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6 *Attorney for Petitioner*

7 **IN THE UNITED STATES DISTRICT COURT
8 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 In the Matter of)

10 **Marelino OSORIO REYES**)

11 *Petitioner,*)

12 v.)

13 **Daniel A. BRIGHTMAN**, in his official)
14 capacity as Field Office Director of the)
15 Immigration and Customs Enforcement,)
16 Enforcement and Removal Operations San)
17 Diego Field Office; **Kristi NOEM**, in her)
18 official capacity as Secretary of the U.S.)
19 Department of Homeland Security; **U.S.)
20 DEPARTMENT OF HOMELAND)
21 SECURITY; Pamela J. BONDI**, in her)
22 official capacity as U.S. Attorney General;)
23 **EXECUTIVE OFFICE FOR)
24 IMMIGRATION REVIEW; Christopher)
25 **J. LAROSE**, in his official capacity as)
Warden of the Otay Mesa Detention Center,)**

26 *Respondents*)

Case No. '25CV3721 CAB BJW

Agency No. 

**PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. §
2241**

**EMERGENCY RELIEF
REQUESTED**

**IMMIGRATION HABEAS
CASE**

**DECISION ON PAPERS OR
EXPEDITED HEARING IS
REQUESTED**

ORAL ARGUMENT

PETITION FOR WRIT OF HABEAS CORPUS

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I. INTRODUCTION

1. Petitioner Marelino¹ Osorio Reyes (Hereinafter “Petitioner” or “Mr. Osorio Reyes”), is currently physically detained by U.S. Department of Homeland Security, Immigration and Customs Enforcement (‘ICE’), Enforcement and Removal Operations (‘ERO’) division, purportedly pursuant to a Warrant I-200. For ease of reference, ICE will be used throughout this submission to refer to ICE and its ERO division.

2. This physical detention on December 19, 2025 represents Petitioner’s first recent period of physical detention, after years of lawful presence in the U.S. under Temporary Protected Status (“TPS”) and in full compliance with ICE reporting and supervision requirements.

3. The Warrant, Form I-200, inconsistently cites statutory authority, leaving unclear whether Petitioner is being held under 8 U.S.C. § 1226 or 8 U.S.C. § 1231, and therefore raises serious due process and statutory legality concerns. *See* Exhibit C – Form I-200, Warrant for Arrest of Alien, dated 12/19/2025. Further, the Warrant is defective because it was digitally signed *three days* prior to its issuance, which was all completed by hand. It is unclear whether the box indicating that a Notice to Appear (“NTA”) will be filed is in fact checked because it appears to be an “X” or a circle for that box, whereas there are other boxes below that that are marked with checks.

4. The Petitioner had TPS until it was terminated by DHS Secretary Noem on September 8, 2025. After his I-485 Adjustment of Status (“AOS”) case

¹ Petitioner has used the first name alias “Marcelino” and some documents contain that first name.

1 was denied by the U.S. Citizenship and Immigration Services (“USCIS”), on
2 October 7, 2021, ICE began its legal custody of Petitioner, requiring him to appear
3 initially once a year. In approximately March 2025, Petitioner was put on more
4 frequent monitoring. He had been in compliance with annual ICE check-ins per the
5 OSUP. *See* Exhibit I – Continuation Page of Order of Supervision indicating a
6 check-in date on 07/07/2025. On August 25, 2025, he was enrolled in ICE’s
7 Alternatives to Detention (“ATD”) program called Intensive Supervision
8 Appearance Program (“ISAP”). ISAP is a subcontractor with ICE that provides
9 ATD monitoring services. Petitioner was physically detained on December 19,
10 2025 at the ISAP office in San Diego, California.

11 5. To the knowledge of undersigned counsel, Petitioner has a pending
12 Form I-246, application for Stay of Removal. *See* Exhibit H – Receipt Notice for
13 Form I-246, filed on 07/07/2025. Additionally, he has a pending motion to rescind
14 and reopen filed with the LA EOIR. *See* Exhibit E – Stamped Page 1 of Motion to
15 Reopen filed by Petitioner, filed on 11/03/2025. *See also* Exhibit D – Printout from
16 the EOIR website showing Petitioner’s Motion to Reopen was filed on 12/03/2025.
17 Lastly, he has a pending I-485 Adjustment of Status case with the USCIS, filed on
18 June 12, 2025. *See* Exhibit K – USCIS Receipt Notices for Petitioner’s pending
19 Form I-485, I-212 and I-601, filed on 06/12/2025

20 6. Petitioner brings this petition for writ of habeas corpus under 28 U.S.C.
21 § 2241 to challenge the lawfulness of his detention and seeks emergency relief in
22 the form of immediate release to prevent irreparable harm while this petition is
23 adjudicated. Petitioner has an ill U.S. citizen wife, Norma Gallardo, and four adult
24 U.S. citizen children. As detailed below, continued detention under these

1 circumstances is arbitrary, procedurally defective, unsupported by law, and no
2 alternative administrative remedy would provide effective relief. Respondents'
3 physical detention of Petitioner violates the Fifth Amendment because the detention
4 constitutes punishment, or, alternatively, are excessive relative to their regulatory
5 purpose. *Infra* "Section VII."

6 II. CUSTODY

7 7. On December 19, 2025, Mr. Osorio Reyes was physically detained by
8 ICE officers during a check in at ISAP's San Diego office. Petitioner was told of
9 the ISAP check-in one day before and it was not part of the "app" on his phone that
10 shows the various required appointments. *See* Exhibit A - Printout from the
11 SmartLINK Mobile Application listing Petitioner's originally scheduled check-in
12 appointments. Prior to his physical detention, he was on ICE check-ins and under
13 an OSUP where he is under the direct control of Respondents and their agents since
14 2022. Individuals under OSUP are considered in custody for habeas purposes. *Infra*
15 "Section VII."

17 III. JURISDICTION AND VENUE

18 8. This action arises under the Constitution of the United States and the
19 Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

20 9. Jurisdiction is proper under 28 U.S.C § 2241 (habeas corpus); 28
21 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); U.S. Const. art.
22 I, § 9, cl. 2 (the Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure
23 Act).

