name: Ivo Genchev Phone Number: (310) [REDACTED]

Interpreter requested Yes  Language: Spanish

Initial Bond Set by DHS: \_\_\_\_\_ Bond Amount Requested: \_\_\_\_\_

Is the respondent subject to mandatory custody provisions of Section 236(c) of the Act?

**Background Information:** Age: 57 Marital Status: Married Date of Marriage: 11/11/1989

Spouse's Status (e.g., USC or LPR): N/A Children (yes or no) Number of Children: 5

List children's names, dates of birth, and immigration status (if USCs, attach copies of birth certificates):

<u>[REDACTED]</u> (Child's Name)	<u>[REDACTED]</u> (DOB)	<u>LPR</u> (Status)
<u>[REDACTED]</u> (Child's Name)	<u>[REDACTED]</u> (DOB)	<u>USC</u> (Status)
<u>[REDACTED]</u> (Child's Name)	<u>[REDACTED]</u> (DOB)	<u>USC</u> (Status)

\*Please use additional sheets if necessary

Birthplace of mother: Guatemala Immigration Status: Other (Explain)

Birthplace of father: Guatemala Immigration Status: Other (Explain)

Is the respondent claiming citizenship of the United States? No If yes, will the claim be by birth in the U.S., naturalization, acquisition or derivation? \_\_\_\_\_

Does the respondent have any brothers or sisters in the United States? No

List siblings' names, dates of birth and immigration status in the United States:

_____ (Sibling's Name)	_____ (DOB)	_____ (Status)
_____ (Sibling's Name)	_____ (DOB)	_____ (Status)
_____ (Sibling's Name)	_____ (DOB)	_____ (Status)

\*Please use additional sheets if necessary

Education (both in the U.S. and elsewhere): N/A  
\*Please use additional sheets to list schools attended, graduation dates, etc.

**Dates of Entry:** First date respondent entered the United States: 7/26/2002

Last date respondent entered the United States: 7/26/2002 Current status: EWI

Years Resided in the U.S. 23 Date became Legal Permanent Resident: \_\_\_\_\_

**Work Authorization:** Does the respondent have authorization to work in the United States? No

Has the respondent ever used illegal documentation to work in the U.S.? No

List last three places of employment, dates of employment, and last salary received:

<u>Landscaping - self employed</u>	<u>7/31/2002</u>	
(Employer)	(Dates)	(Salary)
<u></u>	<u></u>	<u></u>
(Employer)	(Dates)	(Salary)
<u></u>	<u></u>	<u></u>
(Employer)	(Dates)	(Salary)

**Criminal History:** List all convictions, dates of convictions, sentences received and time served:

<u></u>	<u></u>	<u></u>	<u></u>
(Crime)	(Date Convicted)	(Sentence)	(Time Served)
<u></u>	<u></u>	<u></u>	<u></u>
(Crime)	(Date Convicted)	(Sentence)	(Time Served)
<u></u>	<u></u>	<u></u>	<u></u>
(Crime)	(Date Convicted)	(Sentence)	(Time Served)

\*Please use additional sheets if necessary

**Immigration Custody:** Date the respondent came into custody of DHS/ICE: 9/17/2025

How did the respondent come into custody of DHS/ICE? Arrested in a raid by ICE

List any previous deportations, voluntary departures, and voluntary returns: \_\_\_\_\_

**Relief:** List all forms of relief the respondent will seek: I-589

Has anyone ever filed a petition for alien relative for the respondent? No      When? \_\_\_\_\_

Does the respondent own any real estate in the U.S.? No      If yes, how much equity? \_\_\_\_\_

Where will the respondent live if released? [Redacted]

With whom will the respondent reside? Ana Sanchez

\*Other considerations:

Child's information:

[Redacted]

\*Please use additional sheets if necessary

# **Exhibit B**

### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

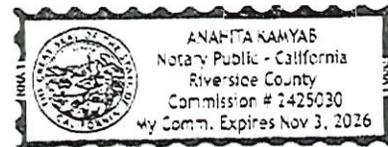
State of California  
County of Riverside

