

~~JUDICIAL OFFICER SCHYDLOWER~~

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

2025 DEC 23 PM 4:48
CLERK OF COURT
BY: *PC*
OFFICE

JHONDER E. ZAMBRANO MACHADO

A# 

Petitioner,

v.

WARDEN ERO EL PASO CAMP EAST MONTANA;
FIELD OFFICE DIRECTOR, ICE EL PASO
FIELD OFFICE; DIRECTOR OF U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT (ICE);
SECRETARY OF THE U.S. DEPARTMENT OF
HOMELAND SECURITY (DHS); ATTORNEY
GENERAL OF THE UNITED STATES OF AMERICA

Respondents.

EP 25 CV 0740

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. INTRODUCTION

1. Petitioner Jhonder Enrique Zambrano Machado (“Petitioner”) was previously granted Temporary Protected Status (“TPS”), and his removal proceedings were administratively closed on that basis. Following the termination of the Venezuela TPS designation by Federal Register Notice, DHS re-detained Petitioner and sought to re-calendar proceedings; however, Immigration Court has

continued to disclaim bond jurisdiction, leaving Petitioner without any forum for custody review.

2. Despite the absence of a final order of removal, the lack of any criminal or public-safety concern, and the continued disclaimer of bond jurisdiction by Immigration Court, Immigration and Customs Enforcement (“ICE”) continues to detain Petitioner at the ERO El Paso Camp East Montana.

3. Petitioner’s detention is unlawful and unconstitutional because it is unsupported by statute, violates the Due Process Clause of the Fifth Amendment, and leaves Petitioner without access to any neutral decision-maker capable of reviewing custody (Exhibit A, Order Denying Bond).

4. This Petition seeks immediate habeas relief under 28 U.S.C. § 2241.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Fifth Amendment to the United States Constitution.

6. Petitioner is detained within the Western District of Texas.

7. Respondents exercise custody and control over Petitioner.

8. Venue is proper in this District pursuant to 28 U.S.C. § 2241(a).

III. PARTIES

9. Petitioner is a native and citizen of Venezuela currently detained at the ERO El Paso Camp East Montana.

10. Respondent Warden is the immediate custodian of Petitioner.

11. Respondent ICE Field Office Director (El Paso) exercises legal authority over Petitioner's detention.

12. Respondent Secretary of Homeland Security is responsible for enforcement of the immigration laws of the United States.

IV. FACTUAL BACKGROUND (UNDISPUTED)

13. Petitioner entered the United States on or about March 30, 2023 (Exhibit B, Notice to Appear Form I-862).

14. Petitioner was granted Temporary Protected Status on December 13, 2023. His TPS designation was later terminated by Federal Register Notice pursuant to DHS action; however, that grant of TPS formed the basis for the administrative closure of his removal proceedings.

15. On May 24, 2024, Petitioner filed an Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture with the Immigration Court (Exhibit C – EOIR Notice of Filing and Form I-589).

16. On December 18, 2024, the Immigration Court in Miami administratively closed Petitioner's removal proceedings based on his then-existing TPS status and the lack of opposition from the Department of Homeland Security (Exhibit D – Order of Administrative Closure).

17. Petitioner has no criminal history in the United States or Venezuela. Petitioner's current detention arises solely from his immigration status (Exhibit E – Criminal Background Checks).

18. In July 2025, Petitioner was present at a convenience store in Miami when local police officers entered the premises in connection with an unrelated inquiry. The police determined that Petitioner was not involved in the matter and was free to leave. Immigration and Customs Enforcement agents nevertheless detained Petitioner without alleging any criminal conduct or public safety concern. Petitioner was subsequently transferred to ICE custody and removed to El Paso Texas.

19. Petitioner requested a custody redetermination before the Immigration Court (Exhibit F – Redetermination Custody Motion before the Immigration Judge).

20. On November 4, 2025, the Immigration Judge denied bond for lack of jurisdiction, citing Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

21. As a result, no immigration court has jurisdiction to review Petitioner's detention, leaving him confined without access to any bond forum.

V. CLAIM FOR RELIEF

Unlawful Detention in Violation of the Fifth Amendment (28 U.S.C. § 2241)

22. Petitioner is detained under INA § 236(a) even though:

- a. He has no final order of removal;

- b. He has no criminal convictions and is not removable on criminal grounds;
- c. His removal proceedings were administratively closed due to his prior TPS grant and, although later re-calendared at DHS's request, Immigration Court has continued to disclaim bond jurisdiction; and
- d. He poses no danger and no flight risk.

