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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 MARELINO OSORIO REYES,

Case No.: 25-CV-3721-CAB-BJW

13 '
14 Petitioner,

RESPONSE TO PETITION

15 v.

16 DANIEL A. BRIGHTMAN, *et al.*,

17 Respondents.
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21 **I. Introduction**


22 Petitioner has filed a habeas petition pursuant to 28 U.S.C. § 2241.¹ For the
23 reasons set forth below, the Court should deny Petitioner's requests for relief and
24 dismiss the petition.
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27 ¹ Although the petition's caption includes the phrase "Emergency Relief Requested"
28 and Petitioner mentions a "pending motion for a temporary restraining order" in a joint
motion for extension of time (ECF 4), Petitioner did not file a motion for a temporary
restraining order under Federal Rule of Civil Procedure 65.

1 **II. Factual and Procedural Background²**

2 Petitioner, after entering the United States unlawfully, was apprehended by
3 Border Patrol on November 11, 1989, and placed in deportation proceedings.
4 Declaration of Deportation Officer La'Shaniece Wilson (Wilson Decl.) at ¶ 5. At that
5 time, Petitioner claimed to be a citizen of Honduras. *Id.* On April 19, 1991, he was
6 ordered deported by an Immigration Judge under his current name and A number,

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8 On August 10, 1993, Petitioner was ordered deported by an Immigration Judge
9 under the name Arturo Villalobo Reyes and under the A number  *Id.* at
10 ¶ 6.

11 On or about March 20, 1995, Petitioner submitted a Form I-589, Application for
12 Asylum and for Withholding of Removal, to the former Immigration and Naturalization
13 Service (INS) claiming to be a citizen of Guatemala. *Id.* at ¶ 7. Petitioner claimed no A-
14 number on his application and a new number,  was assigned to him. *Id.*
15 The application included a Guatemalan birth certificate for Petitioner. *Id.*

16 On or about November 19, 1998, the former INS denied Petitioner's Form I-589
17 application and issued him a Notice to Appear, placing him in removal proceedings.
18 Wilson Decl. at ¶ 8.

19 On January 20, 2000, Petitioner, under  was ordered removed *in*
20 *absentia* after failing to appear at an immigration court hearing. *Id.* at ¶ 9.




21 Around 1999 Petitioner submitted an application for Temporary Protected Status
22 (TPS) with U.S. Citizenship and Immigration Services (USCIS) from Honduras which
23 was subsequently approved. *Id.* at ¶ 10. Petitioner's reapplications for TPS status were
24 approved during subsequent years. *Id.*

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² The attached exhibits are true copies, with redactions of private information, of
28 documents obtained from ICE counsel.

1 On August 8, 2025, Petitioner submitted to ERO San Diego a request for an
2 administrative stay of his outstanding removal orders. Wilson Decl. at ¶ 11. On August
3 12, 2025, the request for a stay was denied. *Id.* On the same date, ICE terminated
4 Petitioner’s TPS status. *Id.* The TPS designation for Honduras was subsequently
5 terminated by the Secretary of Homeland Security and discontinued on September 8,
6 2025. *Id.*

7 On August 25, 2025, ICE enrolled Petitioner in the Alternatives to Detention
8 (ATD) program. *Id.* at ¶ 12.

9 On November 3, 2025, Petitioner filed a motion to reopen with the Los Angeles
10 Immigration Court seeking to rescind his *in absentia* removal order (under 
11 . Wilson Decl. at ¶ 13. The filing of that motion to reopen automatically stays
12 removal under the operative removal order. *Id.* However, Petitioner also has two other
13 outstanding final removal orders  *Id.*

14 On December 19, 2025, Petitioner was arrested by ICE and detained due to his
15 outstanding orders of removal. *Id.* On the same date, ICE provided Petitioner with a
16 Notice of Revocation of Release and an informal interview. *Id.*

17 At this time since the *in absentia* removal order is stayed pending adjudication of
18 the motion to reopen, ERO will not effectuate the removal order unless the Immigration
19 Judge denies his motion to reopen. Wilson Decl. at ¶ 15. Petitioner remains subject to
20 mandatory detention under 8 U.S.C. § 1231. *Id.* at ¶ 16.