On 10/06/2025 before me, Anahita Kamyab, Notary Public  
(insert name and title of the officer)

personally appeared Alejandra Larena Sanchez,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are  
subscribed to the within instrument and acknowledged to me that he she they executed the same in  
his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

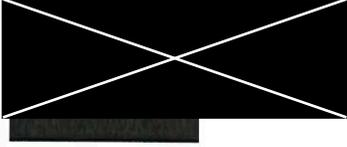
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Anahita Kamyab (Seal)

Alejandra Larena Sanchez



Date: 10/06/2025

To Whom It May Concern,  
U.S. Immigration and Customs Enforcement (ICE)  
or  
Honorable Immigration Judge

Subject: Letter of Financial and Moral Support for Mr. Daniel Nicolas Mateo

I, **Alejandra Larena Sanchez**, residing at [redacted] am writing this letter to express my full support for **Mr. Daniel Nicolas Mateo**, who is currently in ICE custody in the United States.

I am committed to providing both **financial and personal support** for Mr. Mateo upon his release from detention. I will ensure that he has stable housing, access to food, transportation, and any other necessary living expenses. I also pledge to help him comply with all immigration requirements and court obligations throughout his process.

Mr. Mateo will reside with me at my home, where he will have a safe and supportive environment while awaiting the outcome of his immigration case. I am financially capable and emotionally committed to assisting him during this time, and I take full responsibility for his well-being and compliance with U.S. immigration laws.

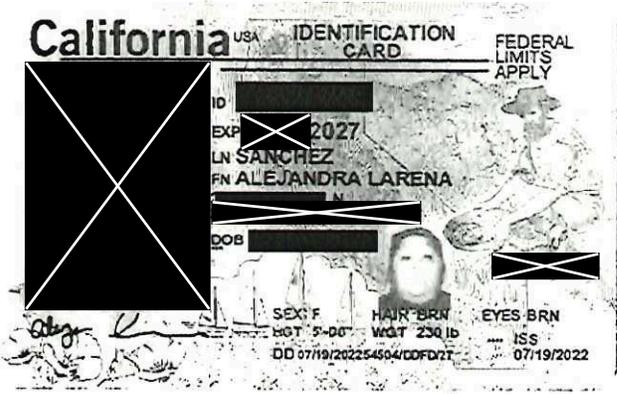
Please do not hesitate to contact me if any additional information, verification, or documentation is required.

Sincerely,

Alejandra Larena Sanchez



**"See Attached  
Notarial Certificate"**  
Anahita Kamyab  
Notary Public  
(951) 485-4440



# **Exhibit C**



OBSERVACIONES  
OBSERVATIONS

LA EMISION DE ESTE DOCUMENTO NO AFECTA LA VERIFICACION DE LA IDENTIDAD DEL PASAJERO.

ESTE PASAPORTE CONTA CON UN PASAPORTE PARA ESTADOS UNIDOS

PASAPORTE / PASSPORT

REPUBLICA DE GUATEMALA

Tipo / Type	País Emisor / Country Code	Passaporte N. / Passport No.
P	GTM	[REDACTED]
Apellidos / Surname		
NICOLAS MATEO		
Nombres / Given names		
DANIEL		
Nacionalidad / Nationality		
GUATEMALTECA		
Fecha de nacimiento / Date of Birth	Identidad No. / ID No.	
[REDACTED]	[REDACTED]	
ROQUE FERNANDO SANTA EULALIA		
Fecha de Emisión / Date of issue	Autoridad / Authority	
29 JUL / JUL 22	MIN REL EX	
Fecha de vencimiento / Date of expiry	No. de Libreta / Booklet No.	
28 JUL / JUL 27	[REDACTED]	



Signature of the passport holder: Daniel Nicolas Mateo

# **Exhibit D**

# **Exhibit E**

October 7, 2025

German Jimenez



To whom it may concern,

My name is German Jimenez. As a U.S. citizen, I am writing in regards to Daniel Nicolas Mateo's character. I have known him and his family for more than 12 years. He is a responsible and hard-working man. He has followed all laws and rules here in the United States. He is a law-abiding member of society.