As a result, Petitioner is subject to discretionary detention without any available mechanism for custody review, in violation of the Fifth Amendment.

23. When immigration authorities detain a noncitizen without access to a bond hearing or neutral custody review, habeas jurisdiction lies in federal court. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

24. Continued detention without any mechanism for custody review violates procedural and substantive due process.

25. Petitioner's detention is therefore unlawful and must be terminated.

VI. PRAYER FOR RELIEF

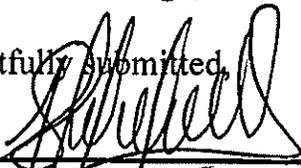
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus;
- B. Order Petitioner's immediate release from ICE custody;
- C. Alternatively, order a custody hearing before a neutral adjudicator within a specified time;

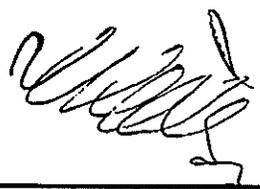
- D. Declare Petitioner's continued detention unlawful and unconstitutional;
- E. Grant such other and further relief as the Court deems just and proper; and
- F. Preserve Petitioner's right to seek reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, to the extent applicable, should the Court determine that Respondents' position was not substantially justified.

Pursuant to 28 U.S.C. § 1746, undersigned counsel Karen L. Linero Marengo, Esq., of Tamarisk Law Firm PLLC, and Pablo Rodríguez Müller, Esq., of P.R. Müller Law P.A., declare under penalty of perjury that the factual allegations in this Petition are based on counsel's review of official government records, Immigration Court filings and orders, USCIS notices, ICE custody records, and information obtained in the course of representation, and are true and correct to the best of counsel's knowledge, information, and belief.

Respectfully submitted,



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Counsel for Petitioner
(Pro Hac Vice Admission
Forthcoming)



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Florida Bar No. 1036020
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Key Biscayne, FL 33149
pablomuller@prm-law.com
Office Phone #: 786-547-4789
Counsel for Petitioner
(Pro Hac Vice Admission
Forthcoming)

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

JHONDER E. ZAMBRANO MACHADO)

A# [REDACTED])

Petitioner,)

v.)

Case No. _____)

WARDEN ERO EL PASO CAMP EAST MONTANA;)

FIELD OFFICE DIRECTOR, ICE EL PASO)

FIELD OFFICE; DIRECTOR OF U.S. IMMIGRATION)

AND CUSTOMS ENFORCEMENT (ICE);)

SECRETARY OF THE U.S. DEPARTMENT OF)

HOMELAND SECURITY (DHS); ATTORNEY)

GENERAL OF THE UNITED STATES OF AMERICA)

Respondents.)

EMERGENCY MOTION FOR IMMEDIATE RELEASE

(Pursuant to 28 U.S.C. § 2241)

I. INTRODUCTION

1. Petitioner Jhonder Enrique Zambrano Machado respectfully moves this Court for an order of immediate release from ICE custody pending adjudication of his Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.

This motion is urgent because Petitioner remains detained without any available bond forum, despite the absence of a final order of removal and despite Immigration Court’s continued disclaimer of custody jurisdiction, and because each

day of continued detention constitutes an ongoing and irreparable deprivation of liberty in violation of the Fifth Amendment.

II. PROCEDURAL POSTURE

2. Petitioner is currently detained at the ICE El Paso Service Processing Center (East Montana Detention Facility).

3. Petitioner has filed a Petition for Writ of Habeas Corpus challenging the legality and constitutionality of his continued detention.

4. Immigration Court has expressly disclaimed jurisdiction to conduct a bond hearing in Petitioner's case, leaving him without any administrative mechanism to challenge custody.

5. This Court therefore has jurisdiction to order immediate relief.

III. RELEVANT FACTS (UNDISPUTED)

6. Petitioner is a Venezuelan national who entered the United States on or about March 30, 2023.

7. Petitioner was previously granted Temporary Protected Status on December 13, 2023.

8. On December 18, 2024, the Immigration Court administratively closed Petitioner's removal proceedings based on his then-existing TPS grant.