21 III. Argument

22 A. Petitioner Fails to Plead Sufficient Information

23 The Constitution limits federal judicial power to designated “cases” and
24 “controversies.” U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human*
25 *Rights*, 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present
26 a “case” or “controversy” within the meaning of Article III). “Absent a real and
27 immediate threat of future injury there can be no case or controversy, and thus no Article
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1 III standing for a party seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-1774-
2 BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the*
3 *Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) (“[I]n a
4 lawsuit brought to force compliance, it is the plaintiff’s burden to establish standing by
5 demonstrating that, if unchecked by the litigation, the defendant’s allegedly wrongful
6 behavior will likely occur or continue, and that the threatened injury is certainly
7 impending.”) (simplified)). At the “irreducible constitutional minimum,” standing
8 requires that a petitioner demonstrate the following: (1) an injury in fact (2) that is fairly
9 traceable to the challenged action of the United States and (3) likely to be redressed by
10 a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

11 Moreover, an individual may seek habeas relief under 28 U.S.C. § 2241 if he is
12 “in custody” under federal authority “in violation of the Constitution or laws or treaties
13 of the United States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge
14 only the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067
15 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep’t of Homeland*
16 *Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus
17 historically “provide[s] a means of contesting the lawfulness of restraint and securing
18 release.”). The Ninth Circuit squarely explained how to decide whether a claim sounds
19 in habeas jurisdiction: “[O]ur review of the history and purpose of habeas leads us to
20 conclude the relevant question is whether, based on the allegations in the petition,
21 release is *legally required* irrespective of the relief requested.” *Pinson*, 69 F.4th at 1072
22 (emphasis in original); *see also Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016)
23 (The key inquiry is whether success on the petitioner’s claim would “necessarily lead
24 to immediate or speedier release.”); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC,
25 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not
26 arise under § 2241 because they were not arguing they were unlawfully in custody and
27 receiving the requested relief would not entitle them to release); *Giron Rodas v. Lyons*,

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1 No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in
2 *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it
3 cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting
4 *Pinson*, 69 F.4th at 1065).

5 Further, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more
6 demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition
7 must ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts
8 supporting each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules
9 Governing Section 2254 Cases in the United States District Court (“Federal Habeas
10 Rules”)); *see also James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations
11 which are not supported by a statement of specific facts do not warrant habeas relief.”).
12 As stated by the Advisory Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p.
13 471, “notice pleading is not sufficient, for the petition is expected to state facts that point
14 to a real possibility of constitutional error.”) (internal quotation marks omitted).

15 Here, Petitioner’s habeas petition fails to supply sufficient information for the
16 Court to adjudicate his claims. Specifically, the petition asserts various legal and factual
17 positions without providing Respondents sufficient notice of the exact legal violations
18 Respondents must defend. As such, the Court should deny the petition. *See Alonso*
19 *Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3,
20 2025) (dismissing without prejudice habeas petition that failed to allege sufficient
21 factual information).

22 Confusingly, while Petitioner is subject to three final orders of removal, he
23 appears to argue that Respondents have no authority to detain him or to put him on an
24 order of supervised release. Such arguments are legally incorrect. *See* 8 U.S.C.
25 § 1231(b)(2)(A) (“the Attorney General *shall detain* the alien”); 8 U.S.C. § 1231(b)(3)
26 (“If the alien does not leave or is not removed within the removal period, the alien,
27 pending removal, *shall be subject to supervision*”). For purposes of judicial efficiency,
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1 Respondents assert that Petitioner’s habeas petition asserts a standard *Zadvydas v.*
2 *Davis*, 533 U.S. 678 (2001), claim and respond accordingly herein.³