Daniel is a hardworking and kind family man who wants a better life here in the United States. He has deep roots here in the United States. He has not broken any laws and deserves to be with his family while he awaits his immigration status and any further appearances necessary. I respectfully ask that you consider Daniel's kind character so he can continue to be with his community as his immigration case is resolved. He is not a flight risk as his community rely on him and he will continue to wait until the government gives him a definitive answer regarding his immigration case. If you require any further information or have any questions, you can reach me at my email,  or my phone number, .

Thank you for your time and consideration.

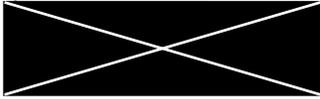
Respectfully,

German Jimenez

A handwritten signature in cursive script that reads "German Jimenez".

October 7, 2025

Isabel Jimenez



To whom it may concern,

My name is Isabel Jimenez. As a U.S. citizen, I am writing in regards to Daniel Nicolas Mateo's character. I have known him and his family for more than 12 years. He is a responsible and hard-working man. He has followed all laws and rules here in the United States. He has an exemplary character and contributes to the U.S. properly.

Daniel is a devoted, dedicated family man who is seeking a better life here in the United States. He has established strong ties to this country and has always abided by the law. Daniel deserves the opportunity to remain with his family and community while his immigration case is being processed.

I respectfully urge you to take his good character into account as you consider his case. Daniel is not a flight risk—he is deeply rooted in his community, which depends on him, and he is committed to complying with all legal requirements as he awaits a final decision on his immigration status. If you require any further information or have any questions, you can reach me at my email,  or my phone number,  1.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Isabel Jimenez".

Isabel Jimenez

October 8, 2025

To Whom It May Concern,

I am writing to you today with an urgent and heavy heart, compelled to speak on behalf of Daniel Nicolas, a father whose character and dedication I have had the privilege to witness firsthand over the past ten years.

Daniel is not merely an acquaintance, he is a valued member of our community and, more importantly, the unwavering cornerstone of his family. For every day of our acquaintance, I have consistently observed his profound commitment to his loved ones. He is, without question, a tirelessly hard worker, dedicating every ounce of his energy to providing and caring for his wife and children. His life has been defined by proactive effort, self-sacrifice, and an unwavering focus on ensuring their well-being, their stability, and their future. He has never shirked a responsibility, always putting the needs of his family before his own.

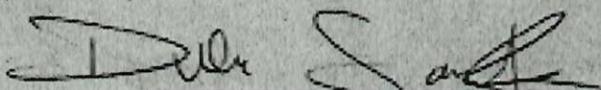
Beyond his exceptional work ethic, Daniel is a man of remarkable personal integrity and respect. He consistently treats everyone he encounters – colleagues, neighbors, and even strangers – with kindness, courtesy, and dignity. His peaceful demeanor and positive interactions have always been a testament to his good nature and his desire to contribute constructively to society. He embodies the very values we often champion: diligence, decency, and devotion to family.

It is precisely this good, upstanding man – a devoted father and loving husband – who was brutally and suddenly ripped away from his life. He was apprehended by ICE not in the shadows or while evading authorities, but publicly, as he was simply arriving to work. This unconscionable act occurred at the very moment he was fulfilling his daily duty to his family, caught off guard, powerless, and against his will. The shock and devastation this has inflicted upon his wife and young children are unimaginable, their primary provider and emotional anchor has been torn from their lives without warning.