9. Petitioner has no criminal history and poses no danger to the community.

10. On November 4, 2025, an Immigration Judge in El Paso denied Petitioner's request for a bond hearing for lack of jurisdiction, citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

11. As a result, Petitioner remains detained with no bond forum and no neutral decision-maker able to review custody.

IV. LEGAL STANDARD

12. Federal courts have authority under 28 U.S.C. § 2241 to order the release of a detainee where continued custody is unlawful or unconstitutional. Emergency release is appropriate where: a) the petitioner is likely to succeed on the merits, b) the petitioner faces irreparable harm, c) the balance of equities favors release, and d) release serves the public interest.

V. ARGUMENT

13. Petitioner's detention is unlawful because: a) he has no final order of removal; b) he has no criminal convictions and is not removable on criminal grounds; c) his removal proceedings were administratively closed due to his prior TPS grant and, although later re-calendared at DHS's request, Immigration Court has continued to disclaim bond jurisdiction; and d) he is therefore detained under INA § 236(a) without any available mechanism for custody review.

14. Detention without any available custody review violates due process and is properly remedied through habeas relief.

15. Unlawful civil detention constitutes irreparable harm per se. Each additional day of confinement without lawful authority results in a deprivation of liberty that cannot be undone through monetary relief.

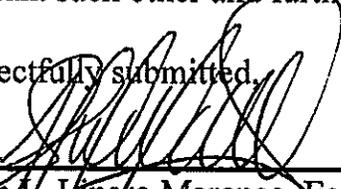
16. Petitioner presents no risk of flight or danger and has complied with all immigration requirements. Continued detention serves no legitimate government interest, while the public interest strongly favors compliance with constitutional limits on civil detention.

VI. PRAYER FOR RELIEF

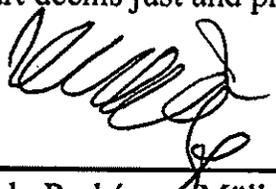
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Order Petitioner's immediate release from ICE custody pending adjudication of the habeas petition;
- B. Alternatively, order release subject to reasonable conditions of supervision; and
- C. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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Counsel for Petitioner
(Pro Hac Vice Admission
Forthcoming)



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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION

JHONDER E. ZAMBRANO MACHADO)	
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Petitioner,)	
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v.)	Case No. _____
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WARDEN ERO EL PASO CAMP EAST MONTANA;)	
FIELD OFFICE DIRECTOR, ICE EL PASO)	
FIELD OFFICE; DIRECTOR OF U.S. IMMIGRATION)	
AND CUSTOMS ENFORCEMENT (ICE);)	
SECRETARY OF THE U.S. DEPARTMENT OF)	
HOMELAND SECURITY (DHS); ATTORNEY)	
GENERAL OF THE UNITED STATES OF AMERICA)	
)	
Respondents.)	
)	

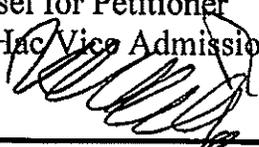
EXHIBIT INDEX

EXHIBIT	DESCRIPTION
Exhibit A	Immigration Judge Order Denying Bond for Lack of Jurisdiction
Exhibit B	Notice to Appear (Form I-862)
Exhibit C	Form I-589, Application for Asylum, Withholding of Removal, and CAT Protection, and EOIR Notice of Filing
Exhibit D	Immigration Judge Order Administratively Closing Removal Proceedings (Dec. 18, 2024)
Exhibit E	Criminal Background Checks (United States and Venezuela)
Exhibit F	Motion for Custody Redetermination Filed with Immigration Court

Respectfully submitted,



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Counsel for Petitioner
(Pro Hac Vice Admission Forthcoming)

EXHIBIT A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
EL PASO SPC IMMIGRATION COURT

Respondent Name:

ZAMBRANO MACHADO, JHONDER
ENRIQUE

To:

Scardina, Veronica Patricia
9737 NW 41st Street
Suite 976
Doral, FL 33178

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

11/04/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
The respondent is charged under INA 212(a)(6)(A)(i) and therefore pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), this Court does not have jurisdiction over these proceedings.
- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: MILES, JESSICA 11/04/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved
Appeal Due: 12/04/2025

Certificate of Service

This document was served:

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

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

Respondent Name : ZAMBRANO MACHADO, JHONDER ENRIQUE | A-Number :



Riders:

Date: 11/04/2025 By: BARRAGAN, JUAN, Court Staff

Uploaded on: 4/18/2023 at 10:47:23 a.m. (Central Daylight Time) Base City: DAL

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

EXHIBIT B

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

Subject ID: [REDACTED] EINS: [REDACTED] DOB: [REDACTED] File No: [REDACTED]

In the Matter of: JHONDER ENRIQUE ZAMBRANO MACHADO

Respondent: _____ currently residing at:

EL PASO SERVICE PROCESSING CENTER 8915 MONTANA AVENUE EL PASO, TEXAS, 79925 +1 (915)-225-1941

(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 VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near EL PASO, TX , on or about March 30, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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.