3 **B. Petitioner’s Claims and Requests are Barred by 8 U.S.C. § 1252**

4 Petitioner bears the burden of establishing that this Court has subject matter
5 jurisdiction over his claims. *See Ass’n of Am. Med. Coll. v. United States*, 217 F.3d 770,
6 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989). To the
7 extent Petitioner’s claims arise from—or seek to enjoin—the decision to execute his
8 removal order, they are jurisdictionally barred under 8 U.S.C. § 1252(g). *See* 8 U.S.C.
9 § 1252(g) (“Except as provided in this section and *notwithstanding any other provision*
10 *of law* (statutory or nonstatutory), *including section 2241 of Title 28, or any other*
11 *habeas corpus provision*, and sections 1361 and 1651 of such title, no court shall have
12 jurisdiction to hear any cause or claim by or on behalf of any alien arising from the
13 decision or action by the Attorney General to commence proceedings, adjudicate cases,
14 or *execute removal orders* against any alien under this chapter.”) (emphasis added);
15 *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There was
16 good reason for Congress to focus special attention upon, and make special provision
17 for, judicial review of the Attorney General’s discrete acts of “commenc[ing]
18 proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders”—which represent
19 the initiation or prosecution of various stages in the deportation process.”). In other
20 words, § 1252(g) removes district court jurisdiction over “three discrete actions that the
21 Attorney may take: [his] ‘decision or action’ to ‘commence proceedings, adjudicate
22 cases, or execute removal orders.’” *Reno*, 525 U.S. at 482 (emphasis removed).
23 Petitioner’s claims necessarily arise “from the decision or action by the Attorney
24 General to . . . execute removal orders,” over which Congress has explicitly foreclosed
25 district court jurisdiction. 8 U.S.C. § 1252(g). Accordingly, to the extent Petitioner’s

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28 ³ To the extent the Court read the petition as sufficiently asserting other claims, Respondents respectfully request clarification and an opportunity to respond.

1 claims arise from—or seek to enjoin—the decision to execute his removal order, the
2 Court should deny and dismiss those claims for lack of jurisdiction under 8 U.S.C.
3 § 1252.

4 **C. The Nature and Duration of Petitioner’s Custody Do Not Violate the Due**
5 **Process Clause**

6 Petitioner is properly detained under 8 U.S.C. § 1231. An alien ordered removed
7 must be detained for 90 days pending the government’s efforts to secure the alien’s
8 removal. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General “shall detain” the alien during
9 the 90-day removal period). The statute “limits an alien’s post-removal detention to a
10 period reasonably necessary to bring about the alien’s removal from the United States”
11 and does not permit “indefinite detention.” *Zadvydas v. Davis*, 533 U.S. 678, 689
12 (2001). The Supreme Court has held that a six-month period of post-removal detention
13 constitutes a “presumptively reasonable period of detention.” *Id.* at 683. Release is not
14 mandated after the expiration of the six-month period unless “there is no significant
15 likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

16 In *Zadvydas*, the Supreme Court held: “[T]he habeas court must ask whether the
17 detention in question exceeds a period reasonably necessary to secure removal. It should
18 measure reasonableness primarily in terms of the statute’s basic purpose, namely,
19 *assuring the alien’s presence at the moment of removal.*” *Id.* at 699 (emphasis added).
20 In so holding, the court recognized that detention is presumptively reasonable pending
21 efforts to obtain travel documents, because the noncitizen’s assistance is needed to
22 obtain the travel documents, and a noncitizen who is subject to an imminent, executable
23 warrant of removal becomes a significant flight risk, especially if he or she is aware that
24 it is imminent.