His only 'offense' at that moment was diligently working to put food on his family's table, to keep a roof over their heads, and to ensure they had a chance at a stable future in this country. Considering his exemplary character, his unwavering dedication to his family, and his consistent positive contribution to our community, Daniel Nicolas is precisely the kind of individual who not only deserves to remain in the United States but is an invaluable asset to it. His removal is not merely a bureaucratic action, it is the dismantling of a family, the severance of a vital community tie, and a profound loss to us all. He is not a threat; he is a foundational pillar.

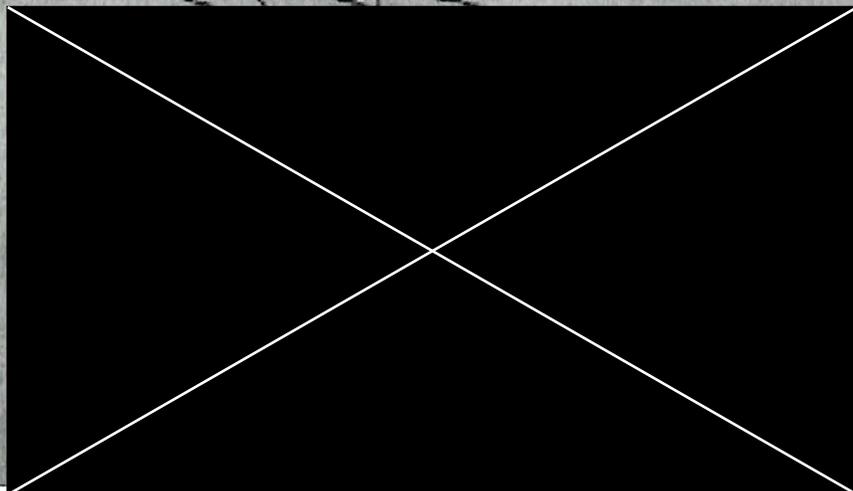
Daniel's yearning is simple yet profound: he longs to return home. Not just to a physical dwelling, but to his wife and children who desperately need him, to the life he has diligently built, and to the community he serves. I implore you, with the utmost urgency and sincere heart, to exercise whatever discretion and compassion is possible to rectify this grave injustice and allow Daniel Nicolas to be reunited with his family. Please, let him come home.

Sincerely,



10/8/25

Dulce Y Sanchez



October 8, 2025

To whom it may concern,

Daniel Nicolas Mateo is a kind hearted person who arrived to the US to provide his family a better life. Although being an immigrant, he has donated to churches within his community and volunteered at churches. He is a man of god and devoted all of his life to his family. He is a hard working man with no harm that is trying to make a living in the United States. He has gained love and support from people who are not his family because of his kindness. I am not related to Mr. Daniel but he has gained my respect for the person he is. I have known Daniel for over 13 years and has seen him as a close family member. Mr. Daniel deserves to stay in the United States as he has never caused no harm nor endangerment to anyone. He is a sole provider and wants to give his children a better life.

Thank you,

Maria Del Refugio Avina

[REDACTED]@gmail.com

10/08/2025

A handwritten signature in black ink that reads "Maria Avina". The signature is written in a cursive, flowing style.



## Letter

**Stephanie Zamora**

**10/08/2025**

**To Whom It May Concern,**

I am writing this letter on behalf of Mr. **Daniel Nicolas Mateo** in support of his case before the immigration court. I have had the privilege of knowing Daniel for over ten years, during which time I have come to know him as a devoted father, a hardworking provider, and an upstanding member of our community.

Daniel is a man of deep faith and integrity. He consistently demonstrates compassion, kindness, and generosity toward others. Whether it's helping a neighbor in need, volunteering his time, or offering words of encouragement, Daniel embodies the values of humility and service. He is a man of God whose actions speak volumes about his character.

As a father, Daniel is deeply committed to his family. He is the sole provider for his household and takes that responsibility with the utmost seriousness. His love for his children is evident in everything he does — he works tirelessly to ensure they are safe, supported, and have opportunities for a better future.



family. He is the sole provider for his household and takes that responsibility with the utmost seriousness. His love for his children is evident in everything he does — he works tirelessly to ensure they are safe, supported, and have opportunities for a better future.

