

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

JOSE CRUZ SANTOS,	*	
Petitioner,	*	Case No. 1:25-cv-04096-DLB
v.	*	
NIKITA BAKER, <i>et al.</i> ,	*	
Respondents.	*	
* * * * * * * * * * * *		

DECLARATION OF JOSEPH BURKI

I, Joseph Burki, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Assistant Field Office Director at the United States Immigration and Customs Enforcement (“ICE”) Field Office in Baltimore, Maryland. I have served in the Department of Homeland Security (“DHS”) for approximately eleven years.

2. In my role as an Assistant Field Office Director, I have access to records maintained in the ordinary course of business by ICE, including documentary evidence concerning the ICE Baltimore Field Office and the detainees who fall within its responsibility.

3. I am aware that Jose Cruz Santos (A221489118) (“Petitioner”) has filed a Petition for Writ of Habeas Corpus in this Court.

4. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, and other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

5. Petitioner is a citizen and native of Honduras who entered into the United States at an unknown date and location without being inspected, admitted, or paroled.

6. On December 10, 2025, ICE Baltimore’s Fugitive Operations Team was performing area enforcement vehicle record checks in Prince George’s County, Maryland. ICE officers conducted a check of a vehicle registered to Petitioner, which revealed that Petitioner has no immigration status or history. Officers subsequently initiated a vehicle stop of Petitioner’s vehicle, at which time they encountered Petitioner and conducted a brief interview. During the interview, Petitioner admitted to being a citizen of a foreign country and being present in the United States without any immigration documents. Officers arrested Petitioner and transported him to the ICE Baltimore Field Office without incident.

7. On the same date, December 10, 2025, Petitioner was served with a Notice to Appear (“NTA”), Form I-862, and a Warrant for Arrest of Alien, Form I-200 *See* Exhibit A, December 10, 2025 NTA; Exhibit B, December 10, 2025 Warrant for Arrest of Alien. Petitioner is presently in removal proceedings pursuant to Immigration and Nationality Act § 240 (8 U.S.C. § 1229a).

8. On December 12, 2025, Petitioner was booked out of the ICE Baltimore Field Office at 8:00 AM Eastern Standard Time for his transfer to the Florence Staging Facility in Florence, Arizona. A screenshot of Petitioner’s Detention Detail Log is below. A copy of Petitioner’s Baltimore Detention Details is also attached hereto as Exhibit C.

<u>USM</u>	<u>Book In Date</u>	<u>A-Number</u>	<u>Subject ID</u>	<u>Case #</u>	<u>Detention Location</u>	<u>Book Out Date</u>	<u>Release / Book Out Type</u>
	12/15/2025 1904			25296518	FLO - CCA, FLORENCE CORRECTIONAL CENTER (IHSC)	In Custody	
	12/13/2025 0155			25296518	FLO - FLORENCE STAGING FACILITY (IHSC)	12/15/2025 1903	Transferred - FLO
	12/10/2025 2137			25296518	BAL - BALTIMORE HOLD ROOM	12/12/2025 0800	Transferred - BAL

9. After Petitioner was booked out of the ICE Baltimore Field Office, he was immediately transported by ground to Liberty Newark International Airport (EWR) in Newark, New Jersey, where he remained until his flight (Mission #26-001464) at 4:30 PM Eastern Standard

Time bound for Mesa Gateway Airport (IWA) in Mesa, Arizona. *See* Exhibit D, December 12, 2025 ICE Air Ops Schedule for Mission #26-001464; *see also* December 12, 2025 Manifest for Mission #26-001464 (showing Petitioner was one of the passengers on the flight).

10. I have been made aware that Petitioner filed the Petition for Writ of Habeas Corpus at approximately 2:31 PM Eastern Standard Time on December 12, 2025. At that time, Petitioner was no longer in Maryland; he was in New Jersey at Liberty Newark International Airport (EWR) awaiting his flight.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury, the foregoing is true and correct, to the best of my knowledge, and that all attached documents are true and correct copies of the documents maintained by DHS in the ordinary course of business.

Executed on: December 19, 2025

JOSEPH C BURKI Digitally signed by JOSEPH C
BURKI
Date: 2025.12.19 16:13:10 -05'00'

Joseph Burki
Assistant Field Office Director
ICE Baltimore Field Office

EXHIBIT A

to Burki Declaration

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]
Event No: BAL2612000288

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

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

In the Matter of:

Respondent: JOSE ARNOLDO CRUZ-SANTOSE currently residing at:

[REDACTED]
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer. ORAt that time you arrived at a time or place other than as designated by the Attorney General.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

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

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

3311 TOLEDO ROAD, SUITE 105, HYATTSVILLE, MARYLAND 20782. HYATTSVILLE IMMIGRATION COURT
(Complete Address of Immigration Court, including Room Number, if any)

on April 24, 2026 at 8:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.


D10543 LEE - SDDO
(Signature and Title of Issuing Officer)

Date: December 10, 2025

Baltimore MD
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 10, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign
(Signature of Respondent if Personally Served)

R LANE - Deportation Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name CRUZ-SANTOSE, JOSE ARNOLDO	File Number 	Date 12/10/2025
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THE SERVICE ALLEGES THAT YOU:

reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

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.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature D10543 LEE 	Title SDDO
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EXHIBIT B

to Burki Declaration

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

File No. [REDACTED]

Date: 12/10/2025

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 CRUZ-SANTOSE, JOSE 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.