1 requiring an administrative appeal. *See Hernandez v. Sessions*, 872 F.3d 976, 988–
2 89 (9th Cir. 2017).

3 14. Exhaustion of remedies at the BIA is not required because this
4 post-order custody matter falls squarely under ICE’s jurisdiction. Mr. Osorio Reyes
5 has suffered irreparable harm in the form of physical detention and prior to that
6 severely increased custody conditions that made it difficult to provide for his U.S.
7 citizen wife, who requires special care due to kidney disease, which required a
8 kidney transplant in 2017. See Exhibit L – Medical Letter from Dr. Guy Lund
9 evidencing that Petitioner’s wife suffers from kidney disease and needs Petitioner
10 to care for her. His physical detention on December 19, 2025, has resulted in a
11 separation that has caused, and will continue to cause, irreparable harm to his wife,
12 who relies on Petitioner for care.

13
14 **V. PARTIES**

15 15. Petitioner, **MARELINO OSORIO REYES**, is a citizen of Honduras,
16 who has resided in the United States since 1989. He has been under the custody of
17 ICE since 2022.

18 16. Respondent, **DANIEL A. BRIGHTMAN**, is the Field Office Director
19 for the San Diego Field Office of the U.S. Immigration and Customs Enforcement
20 (“ICE”), Enforcement and Removal Operations (“ERO”), a component of the
21 Department of Homeland Security (“DHS”). Respondent Brightman maintains his
22 office in San Diego, California, within this judicial district. The San Diego Field
23 Office is responsible for carrying out ICE’s immigration enforcement and removal
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1 operations in San Diego, therefore Respondent Brightman is a legal custodian of
2 Petitioner and is sued in his official capacity.

3 17. Respondent, **KRISTI NOEM**, is the Secretary of the Department of
4 Homeland Security, an agency of the United States. She is responsible for the
5 administration and enforcement of the immigration laws. *See* 8 U.S.C. § 1103(a).
6 Respondent Noem is a legal custodian of Petitioner and is sued in her official
7 capacity.

8 18. Respondent **DEPARTMENT OF HOMELAND SECURITY**
9 (DHS) is the federal agency responsible for implementing and enforcing the INA,
10 including the detention and removal of noncitizens.

11 19. Respondent **PAMELA J. BONDI** is the Attorney General of the
12 United States. She is responsible for the Department of Justice, of which the
13 Executive Office for Immigration Review and the immigration court system it
14 operates is a component agency. She is sued in her official capacity.

15 20. Respondent **EXECUTIVE OFFICE FOR IMMIGRATION**
16 **REVIEW** (“EOIR”) is the federal agency responsible for implementing and
17 enforcing the INA in removal proceedings, including for custody redeterminations
18 in bond hearings.

19 21. Respondent, **CHRISTOPHER LAROSE**, is employed by CoreCivic,
20 as Warden of the Otay Mesa Detention Center, where Petitioner is currently
21 detained. He is sued in his official capacity.

22 VI. FACTUAL ALLEGATIONS

23 22. Petitioner is a 61-year-old Honduran citizen who entered the U.S.
24 without inspection near San Ysidro, California on or about 1989. For over thirty
25

1 years, Petitioner has been living in the United States. He had status through TPS for
2 Honduras from July 2001 until its cancellation on September 8, 2025. He has a
3 complicated immigration history including one deportation in absentia from April
4 19, 1991, a second on from August 10, 1993, and a third one dated January 20,
5 2000. In December 2014, he traveled on Advance Parole, granted by the DHS. After
6 his return, on April 2, 2015, he submitted a Form I-485 to adjust his status through
7 his U.S. citizen daughter. Six years later, on October 7, 2021, the U.S. Citizenship
8 and Immigration Services (“USCIS”) denied the I-485. After that, he was put on
9 annual check-ins with ICE.

10 23. On March 20, 2025, ICE’s supervision of the Petitioner increased
11 dramatically when he was issued an OSUP stating a July 7, 2025 appointment.

12 24. On June 12, 2025, Petitioner filed a Form I-485, adjustment of status
13 application package with the USCIS. This filing included waivers required for his
14 complicated immigration history. The case is pending. *See* Exhibit K - USCIS
15 Receipt Notices for Petitioner’s pending Form I-485, I-212 and I-601, filed on
16 06/12/2025.

17 25. On July 7, 2025, Petitioner accompanied by undersigned counsel
18 attended a check-in appointment with ICE. Petitioner filed a Form I-246,
19 application for stay of removal. *See* Exhibit H - Receipt Notice for Form I-246, filed
20 on 07/07/2025.

21 26. On August 25, 2025, Petitioner attended his ICE check-in appointment
22 with undersigned counsel. Petitioner was placed in an Alternatives to Detention
23 Program (“ATD”), Intensive Supervision Appearance Program (“ISAP”).
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1 Respondents required Petitioner to download a monitoring application on his
2 phone.

3 27. On September 8, 2025, DHS Secretary Noem terminated TPS for
4 Honduras. This was a final termination, after a prior termination failed.

5 28. On September 10, 2025, Petitioner appeared for a check-in
6 appointment at the ISAP offices in San Diego, CA.

7 29. On September 18, 2025, Petitioner attended a virtual home visit,
8 during which his photos were taken.

9 30. On October 8, 2025, Petitioner attended a videocall with ISAP officers.

10 31. On October 16, 2025, Petitioner attended a virtual home visit with
11 ISAP officers.

12 32. On November 3, 2025, Petitioner, through undersigned counsel filed a
13 motion to rescind and reopen a removal order due to lack of notice. That was
14 pending.

15 33. On November 5, 2025, Petitioner attended a videocall with ISAP
16 officers.

17 34. On November 13, 2025, Petitioner attended a videocall with ISAP
18 officers

19 35. Petitioner had an appointment scheduled for December 3, 2025 for a
20 videocall with ISAP officers, however, that appointment was cancelled by ISAP.