25 The court also held that the detention could exceed six months: “This 6-month
26 presumption, of course, does not mean that every alien not removed must be released
27 after six months. To the contrary, an alien may be held in confinement until it has been
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1 determined that there is no significant likelihood of removal in the reasonably
2 foreseeable future.” *Id.* at 701. “After this 6-month period, once the alien provides good
3 reason to believe that there is no significant likelihood of removal in the reasonably
4 foreseeable future, the Government must respond with evidence sufficient to rebut that
5 showing and that the noncitizen has the initial burden of proving that removal is not
6 significantly likely.” *Id.* The Ninth Circuit has emphasized, “*Zadvydas* places the
7 burden on the alien to show, after a detention period of six months, that there is ‘good
8 reason to believe that there is no significant likelihood of removal in the reasonably
9 foreseeable future.’” *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting
10 *Zadvydas*, 533 U.S. at 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003).

11 Here, Petitioner has been in ICE custody since December 19, 2025, and his
12 removal is stayed pending adjudication of his motion to reopen and rescind his *in*
13 *absentia* removal order. Wilson Decl. at ¶¶ 14-15. Once adjudicated, the arrangements
14 needed to effect his deportation will be made well within the *Zadvydas* timeframe. That
15 Petitioner does not yet have a specific date of anticipated removal does not make his
16 detention indefinite. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008). It
17 would be premature to conclude that that the standard set forth in the *Zadvydas* has been
18 violated before permitting ICE an opportunity to complete its efforts to effect his
19 removal.

20 IV. CONCLUSION

21 For the foregoing reasons, Respondents respectfully request that the Court
22 dismiss the habeas petition.

23 DATED: January 1, 2026

24 Respectfully submitted,

25 ADAM GORDON
26 United States Attorney

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s/ Tom Merritt

TOM MERRITT
Assistant United States Attorney
Attorney for Respondents

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

MARELINO OSORIO REYES,
Petitioner,

v.

Daniel A. Brightman, et al,
Respondent.

Case No.: 25-CV-3721-CAB-BJW
**DECLARATION OF
LA'SHANIECE WILSON.**

I, La'Shaniece Wilson, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am a Deportation Officer (DO) with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the Otay Mesa suboffice of the San Diego Field Office. I have been with ICE as a DO since December 29, 2024.

2. This declaration is based on my personal knowledge and experience as a

1 law enforcement officer and information provided to me in my official capacity as a
2 DO at the ICE ERO San Diego Field Office, as well as my review of government
3 databases and documentation relating to Petitioner Marelino Osorio Reyes

4 3. Petitioner is currently detained at the Otay Mesa Detention Center.

5 4. Petitioner has three known identities each with different A-numbers.

6 5. Petitioner, after entering the United States unlawfully, was apprehended
7 by Border Patrol on November 11, 1989, and placed in deportation proceedings.
8 Petitioner then claimed to be a citizen of Honduras. On April 19, 1991, he was ordered
9 deported by an Immigration Judge under his current name and A number, [REDACTED]

10 [REDACTED]

11 6. On August 10, 1993, Petitioner was ordered deported by an Immigration
12 Judge under the name Arturo Villalobo Reyes under A number [REDACTED]

13 7. On or about March 20, 1995, Petitioner submitted a Form I-589,
14 Application for Asylum and for Withholding of Removal, to the former Immigration
15 and Naturalization Service (INS) claiming to be a citizen of Guatemala. Petitioner
16 claimed no A-number on his application and a new number of [REDACTED] was
17 assigned. The application included a Guatemalan birth certificate for Petitioner.

18 8. On or about November 19, 1998, the former INS denied Petitioner's Form
19 I-589 application and issued him a Notice to Appear, placing him in removal
20 proceedings.



21 9. On January 20, 2000, Petitioner, under [REDACTED] was ordered
22 removed *in absentia* after failing to appear to his immigration court hearing.

23 10. Around 1999 Petitioner submitted an application for Temporary Protected
24 Status (TPS) with U.S. Citizenship and Immigration Services (USCIS) from Honduras
25 which was subsequently approved. In subsequent years, Petitioner re-applied and was
26 approved TPS for a set amount of time with each approval.