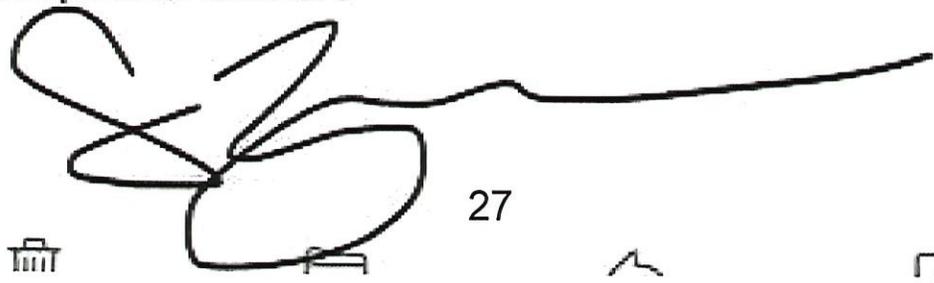
Over the years, Daniel has also become a part of my own family's life. He has been a positive influence and role model to those around him. His hard work, honesty, and willingness to help others make him an asset not only to his family but to the entire community.

I respectfully ask the court to take into consideration Daniel's strong moral character, his devotion to his family, and the many positive contributions he continues to make in our community. Losing someone like Daniel would be a great loss to all who know and depend on him.

Thank you for taking the time to read this letter and for considering the impact Daniel has on those around him. I have no doubt that he will continue to contribute positively to our society if given the opportunity to remain here.

Sincerely,

Stephanie Zamora



**NICOLAS MATEO, DANIEL**



**CERTIFICATE OF SERVICE**

I am over the age of eighteen (18) and a resident of the State of California, and am not a party to this action. My business address is: P.O. Box #866, Hawthorne, CA 90251.

On October 13, 2025, I served the foregoing document described as **SUPPORTING DOCUMENTS FOR BOND DETERMINATION HEARING** and any attached pages to the trial attorney and the Court by E-CAS way of service to:

Office of The Chief Counsel  
U.S. Department of Homeland Security  
ECAS

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Gardena, California on October 13, 2025.

A handwritten signature in black ink, appearing to read 'Ivo Genchev'.

Ivo Genchev, Esq.  
Attorney for Respondent(s)

# Exhibit B



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMPERIAL IMMIGRATION COURT

Respondent Name:

NICOLAS MATEO, DANIEL

To:

Genchev, Ivo Stefanov  
P.O.Box 866  
Hawthorne, CA 90251

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

10/14/2025

**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

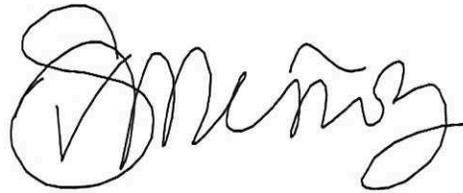
Respondent is an applicant for admission per exhibit 2 (NTA) showing he entered the United States without inspection. The Court is without jurisdiction to issue a bond because he is subject to mandatory detention under INA 235(b).

"The inspection, detention, and removal of aliens who have not been admitted is governed by section 235 of the INA, 8 U.S.C. § 1225. There, Congress defined an applicant for admission as "[a]n alien present in the

United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters)." INA § 235(a)(1), 8 U.S.C. § 1225(a)(1). Under section 235, Congress created three different categories of applicants for admission. The first two categories are covered by section 235(b)(1)(A) of the INA, 8 U.S.C. § 1225(b)(1)(A). They include: (1) arriving aliens inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and (2) aliens not admitted or paroled into the United States who are inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and "who ha[ve] not affirmatively shown, to the satisfaction of an immigration officer, that [they] ha[ve] been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility." INA § 235(b)(1)(A)(i), (iii)(II), 8 U.S.C. § 1225(b)(1)(A)(i), (iii)(II); see also 8 C.F.R. § 235.3(b)(1) (2025). The INA explicitly requires that aliens who fall into either of these two categories are subject to mandatory detention for the duration of their immigration proceedings. See INA § 235(b)(1)(B)(ii), (iii)(IV), 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); see also 8 C.F.R. § 235.3(b)(2)(iii). Thus, an Immigration Judge lacks authority to hear a bond request filed by an applicant for