21 36. On December 11, 2025, Petitioner attended a virtual home visit with
22 ISAP officers

23 37. On December 18, 2025, Petitioner was notified via telephone that he
24 was required to report to the ISAP offices the following day for an appointment,
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1 even though this appointment was not part of his previously scheduled reporting
2 requirements.

3 38. On December 19, 2025, Petitioner attended the ISAP appointment with
4 undersigned counsel. During this appointment, ICE officers physically detained
5 Petitioner and prevented undersigned counsel from communicating with him, even
6 when she requested to speak to him for only 2-3 minutes. Counsel stated to the
7 officer conducting the detention, Mr. Nuñez, that Petitioner had a pending Form I-
8 246, Application for Stay of Deportation or Removal filed, as well as a pending
9 Motion to Reopen before the Los Angeles Immigration Court. Officer Nuñez stated
10 that the denial [of the I-246] could be provided by the ICE officer at OMDC, to
11 which undersigned counsel tried to confirm that the I-246 was in fact denied.
12 Officer Nuñez replied, “we are denying everything.”

13 39. Counsel then inquired on what basis Petitioner was being detained.
14 The response was, “we have a Warrant.” The warrant was provided to undersigned
15 counsel. It was completed by pen on 12/19/2025, the date of physical detention, yet
16 it was digitally signed on 12/16/2025. Clearly a warrant signed three days prior to
17 its issuance is defective.

18 40. Officer Nuñez informed Counsel that Petitioner was going to be
19 transferred to the OMDC. Counsel has reached out to ICE by phone on several
20 occasions and only managed to speak to Officer Gant who stated as of 1:35 pm
21 today 12/22 that Petitioner is at OMDC. Counsel inquired why Petitioner’s family
22 believed Petitioner has been transferred back and forth between ICE at 880 Front
23 Street and the OMDC on at least three occasions, Officer Gant stated that it was
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1 likely due to bed space and they can only hold someone without a cell for 12 hours,
2 hence the transfer back and forth occurs.

3 41. Petitioner is in the ICE locator online system under the A#s [REDACTED]
4 [REDACTED] It does not show where he is detained. The system shows his first name as
5 Marcelino, not the correct name of Marelino. *See Exhibit B - Printout from ICE*
6 *Online Detainee Locator System as of 3:57PM on 12/22/2025.*

7 42. Counsel emailed the AUSA on Friday, 12/19 at 12:01 PM, on today,
8 Monday, 12/22 at 10:20 AM and at 2:59PM to advise about this habeas and the last
9 email included that Petitioner would be requesting his immediate release through a
10 TRO. Counsel also asked for any information regarding Petitioner's physical
11 location. At 3:43pm, undersigned counsel received an email from the AUSA
12 stating, "We have no further information to provide you."

13 43. At 1:35PM, Counsel called ICE at OMDC. No one answered the call
14 and counsel was unable to leave a message. Petitioner is believed to be in San Diego
15 county, despite that no specific location is known.

16 VII. LEGAL ARGUMENT

17 44. A federal district court can grant a writ of habeas corpus if the
18 petitioner "is in custody in violation of the Constitution or laws or treaties of the
19 United States." 28 U.S.C. § 2241. It is well established that the Fifth Amendment
20 entitles non-citizens to process of law in deportation proceedings. *Demore v. Kim*,
21 538 U.S. 510, 523 (2003). The Due Process Clause of the Fifth Amendment forbids
22 the government from depriving any "person" of liberty without due process of law.
23 U.S. Const. amend. V.

1 45. Individuals under an order for supervision are considered in custody
2 for habeas purposes. “As the Supreme Court recently noted, physical detention (or
3 here, physical detention by federal, rather than state, authority) is no longer required
4 for a petitioner to meet the custody requirement and obtain habeas relief.” *Rosales*
5 *v. Bureau of Immigr. & Customs Enft*, 426 F.3d 733, 735 (5th Cir. 2005) *citing*
6 *Rumsfeld v. Padilla*, 542 U.S. 426, 124 S.Ct. 2711, 2719, 159 L.Ed.2d 513 (2004)
7 (“[O]ur understanding of custody has broadened to include restraints short of
8 physical confinement[.]”); *see also Jones v. Cunningham*, 371 U.S. 236, 239–40,
9 83 S.Ct. 373, 9 L.Ed.2d 285 (1963) (recognizing that restraints on liberty other than
10 physical confinement may constitute custody for habeas purposes).

11 46. The Ninth Circuit has held that a final deportation order subjects a
12 noncitizen to a restraint on liberty sufficient to place the noncitizen “in custody.”
13 “We have broadly construed “in custody” to apply to situations in which [a non-
14 citizen] is not suffering any actual physical detention; *i.e.*, so long as he is subject
15 to a final order of deportation, [a non-citizen] is deemed to be “in custody” for
16 purposes of the INA, and therefore may petition a district court for habeas review
17 of that deportation order.” *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th
18 Cir. 1995).

19 47. Mr. Osorio Reyes has been under an OSUP since approximately 2022,
20 following the I-485 denial dated October 7, 2021. As a result, his custody is
21 governed by 8 U.S.C. § 1231(a). Post-order custody is limited by § 1231(a)(6) and
22 implementing regulations, 8 C.F.R. §§ 241.4–241.5. Accordingly, this Court has
23 jurisdiction over this habeas action.

1 48. Respondents have subjected Petitioner to prolonged custody or
2 custody-like restrictions for approximately 50 months. The increase of restrictions
3 violates the Due Process Clause (*Zadvydas*, 533 U.S. at 699; *Diouf II*, 634 F.3d at
4 1086–87).