27 11. On August 8, 2025, Petitioner submitted to ERO San Diego a request for
28 an administrative stay of his outstanding removal orders. In reviewing Petitioner's stay

1 request, ERO discovered the multiple discrepancies between Petitioner's TPS
2 applications, relief applications, and removal proceedings. On August 12, 2025, the
3 request for a stay was denied. On the same date, ICE terminated Petitioner's TPS status.
4 The TPS designation for Honduras was subsequently terminated by the Secretary of
5 Homeland Security and discontinued on September 8, 2025.

6 12. On August 25, 2025, ICE enrolled Petitioner in the Alternatives to
7 Detention (ATD) program.¹

8 13. On November 3, 2025, Petitioner filed a motion to reopen with the Los
9 Angeles Immigration Court seeking to rescind his *in absentia* removal order (under
10  The filing of that motion to open automatically stays removal under
11 the operative removal order. *See* 8 C.F.R. § 1003.23(b)(4)(ii). However, Petitioner also
12 has two other outstanding final removal orders 

13 14. On December 19, 2025, Petitioner was arrested by ICE and detained due
14 to his outstanding orders of removal. On December 19, 2025, ICE provided Petitioner
15 with a notice of revocation of release and informal interview.

16 15. At this time since the *in absentia* removal order is stayed pending
17 adjudication of the motion to reopen, ERO will not effectuate the removal order unless
18 the Immigration Judge denies his motion to reopen.

19 16. Petitioner remains subject to mandatory detention under 8 U.S.C. § 1231.

20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct.

22 Executed on this 30th day of December, 2025.

23 **LASHANIEC** Digitally signed by
24 **E M WILSON** LASHANIECE M WILSON
Date: 2025.12.30 15:46:47
-08'00'

25 La'Shaniece Wilson
26 Deportation Officer
27 San Diego Field Office

28 ¹ This enrollment was a contemplated provision of Petitioner's previous placement on
an order of supervision (OSUP).

Government Exhibit A

U.S. Department of Homeland Security

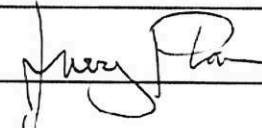
Subject ID : [REDACTED]