(Signature of Authorized Immigration Officer)

D10543 LEE - SDDO

(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 Baltimore MD (Location)

on CRUZ-SANTOSE, JOSE (Name of Alien) on December 10, 2025 (Date of Service), and the contents of this

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

R LANE

Deportation Officer

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EXHIBIT C

to Burki Declaration

EADM

Logged In: CAZXHMOZ |

Person ID: [REDACTED] Sex: M DOB: [REDACTED] Current Age: 44 COB: HONDU COC: HONDU
 Subject ID: [REDACTED] Processing Disposition: **Warrant of Arrest/Notice to Appear** ICE Non-Detained Portal Verified Account: No RCA Loc
 Case #: 25296518 Case Category: 8B Docket: **FLO - DDU 000-199 K. Livingston**
 Book In Date: **12/10/2025** Assigned Unit: **N/A** Book Out Date: **12/12/2025**
 Detention Location: **BAL - BALHOLD** Assigned Bed: **N/A** Type: **T - Transferred**
 Local Code: **N/A** Treat As Juvenile: **No**
 Detention Classification: **Low** Attorney Notified: **No**



Current / Active Alerts

In Custody

Cruz-Santose, Jose Arnaldo 221 489 118

Detention Details

Book In / Out

Days in this Facility: **2 (Active)** | Days in Custody: **9 (Active)**

Book In

In The Custody of: **ICE / ERO**
 Book In Encounter / Subject ID: [REDACTED]
 Book In Date / Time: **12/10/2025 2137**
 Searched By (Off.1): **IHLCCIHV**
 Searched By (Off.2): **N/A**
 Booked In By: **IHLCCIHV**
 Delivering Office: **BALTIMORE, MD, DOCKET CONTROL OFFICE**
 Booked In DCO: **BALTIMORE, MD, DOCKET CONTROL OFFICE**
 Billing DCO: **BALTIMORE, MD, DOCKET CONTROL OFFICE**
 Current Detention Location: **BALTIMORE HOLD ROOM**
 Local Code: **N/A**
 Detention Classification: **Low**
 Assigned Unit: **N/A**
 Assigned Bed: **N/A**
 Treat Detainee as a Juvenile? **No**
 Mandatory Detention: **Yes**
 Juvenile Status: **N/A**
 Consequence Delivery System Selection: **N/A**

Book In Comment

N/A

Health Condition Observed at Book In

Observation Date / Time: **12/10/2025 2137**
 Health Condition Observed at Book In: **Detainee claims Good Health**
 Medication at Book In: **No**
 Medical Comments: **N/A**
Notice: This is not considered an official medical screening only a quick check by the detention officer. Only IHSC or another medical expert can make official medical evaluations of the detainees; see IHSC Medical Screening.

Book In Edit Information

Last Update On: **N/A**
 Last Update By: **N/A**
 Reason For Edit: **N/A**

Bio Snapshot at Time of Book Out

A-Number: [REDACTED] DOB: [REDACTED]

Book Out

Release Date / Time: **12/12/2025 0800**
 Releasing Officer: **XWTRMTNL**
 Book out Type: **Transferred**
 Transfer to DCO: **FLORENCE, AZ, SERVICE PROCESSING CENTER (DOCKET CONTROL OFFICE)**
Transfer to Detention Location: FLORENCE STAGING FACILITY (IHSC)
 Transfer Reason: **N/A**
 Release Reason: **Transferred**
 Released To Address: **N/A**
 Country of Removal: **N/A**
 Agency Type: **N/A**
 Name of Agency: **N/A**
 Attorney Notified: **No**

Book Out Comment:

N/A



Detainee Photograph

Book Out Edit Information

Last Update On: **N/A**
 Last Update By: **N/A**
 Reason For Edit: **N/A**

Detention History

Last Name: **CRUZ-SANTOSE** COC: **HONDU**
 First Name: **JOSE** COB: **HONDU**
 Middle Name: **ARNOLDO**

<u>USM</u>	<u>Book In Date</u>	<u>A-Number</u>	<u>Subject ID</u>	<u>Case #</u>	<u>Detention Location</u>	<u>Book Out Date</u>	<u>Release / Book Out Type</u>
	<u>12/15/2025</u> <u>1904</u>			25296518	FLO - CCA, FLORENCE CORRECTIONAL CENTER (IHSC)	In Custody	
	<u>12/13/2025</u> <u>0155</u>			25296518	FLO - FLORENCE STAGING FACILITY (IHSC)	12/15/2025 1903	Transferred - FLO
	<u>12/10/2025</u> <u>2137</u>			25296518	BAL - BALTIMORE HOLD ROOM	12/12/2025 0800	Transferred - BAL

EXHIBIT D

to Burki Declaration



IWA3 Fri 12/12/2025 08:00

Export Manifest



Mission Number 26-001464 Stops EWR, IWA Valid true Bookable false Locked true Status(state) Complete



Details Segments (2) Approvers (1) Manifest (132) Pending Requests Flight Delays DARs

Segments 2

Last refreshed 1m ago.

Refresh Settings Filter 1

Order	Departure	Departure Date	Departure Time	Departure Timezone	Arrival	Arrival Date	Arrival Time	Arrival Timezone	Travel Segment Status
1	IWA	12-12-2025	08:00:00	America/Phoenix	EWR	12-12-2025	15:00:00	America/New_York	Closed
2	EWR	12-12-2025	16:30:00	America/New_York	IWA	12-12-2025	20:10:00	America/Phoenix	Closed

EXHIBIT E

to Burki Declaration

MISSION # 24-09144 Date: Friday, December 12, 2024 12:12:01 AM 183416
 Crew: WAZ / 183416 ALTS:

Page	Ac	Subject	Last Name	First Name	DOB	Age	Gender	National	Identify	FAMU ID	Family association	TITLE	Crime	OCOSector	Group	Sex	Strike Reason	ENV	Commercial	Traveller Type	Next Scheduled	Current Detention Location	Comments
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Pick Up Location: WAZ

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Pick Up Location: ENV

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