5 49. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court
6 analyzed the due process rights of noncitizens held during and after a removal
7 period. *Zadvydas* concerned a resident noncitizen who could not be deported
8 because none of the relevant countries would accept him. *Id.* at 684. Because
9 indefinite detention without adequate safeguards could violate noncitizens’ due
10 process rights, the Supreme Court established a presumption of six months as a
11 reasonable period of detention while an order of removal is carried out. *Id.* at 701.
12 After that period elapses, a noncitizen who “provides good reason to believe that
13 there is no significant likelihood of removal in the reasonably foreseeable future”
14 must be released, unless the government can “respond with evidence sufficient to
15 rebut that showing.” Courts have found that individuals subject to an Order of
16 Supervision may be considered in custody for purposes of 28 U.S.C. § 2241 where
17 they challenge the conditions of their release. *See, e.g., Doe v. Barr*, 479 F. Supp.
18 3d 20, 26 (S.D.N.Y. 2020); *Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass.
19 2017); *Xiao Biao Li v. Barr*, 839 F. App’x 589, 591 (2d Cir. 2020); *Alvarez v.*
20 *Holder*, 454 F. App’x 769, 772-73 (11th Cir. 2011) (citing *Dawson v. Scott*, 50 F.3d
21 884, 886 n 2 (11th Cir. 1995)); *Gozo v. Mayorkas*, No. 1:23-cv-159, 2024 WL
22 2027510, at *1 (S.D. Tex. Mar. 4, 2024). But see, e.g., *Berrezueta v. Decker*, No.
23 1:20-cv-10688-MKV, 2021 WL 601649, at *1-2 (S.D.N.Y. Jan. 11, 2021) (habeas
24 petition filed while individual in custody, who was later released subject to Order
25

1 of Supervision, could be dismissed as moot absent proof of collateral consequences
2 from prior detention).

3 50. Respondents' increase in custodial restrictions exceeds the lawful
4 scope of § 1231(a)(6) and the INA. In the Ninth Circuit, post-order detention may
5 not be prolonged, increased, or reimposed without individualized findings and
6 procedural safeguards (*Diouf II*; *Franco-Gonzalez*, 767 F. Supp. 2d at 1054).
7 Respondents have not made any such showing.

8 51. A civil detainee's confinement is unconstitutional under the Fifth
9 Amendment if his conditions of confinement "amount to punishment." *Bell v.*
10 *Wolfish*, 441 U.S. 520, 535 (1979); *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir.
11 2004) (quoting *Bell*, 441 U.S. at 535); *accord Bent v. Barr*, 445 F. Supp. 3d 408,
12 413-14 (N.D. Cal. 2020). "[P]unitive conditions may be shown (1) where the
13 challenged restrictions are expressly intended to punish, or (2) where the challenged
14 restrictions serve an alternative, non-punitive purpose but are nonetheless excessive
15 in relation to the alternative purpose, . . . or are employed to achieve objectives that
16 could be accomplished in so many alternative and less harsh methods." *Jones*, 393
17 F.3d at 932, *also Jones v. Cunningham*, 371 U.S. 236, 239-40, 83 S. Ct. 373, 9 L.
18 Ed. 2d 285 (1963) (recognizing that restraints on liberty other than physical
19 confinement may constitute custody for habeas purposes.).

20 52. Petitioner has been constructively detained pursuant to his OSUP since
21 October 7, 2021. He has been living in the San Diego County, complying with his
22 annual check-ins. No issues surrounding Petitioner's check-ins have occurred and
23 none have been alleged.

1 53. On August 25, 2025, Petitioner was placed in an ATD ISAP, and, as
2 delineated in “Section VI. Factual Allegations,” the conditions of his custody
3 drastically intensified. Between September 10 and December 11, 2025, he was
4 required to attend at least eight separate check-ins, including in-person check-ins
5 and virtual appointments, a sudden and dramatic escalation from his prior annual
6 check-in, with all events occurring within just *3 months*.

7 54. On December 19, 2025, following months of increased check-ins and
8 home monitoring, Petitioner was physically detained at his ISAP appointment,
9 imposing a new restriction on his liberty.

10 55. This physical detention pursuant to the Warrant cites his detention
11 under 8 U.S.C. §1226(a), which contradicts a post-order detention.

12 56. Respondent’s increased custody conditions are unwarranted because
13 there has been no change in circumstances. The increased conditions are therefore
14 punitive and excessive in relation to their purpose. There are less harsh methods
15 that were previously in place and that functioned well from his years.

16 57. Accordingly, the increase in custody conditions violates the Fifth
17 Amendment because it does not serve a purpose other than to punish Mr. Osorio
18 Reyes.

19 58. The sending of Petitioner to physical custody violates the Fifth
20 Amendment’s Due Process clause as well as 8 U.S.C. § 1231(a)(6) post-final-order
21 custody limits. Arbitrary or punitive re-detention is unlawful under the Due Process
22 Clause and controlling precedent.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays this Court grant the following relief:

- 1) Assume jurisdiction over this habeas action and prohibit the transfer of Respondent out of the jurisdiction of the Southern District of California;
- 2) Issue a Writ of Habeas Corpus ordering Petitioner’s immediate release without any Order of Supervision, and enjoin re-detention absent a constitutionally adequate pre-deprivation hearing before this Court;
- 3) Alternatively, issue an Order to Show Cause directing Respondents to justify any continued detention, whether that be physical or legal, through an Order of Supervision;
- 4) Declare that any deprivation of Petitioner’s liberty violates 8 U.S.C. §1226 and 8 U.S.C. § 1231, its implementing regulations and the Due Process Clause of the Fifth Amendment;
- 5) Enjoin Respondents from taking any action that would subject Petitioner to additional harm during the pendency of his immigration proceedings;
- 6) Award reasonable costs and attorneys’ fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, or on any other basis justified under law; and
- 7) Grant such further relief as the Court deems just and proper.