Record of Deportable/Inadmissible Alien

Family Name (CA/PS) OSORIO-REYES, MARCELINO		First	Middle	Sex	Hair	Eyes	Complexion
Country of Citizenship HONDURAS	Passport Number and Country of Issue	File Number		Height	Weight	Occupation UNR	
U.S. Address [REDACTED]				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time,			Passenger Boarded at	F.R.I. Number [REDACTED]			
Number, Street, City, Province (State) and Country of Permanent Residence FAILED TO PROVIDE ADDRESS GUATEMALA				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth [REDACTED]	Age: 60	Date of Action 12/22/2025	Location Code SND/SND	Method of Location/Apprehension CA			
City, Province (State) and Country of Birth HONDURAS		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	AU/Near See I-831	Date/Hour 12/22/2025 12:22		
NIV Issuing Post and NIV Number		Social Security Account Name		By QUANTEZ GREENE			
Date Visa Issued		Social Security Number		Status at Entry	Status When Found		
Immigration Record POSITIVE - See Narrative				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) [REDACTED] NATIONALITY: UNITED STATES				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known [REDACTED] GUATEMALA		Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED] NATIONALITY: GUATEMALA					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s) See Narrative			
Name and Address of (Last)(Current) U.S. Employer		Type of Employment Unemployed or Retired	Salary	Employed from/to			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: [REDACTED]		Left Index fingerprint			Right Index fingerprint		
Family Information							
Father: [REDACTED]							
Mother: [REDACTED]							
Spouse: [REDACTED]							
Child: Subject does not have children or dependents.							
OTHER ALIASES KNOWN BY:							
Osorio Reyes, Mareline ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges <u>12/22/2025 vpp</u> (Date/Initials)				for A 11782 PADILLA Deportation Officer (Signature and Title of Immigration Officer)			
Distribution: A-FILE EARM STATS				Received: (Subject and Documents) (Report of Interview) Officer: A 11782 PADILLA on: December 22, 2025 (time) Disposition: Other Examining Officer: ORRELL, JAMES			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name OSORIO-REYES, MARCELINO	File Number [REDACTED] Event No: [REDACTED]	Date 12/22/2025
<p>Villalobo Reyes, Arturo</p> <p>IMMIGRATION RECORD</p> <p>-----</p> <p>History was expected but not provided</p> <p>Subject Health Status</p> <p>-----</p> <p>The subject claims good health. Takes heart medications and has meds with him.</p> <p>Current Administrative Charges</p> <p>-----</p> <p>12/22/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)</p> <p>RECORDS CHECKED</p> <p>-----</p> <p>IAFIS checked on 12/22/2025 with Positive result.EARM checked on 12/22/2025 with Positive result.TECS checked on 12/22/2025 with Negative result.CIS checked on 12/22/2025 with Positive result.</p> <p>Arrested At/Near</p> <p>-----</p> <p>185 W F St San Diego CA 92101 USA</p> <p>Record of Deportable/Excludable Alien:</p> <p>-----</p> <p>NAME: OSORIO-Reyes, Marcelino A#: [REDACTED] DOB: [REDACTED] COB: Guatemala FBI: [REDACTED] CASE TYPE: Bag and Baggage AGENCY: ICE</p> <p>I, Special Agent, Brian Dennison, am currently assigned to the San Diego Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Alternatives to Detention (ATD) Unit with an area of operational enforcement to include, but not limited to, the San Diego County area. This unit is responsible, in part, for locating and identifying aliens, including out-of-status nonimmigrants and deportable immigrants, and, when applicable under the law, processing them for removal proceedings.</p> <p>ENCOUNTER DATA</p> <p>On December 19, 2025, at approximately 8:00 AM, San Diego ICE/ERO Deportation Officer (DO) Quantez Greene, and HSI SA Brian Nelson responded to the Intensive Supervision Appearance Program (ISAP) San Diego Office, located at 185 West F Street, Suite 300, San Diego, CA 92101. Officers were notified by ISAP that OSORIO-Reyes, Marcelino reported in person for an interview, and using Department of Homeland Security databases, ICE determined that OSORIO-Reyes did not possess valid immigration documents authorizing him to be or remain in the United States legally.</p> <p>On December 19, 2025, at 8:59 AM, OSORIO-Reyes, Marcelino, A# [REDACTED] was arrested by ICE/ERO San Diego Deportation Officer Greene and HSI SA Nelson at his scheduled office appointment at ISAP, located at 185 West F Street Suite 300, San Diego, CA 92101, pursuant</p>		
Signature A 11782 PADILLA 	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name OSORIO-REYES, MARCELINO	File Number [REDACTED] Event No: [REDACTED]	Date 12/22/2025
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to the immigration judge's order of removal. OREJEL-Carillo was an ICE/ERO ATD program participant. ICE/ERO Officers positively identified the intended target, OSORIO-Reyes and placed him under arrest per the Warrant for Arrest of Alien, Form I-200 and transported him without incident to the San Diego ICE/ERO San Diego Field Office for processing.

On November 3, 2025, OSORIO-Reyes filed a motion to Reopen the in-Absentia Removal Order based on not receiving notice of the court hearing.

DISPOSITION:

OSORIO-Reyes will be remanded into custody pending Motion to Reopen in Absentia Removal order. A Notice to EOIR: Alien Address, Form I-830 will be filed with EOIR notifying the subject is now in detention.