Matter of Yajure Hurtado, 29 I&N Dec. 216, 218 (BIA 2025)

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



Immigration Judge: Munoz, Jeffrey V. 10/14/2025

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

Appeal Due: 11/13/2025

### Certificate of Service

This document was served:

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

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

Respondent Name : NICOLAS MATEO, DANIEL | A-Number : 

Riders:

Date: 10/14/2025 By: Beltran, Vanessa, Court Staff

# Exhibit C

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

OMB# 1125-0002  
**Notice of Appeal from a Decision of an  
Immigration Judge**

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):  
Daniel Nicolas Mateo 

For Official Use Only

**! WARNING:** Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am  the Respondent/Applicant  DHS-ICE (Mark only one box.)

3. I am  DETAINED  NOT DETAINED (Mark only one box.)

4. My last hearing was at \_\_\_\_\_ (Location, City, State)

5. **What decision are you appealing?**

*Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).*

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated 10/16/2025.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated N/A. (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court?  Yes.  No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated N/A.

*(Please attach a copy of the Immigration Judge's decision that you are appealing.)*

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

Daniel Nicolas Mateo 

Pursuant to 8 CFR 3.3 this appeal arose from a denial of the Respondents relief from removal proceedings under the Immigration and Nationality Act ("INA"). The Respondents appeal from the decision of the Immigration Judge("IJ"), including but not limited to, the following errors:

- The IJ erred in finding the Respondents Inadmissible under the INA §212(a)(6).
- The IJ erred in denying the Respondents Applications for Asylum under the INA.
- The IJ erred in denying the Respondents Applications for Withholding of Removal under the INA §241 (b)(3).
- The IJ erred in denying the Respondents Applications for Withholding and Deferral of Removal under the Convention Against Torture ("CAT").

The Respondents reserves the right to make additional errors of statements, under the applicable law, within the written brief in support of this Form EOIR-26, Notice of Appeal.

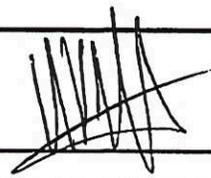
*(Attach additional sheets if necessary)*

**! WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals?  Yes  No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  Yes  No
9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives? *(There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation)*  Yes  No

**! WARNING:** If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.  
If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. **Print Name:** Ivo Genchev

11. **Sign Here:**  **X** 11/07/2025  
Signature of Person Appealing (or attorney or representative) Date

12. **Mailing Address of Respondent(s)/Applicant(s)**

Daniel Nicolas Mateo  
(Name)

[REDACTED]  
(Street Address)

(Apartment or Room Number)

Calexico, CA 92231  
(City, State, Zip Code)

(Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

Los Angeles Legal Advocates  
(Name)

P.O. BOX 866  
(Street Address)

N/A  
(Suite or Room Number)

Hawthorne, CA 90251  
(City, State, Zip Code)

310-340-8173  
(Telephone Number)

**NOTE:** You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

**NOTE:** If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13. **PROOF OF SERVICE (You Must Complete This)**

I Ivo Genchev (Name) mailed or delivered a copy of this Notice of Appeal on 11/07/2025 (Date) to Assistant Chief Counsel of DHS - ICE (Opposing Party) at filed via ECAS (Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

**SIGN HERE** X [Signature] Signature

**NOTE:** If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

**WARNING:** If you do not complete this section properly, your appeal will be rejected or dismissed.

**WARNING:** If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

**HAVE YOU?**

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.
- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.