Date: December 22, 2025

Respectfully submitted,

/s/ Rose M. Thompson

Rose M. Thompson

Attorney at Law

Attorney for Petitioner

INDEX OF EXHIBITS IN REVERSE CHRONOLOGICAL ORDER

| EXHIBIT | DESCRIPTION |
|----------------|--|
| A | Printout from the SmartLINK Mobile Application listing Petitioner's originally scheduled check-in appointments, with English translation |
| B | Printout from ICE Online Detainee Locator System as of 3:57PM on 12/22/2025 |
| C | Form I-200, Warrant for Arrest of Alien, dated 12/19/2025 |
| D | Printout from the EOIR website showing Petitioner's Motion to Reopen was filed on 12/03/2025 |
| E | Stamped Page 1 of Motion to Reopen filed by Petitioner, filed on 11/03/2025 |
| F | Printout from USCIS website showing termination date of TPS Honduras on 09/08/2025 |
| G | ICE Appointment Confirmation Notice for 08/25/2025 |
| H | Receipt Notice for Form I-246, filed on 07/07/2025 |
| I | Continuation Page of Order of Supervision indicating a check-in date on 07/07/2025 |
| J | Petitioner's Employment Authorization Document under TPS, valid to 07/05/2025 |
| K | USCIS Receipt Notices for Petitioner's pending Form I-485, I-212 and I-601, filed on 06/12/2025 |
| L | Medical Letter from Dr. Guy Lund evidencing that Petitioner's wife suffers from kidney disease and needs Petitioner to care for her. |
| M | Article by The Guardian: "US immigrants detained at mandatory check-ins and court hearings", dated 02/18/2025. |

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EXHIBIT A

Calendar

| | |
|---|-------------------|
| In-Person Office Visit 2:30 PM – 2:45 PM | 9-January-2026 |
| In-Person Office Visit 2:30 PM – 2:45 PM | 28-January-2026 |
| In-Person Home Visit 7:00 AM – 6:00 PM | 05-February-2026 |
| In-Person Office Visit 2:30 PM – 2:45 PM | February 25, 2026 |

[Calendar](#) [Resources](#) [Home](#) [Documents](#) [Messages](#)

I, Andrea Galindo Bautista, attest to my competency to translate from Spanish to English, and I certify that this is a correct English translation of all information from the original document in the Spanish language.

Signature:  _____ Date: 12/21/2025



Calendario



Visita de Oficina en pers...

9/1/2026

14:30 - 14:45



Visita de Oficina en pers...

28/1/2026

14:30 - 14:45



In Person Home Visit

5/2/2026

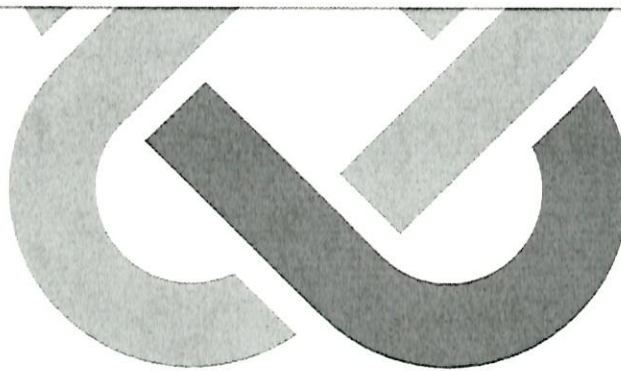
07:00 - 18:00



Visita de Oficina en pers...

25/2/2026

14:30 - 14:45



Calendario Recursos

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EXHIBIT B



Report Crimes: Email or Call 1-866-DHS-2-ICE

- [Home](#)
- [Who We Are](#)
- [What We Do](#)**
- [Newsroom](#)
- [Information Library](#)
- [Contact ICE](#)

Search Results: 1

MARELINO OSORIO REYES

Country of Birth : Honduras

A-Number: [REDACTED]

Status : In ICE Custody

Current Detention Facility: Call ICE For Details

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

Helpful Info

- [Status of a Case](#)
- [About the Detainee Locator](#)
- [Brochure](#)
- [ICE ERO Field Offices](#)
- [ICE Detention Facilities](#)
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External Links

- [Bureau of Prisons Inmate Locator](#)



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EXHIBIT C

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

File No. 071 640 737

Date: 12/19/2025

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

I have determined that there is probable cause to believe that OSORIO REYES, MARCELINO is removable from the United States. This determination is based upon:

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

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

NATHAN A. CARDOZA
Digitally signed by NATHAN A. CARDOZA
Date: 2025.12.16
16:35:05 -0800

(Signature of Authorized Immigration Officer)

AFOD Nate Cardoza

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at DI ISAP SAN DIEGO, CA (Location)

on OSORIO REYES, MARCELINO (Name of Alien) on 12/19/2025 (Date of Service), and the contents of this

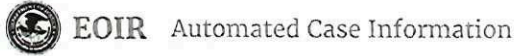
notice were read to him or her in the English (Language) language.

R. Nuñez
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

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EXHIBIT D



Court Closures Today December 22, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > OSORIO REYES, MARCELINO (073-915-225)



Automated Case Information

Name: OSORIO REYES, MARCELINO | A-Number: XXXXXXXXXX

Next Hearing Information



There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

January 20, 2000

COURT ADDRESS

5245 PACIFIC CONCOURSE DR #100
LOS ANGELES, CA 90045

MOTION TO REOPEN, IJ JURISDICTION

A Motion to Reopen IJ Jurisdiction was **RECEIVED** on **November 3, 2025**.

BIA Case Information

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

No appeal was received for this case.

COURT ADDRESS

5245 PACIFIC CONCOURSE DR #100
LOS ANGELES, CA 90045

PHONE NUMBER

(310) 335-2100

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[For Employees](#)

[EOIR Freedom of Information Act \(FOIA\)](#)

[USA.gov](#)

[Contact EOIR](#)

[EOIR Home](#)

[Justice.gov](#)

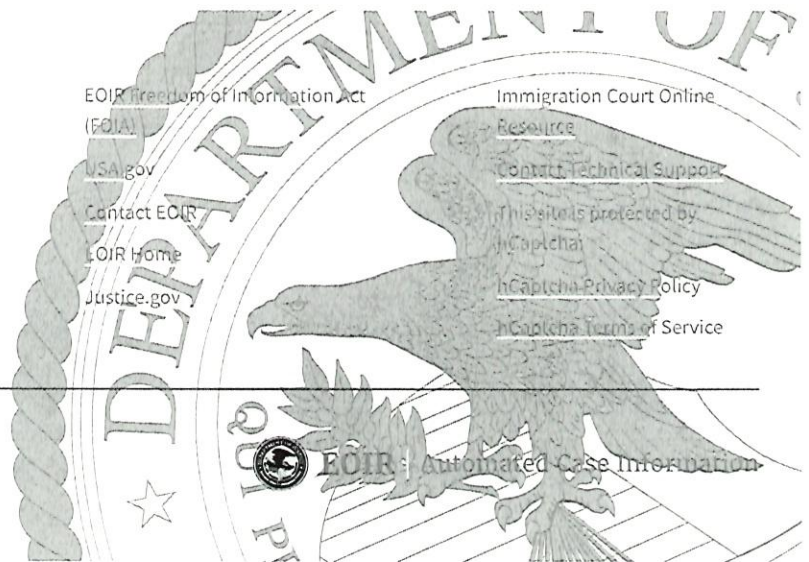
[Immigration Court Online Resource](#)