On December 22, 2025, I Deportation Officer A. Padilla was assigned to process the following case OSORIO-Reyes, Marcelino DOB: [REDACTED] using the arresting officer's narrative. I was not the arresting officer.

IMMIGRATION HISTORY:

04/19/1991- OSORIO-Reyes, Marelino A# [REDACTED] was ordered removed by an Immigration Judge
 08/10/1993- VILLALOBO- Reyes, Arturo A# [REDACTED] was ordered removed by an Immigration Judge
 01/20/2000- OSORIO- Reyes, Marcelino A# [REDACTED] was ordered removed by an Immigration Judge

CRIMINAL HISTORY:

None

Interview:

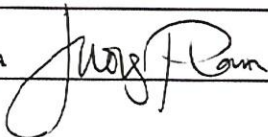
OSORIO-Reyes, Marcelino does not claim to have served in the United States Armed Forces. OSORIO-Reyes, Marcelino claims to feel healthy but takes heart medication and has medicine with him.
 OSORIO-Reyes, Marcelino claims to have no children .
 OSORIO-Reyes, Marcelino stated he has used multiple names, dates of birth and nationalities in order to circumvent the immigration system and obtain benefits in the United States.
 OSORIO-Reyes, Marcelino currently states his name is now OSORIO-Reyes, Marelino using a previous alias from before. Subject will remain with his current name since he has a pending motion to reopen under that name.

DISPOSITION:

OSORIO-Reyes, Marcelino is removable based on Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. OSORIO-Reyes, Marcelino will be held in DHS custody until his removal can take place.

Other Identifying Numbers

ALIEN- [REDACTED]

Signature for A 11782 PADILLA 	Title Deportation Officer
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Government Exhibit B

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
880 Front Street, Suite 3200
San Diego, CA, 92101



**U.S. Immigration
and Customs
Enforcement**

Osorio Reyes, Marcelino

A [REDACTED]

Notice of Revocation of Release

This letter is to inform you that your order of supervision has been revoked, and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.

ICE has determined that you will be remanded into custody pending the outcome of the pending Motion to Reopen case.

Based on the above, and pursuant to 8 C.F.R. § 241.13(i)(2), your release on an order of supervision will be revoked today and you will be taken into ICE custody. You will be afforded an informal interview today at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. Section 1253(a).

A handwritten signature in black ink, appearing to read "D. Cordero".

D. Cordero | SDDO
Signature and Title of Authorized Official

12/19/2025
Date

Notice to Alien of Revocation of Release



Page 2

PROOF OF SERVICE

(1) Personal Service

(a) I, R. MORGANSON, M., Deportation Officer,

Name of ICE Officer

Title

certify that I served MARCELINO OSORIO with a copy of

Name of detainee

this document at San Diego, CA ICE/ERO Non-Detained Office on 12/18/2025 at 1:32 pm

Institution

Date

Time

Detainee Signature: A Refused to Sign UMR Date: 12/19/2025

() cc: Attorney of Record or Designated Representative

() cc: A-File

ALIEN INFORMAL INTERVIEW
UPON REVOCATION OF ORDER OF SUPERVISION UNDER
8 C.F.R. § 241.4(l); 8 C.F.R. § 241.13(l)

STATEMENT OF: Osorio Reyes, Marcelino

A File # [REDACTED]

Detention Location: San Diego, CA

INTERVIEWING ICE OFFICER: M. Richardson DO SNO
[Print Name, Title & Duty Station]

On 12/19/25, I conducted an initial informal interview of the detainee listed above in order to afford the alien an opportunity to respond to the reasons for revocation of his or her order of supervision stated in the notification letter. At the interview, the alien made the following oral response regarding the reasons for revocation:

subject refused to sign or to make a statement —

The detainee [did] [did not] provide a written statement. The detainee [did] [did not] provide any documents. Any documents provided are attached.


Signature of Interviewing Officer

FOR INTERNAL USE ONLY