[Contact Technical Support](#)

[This site is protected by hCaptcha](#)

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EXHIBIT E

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EXHIBIT F



U.S. Citizenship
and Immigration
Services

MENU

[Home](#) > [SAVE](#) > [Current User Agencies](#) > [News & Alerts](#) > Termination of TPS for Nepal, Honduras and Nicaragua

Termination of TPS for Nepal, Honduras and Nicaragua

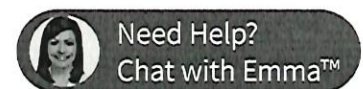
On Aug. 20, 2025, the Ninth Circuit court stayed a lower court order postponing DHS's termination of Temporary Protected Status (TPS) for Nepal, Honduras, and Nicaragua, allowing the terminations to proceed.

This means that TPS for Nepal terminated Aug. 20, 2025, and Form I-766, Employment Authorization Document (EADs) with category A12 or C19 issued to TPS Nepal beneficiaries are no longer valid as of Aug. 20, 2025.

TPS for Honduras and Nicaragua terminated Sept. 8, 2025, at 11:59 p.m. EADs issued to TPS Honduras or TPS Nicaragua beneficiaries with a category A12 or C19 are no longer valid as of Sept. 8, 2025.

For more information please refer to the archived USCIS [TPS Nepal](#), [TPS Honduras](#) or [TPS Nicaragua](#) webpages.

Last Reviewed/Updated: 09/16/2025



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EXHIBIT G

Appointment Confirmed:

Monday, August 25, 2025
08:30 AM - 09:00 AM (PST) UTC-08:00

Confirmation # 

Please keep this confirmation number for your records.

Selected Location:



**SAN DIEGO DISTRICT
FIELD OFFICE**
880 FRONT STREET
SAN DIEGO, CA
undefined



619-436-0410

Appointment Information:

The number of
individual(s)
expected to report **1**
to this
appointment:



Estimated
Appointment **30 minutes**
Duration:

If you need to reschedule or cancel your appointment, please visit checkin.ice.gov or call 619-436-0410 for assistance.

Required Documentation

- Form I-385
- Appointment confirmation page
- Proof of address
- All official U.S. and foreign identification such as birth or marriage certificates and passports.
- As applicable, individuals must bring any and all immigration records such as applications and decisions, criminal arrest and conviction records and any evidence of rehabilitation, school or training program records, documentation of serious physical or mental illness, pregnancy, and/or disability, or evidence of U.S. property ownership or other considerable assets in the community.
- Individuals represented by attorneys must also provide a signed Form G-28, Notice of Entry of Appearance as Attorney.

Upon entering the building, please take the elevators to the 2nd floor and proceed to suite 2242.

Al entrar en el edificio, tome los ascensores hasta el segundo piso y dirijase a la suite 2242.

Please bring all travel documents, passports, foreign ID cards, and any other forms of identification you may have.

Por favor, traiga todos los documentos de viaje, pasaportes, tarjetas de identificación extranjera y cualquier otra forma de identificación que pueda tener.

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EXHIBIT H

APPLICATION FOR A STAY OF DEPORTATION OR REMOVAL 7-7-25

| | | |
|---|--|---|
| <p align="center">Action Block - For ICE Use Only</p> <input type="checkbox"/> GRANTED <input type="checkbox"/> One Year <input type="checkbox"/> Six Months <input type="checkbox"/> Three Months <input type="checkbox"/> Other: _____ <input type="checkbox"/> DENIED <input type="checkbox"/> Denial letter attached. <input type="checkbox"/> REJECTED <input type="checkbox"/> Incorrect Fee <input type="checkbox"/> Application was not submitted in person <input type="checkbox"/> Other: _____ <input type="checkbox"/> Additional information attached. Date: _____ Decision made by: _____ Deciding Official Signature: _____ (Printed Name/Title) (Sign in ink): _____ Office: _____ | | <p align="center">Fee/Date/Stamp <u>5</u></p> Fee Type: (cash, cashiers check, money order) Amount Paid: <u>155</u> <u>762084</u> Fee Received By: <u>CUMPL100</u> ICE Deposit Ticket #: <u>SND-25-1255</u> |
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| | | | | |
|--|--------------------------------------|---|--------------------|------------------------|
| A-File Number [REDACTED] | Date: _____ | If you are currently detained by ICE, provide the name of the detention facility: _____ | | |
| Last Name: Osorio Reyes | | First Name: Marelino | | Middle Name: _____ |
| Address (Number and Street): [REDACTED] | | Country of Citizenship: Honduras | Passport No: _____ | Expiration Date: _____ |
| Apartment Number: _____ | | Length of stay requested: <input checked="" type="checkbox"/> One year <input type="checkbox"/> Six months <input type="checkbox"/> Three months <input type="checkbox"/> Other: _____ | | |
| Town/City: [REDACTED] | State: CA | Zip Code: [REDACTED] | | |
| Telephone Number: [REDACTED] | Cell Telephone Number: [REDACTED] | Arrested by police or other law enforcement agency (other than for immigration reasons) <input type="checkbox"/> Yes - Documents attached <input checked="" type="checkbox"/> No | | |

REASON(S) FOR REQUESTING A STAY OF DEPORTATION OR REMOVAL:

I have had TPS for about 25 years. I have a pending I-130 I-485/I-601/I-212. My wife, Norma Gallardo, is a U.S. citizen who suffers from multiple medical conditions, including gastroesophageal reflux disease (GERD) and long-term complications related to a previous kidney transplant. I am her main source of emotional, psychological, and financial support. Her well-being would be negatively impacted if I were removed from the U.S. I respectfully request a stay of removal so that the USCIS may adjudicate the pending I-485. Alternatively, because I last entered the U.S. legally on parole, I believe an NTA would be appropriate. Given these circumstances, I respectfully request a stay of removal to allow me to continue taking care of my wife until the USCIS makes a decision on my I-485 application packet.

EVIDENCE SUBMITTED (attached):

Medical Brief Other (specify):
 Letters of support and evidence packet in support of the I-246.

I certify under penalty of perjury that the information provided and contained herein is true and correct to the best of my knowledge and belief:

Marelino Osorio Reyes _____
 (Printed Name) (Signature) (Sign in ink)

INFORMATION IF FORM PREPARED BY OTHER THAN APPLICANT:

I declare under penalty of law that this document was prepared by me at the request of the applicant and is based on all information of which I have knowledge. I understand that providing false information on behalf of the applicant could result in criminal prosecution and, upon conviction, a fine or imprisonment or both.

Rose Immigration Law - Rose M. Thompson _____
 (Printed Name) (Signature) (Sign in ink)

(619) 500-2911 P.O. Box 23651 San Diego CA 92193
 (Telephone Number) (Street Address) (City) (State) (Zip Code)

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EXHIBIT I

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EXHIBIT J



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EXHIBIT K

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

| | | |
|--|---|------------------------------------|
| NOTICE TYPE Receipt | | NOTICE DATE June 16, 2025 |
| CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status | | USCIS ALIEN NUMBER [REDACTED] |
| RECEIPT NUMBER [REDACTED] | RECEIVED DATE June 12, 2025 | PAGE 1 of 1 |
| PRIORITY DATE June 12, 2025 | PREFERENCE CLASSIFICATION Spouse of a U.S. citizen | DATE OF BIRTH December 26, 1963 |

MARELINO OSORIO REYES
C/O ROSE M. THOMPSON ROSE IMMIGRATION LAW
P.O. BOX 23651
SAN DIEGO, CA 92193

PAYMENT INFORMATION:

Application/Petition Fee: \$1,440.00
Total Amount Received: \$1,440.00
Total Balance Due: \$0.00



NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.


If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.

USCIS Office Address:
USCIS
National Benefits Center
P.O. Box 648003
Lee's Summit, MO 64002

USCIS Contact Center Number:
(800)375-5283
ATTORNEY COPY



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

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|---|--------------------------------|------------------------------------|
| NOTICE TYPE Receipt | | NOTICE DATE June 16, 2025 |
| CASE TYPE I-212, Application for Permission to Reapply for Admission Into the United States After Deportation or Removal | | USCIS ALIEN NUMBER |
| RECEIPT NUMBER  | RECEIVED DATE June 12, 2025 | PAGE 1 of 1 |
| | | DATE OF BIRTH December 26, 1963 |

MARELINO OSORIO REYES
 C/O ROSE M. THOMPSON ROSE IMMIGRATION LAW
 P.O.BOX 23651
 SAN DIEGO, CA 92193

PAYMENT INFORMATION:
 Application/Petition Fee: \$1,175.00
 Total Amount Received: \$1,175.00
 Total Balance Due: \$0.00



NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

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 USCIS
 National Benefits Center
 P.O. Box 648003
 Lee's Summit, MO 64002

USCIS Contact Center Number:
 (800)375-5283
 ATTORNEY COPY



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

| | | |
|--|--------------------------------|------------------------------------|
| NOTICE TYPE Receipt | | NOTICE DATE June 16, 2025 |
| CASE TYPE I-601, Application for Waiver of Grounds of Inadmissibility | | USCIS ALIEN NUMBER |
| RECEIPT NUMBER | RECEIVED DATE June 12, 2025 | PAGE 1 of 1 |
| | | DATE OF BIRTH December 26, 1963 |

MARELINO OSORIO REYES
C/O ROSE M. THOMPSON ROSE IMMIGRATION LAW
P.O. BOX 23651
SAN DIEGO, CA 92193

PAYMENT INFORMATION:

Application/Petition Fee: \$1,050.00
Total Amount Received: \$1,050.00
Total Balance Due: \$0.00



NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

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USCIS Office Address:
USCIS
National Benefits Center
P.O. Box 648003
Lee's Summit, MO 64002


USCIS Contact Center Number:
(800)375-5283
ATTORNEY COPY



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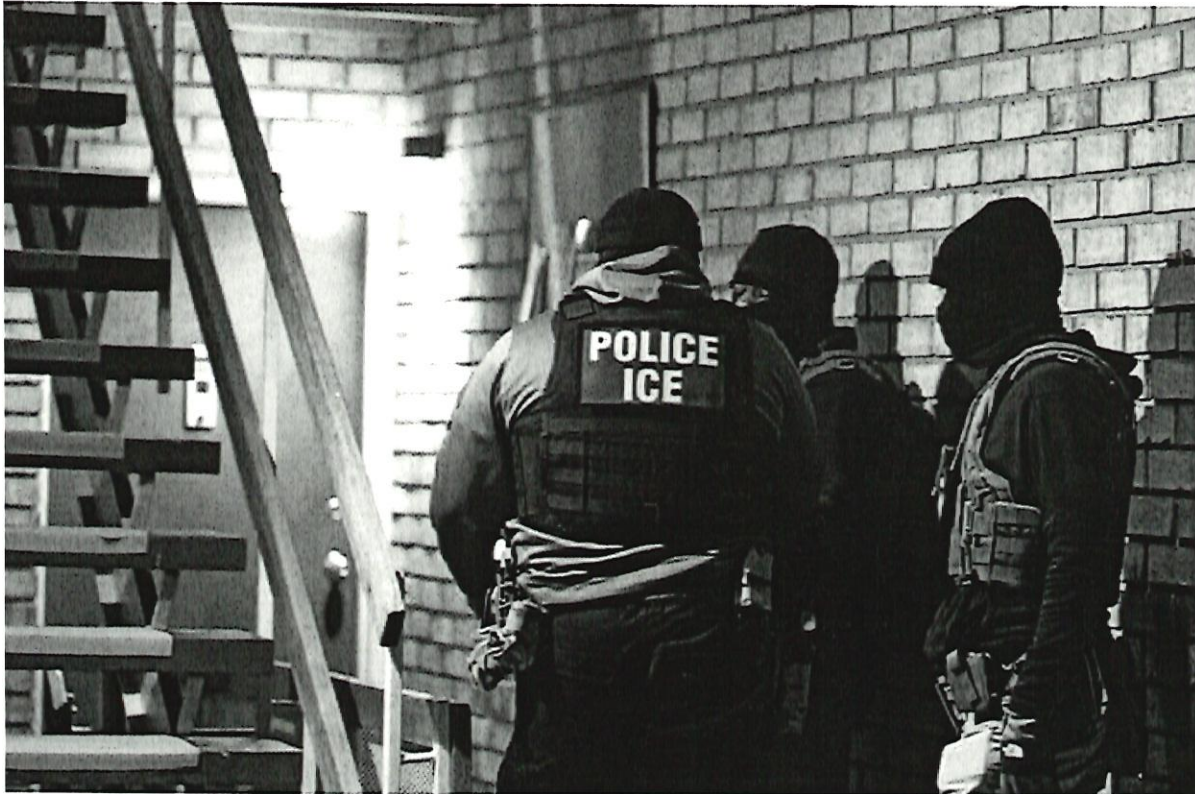
EXHIBIT M

US immigrants detained at mandatory check-ins and court hearings

 [theguardian.com/us-news/2025/feb/18/trump-immigration-dragnet](https://www.theguardian.com/us-news/2025/feb/18/trump-immigration-dragnet)

Alexandra Villarreal

February 18, 2025



US Immigration and Customs Enforcement officers wait to detain a person on 27 January, in Silver Spring, Maryland. Photograph: Alex Brandon/AP

This article is more than **9 months old**

This article is more than 9 months old

Trump administration's pursuit of 'low-hanging fruit' by allegedly tricking people could be counterproductive

People attending recent mandatory immigration check-ins or court appearances have been escorted out in federal custody after the Trump administration allegedly tricked, lied to or otherwise deceived them as part of its mass deportation campaign.

Amid a blitz of immigration-related policy changes over the last few weeks, Donald Trump and his subordinates have greenlit the ability of US Immigration and Customs Enforcement (Ice) to conduct potential civil enforcement operations at courthouses, including in immigration courts.

They have also reportedly set daily arrest quotas between at least 1,200 and 1,500 and gotten angry when agents have not consistently met those targets – pressure from the top that is probably incentivizing officers on the ground to go after the lowest-hanging fruit instead of people with serious criminal records.

There's no lower-hanging fruit than immigrants following the rules, who reliably show up when they are called in for immigration check-ins or court dates. And, already, anecdotes from around the country demonstrate how Ice is setting traps for people to walk into as their family members look on, helpless.

Attorneys in New York say dozens of their clients have been detained and deported after reporting for seemingly routine check-ins related to their immigration cases since Trump's electoral victory in November. Two of them, a mother and her young daughter, didn't even know they had lost their appeal to stay in the US when they arrived for their appointment. They were deported the next day.

For others in New York state, Ice check-ins now mean confiscated passports, ankle monitor requirements and fingerprinting for kids. In neighboring New Jersey, non-citizens are being arrested at their appointments as well. And in Florida, family members and advocates have accused immigration enforcement officials of luring community members into a government contractor's office, supposedly to fix an issue with their monitoring device or to sign a paper, only to take them into custody.

One of the people affected by these tactics was a Miami-Dade county middle school science teacher who had lived in the US since he was 13 years old and reportedly had Deferred Action for Childhood Arrivals (Daca) legal protections, which meant he should have been deprioritized for deportation. Despite that, he was arrested at his regular immigration appointment just before Trump was inaugurated and has since been returned to Honduras.

Elsewhere, a father of four who had lived in the US for two decades and whose only infraction was a traffic stop was told at his 22 January check-in outside Cleveland, Ohio, that he had two weeks to buy a flight returning to Guatemala in February, or else Ice would track him down.

And a week later, in an Ogden, Utah, court for relatively minor offenses, Ice was waiting for a man who pleaded guilty to the misdemeanor of impaired driving. The man's wife and daughter had to stand by while they learned immigration agents would whisk their loved one away, and even the judge was regretful, saying he didn't know Ice would be there and using the word "*triste*" – "sad" in Spanish – to describe his remorse.

From this flurry of reports, it's clear that the Trump administration is catching immigrants long in the US, many of whom have negligible or no criminal histories, in its dragnet of enhanced enforcement.

By arresting people who actually report for required meetings and adjudications, officials are also in effect punishing them for not absconding. And while there has always been a risk of apprehension at Ice check-ins, it's a seemingly counterintuitive approach to improving immigration enforcement to harm those who regularly come forward as they are directed.

Similar concerns exist around enforcement actions at court – and especially immigration courts. When non-citizens don't show up for their immigration proceedings, they are often ordered removed as a no-show. Yet, if word circulates that Ice agents are hanging around immigration court buildings, that may very well dissuade defendants, witnesses and family members from attending hearings based on fears they could become collateral damage during an operation, even if they have done nothing wrong except remain in the country without permission.

This strategy targeting those who are complying with what Ice and the courts tell them to do also reveals a certain level of shortsightedness within the administration. Trump's voracious appetite for more and more immigration arrests may be somewhat sated for the moment if officers go after people who are the easiest to snag because they literally turn themselves in by appearing for check-ins and hearings. But immigrant communities are smart with strong networks, and soon people will hear about the dangers of attending.

Then, Ice will probably lose that pipeline of detentions and deportations. Meanwhile, the country will be worse off when immigrants with legitimate pathways are prevented from pursuing them. And instead of the orderly immigration adjudication process ostensibly intended by these measures, more chaos is likely to ensue as fear takes hold.

In the meantime, students are missing their science teacher. Children are saying goodbye to their fathers. And it's unclear that the US public is safer because of any of it.