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:

8915 Montana Avenue El Paso TX US 79925
(Complete Address of Immigration Court, including Room Number, if any)

on June 06, 2023 at 08:30 AM to show why you should not be removed from the United States based on the charge(s) set forth above.

MICHAEL SHAW
Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer) (Sign in ink)

Date: April 07, 2023 El Paso, Texas
(City and State)

ECHR - 1 013

Uploaded on: 4/18/2023 at 10:47:33 a.m. (Central Daylight Time) Base City: DAL

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 124.1 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) (Sign in Ink)

Border Patrol Agent

Date: 04/07/2023

(Signature and Title of Immigration Officer) (Sign in Ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on April 07, 2023, 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) (Sign in Ink)

DORA AMADOR, Border Patrol Agent

(Signature and Title of officer) (Sign in Ink)

EOIR - 2 of 3

Uploaded on: 4/18/2023 at 10:47:23 a.m. (Central Daylight Time) Base City: DAL
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.

EXHIBIT D



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

Respondent Name:

ZAMBRANO MACHADO, JHONDER
ENRIQUE

To:

Scardina, Veronica Patricia -Esquire-
9737 NW 41st Street
Suite 976
Doral, FL 33178

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/18/2024

ORDER OF THE IMMIGRATION JUDGE

It is hereby ordered that the above-captioned case be administratively closed for the following reason:

- Joint request by both parties.
- A party has requested administrative closure and the opposing party has not presented a persuasive reason why proceedings should not be administratively closed.
- The court has received information documenting that the respondent/applicant is currently detained/incarcerated and unable to appear for proceedings.
- Other:
Respondent has TPS and does not appear that ICE would oppose this motion.

This case remains under the jurisdiction and docket control of the immigration court. If either party in this case desires further action on this matter, the party must file a written motion to recalendar the case (including a certificate of service on the opposing party) with the immigration court having administrative control over the Record of Proceeding in this case.

J. Dowell.

Immigration Judge: J. Daniel Dowell 12/18/2024

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

Appeal Due:

Certificate of Service

This document was served:

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

To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : ZAMBRANO MACHADO, JHONDER ENRIQUE | A-Number :



Riders:

Date: 12/18/2024 By: Angarita, Lina, Court Staff

EXHIBIT E

MIAMI-DADE SHERIFF'S OFFICE

SHERIFF ROSIE CORDERO-STUTZ

Central Records Bureau
9105 NW 25th Street
Doral, Florida 33172-1505

Telephone: (305) 471-2085
Website: <https://www.mdsos.com>



Date: September 19, 2025

To Whom It May Concern:

A name search of the Miami-Dade Sheriff's Office (MDSO) arrest records under the name of:

Name: **ZAMBRANO MACHADO, JHONDER ENRIQUE**

Race/Sex: **W/M** Date of Birth: **[REDACTED]**

AKA: **ZAMBRANO, JHONDER E.; MACHADO, JHONDER E.**

MDSO Criminal Identification Number:

No Local Record

Criminal Registration Only/No Local Record

Local Felony Arrest Record(s)

Copy on File

Copy Not on File

For Case Disposition Contact: (305) 275-1155

Felony Division

1351 NW 12 Street

Miami, Florida 33125

Local Misdemeanor Arrest Record(s)

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For Case Disposition Contact: (305) 275-1155

Misdemeanor Division

1351 NW 12 Street

Miami, Florida 33125

Local Traffic Arrest Record(s)

Copy on File

Copy Not on File

For Case Disposition Contact: (305) 275-1111

Traffic Division

1351 NW 12 Street, Room 124

Miami, Florida 33125

Other Local Agency Arrest Record(s)

Civil Division (305) 275-1155

73 W. Flagler Street

Miami, Florida 33142

Case Numbers:

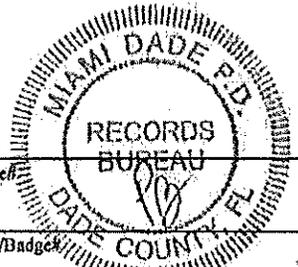
Comments:

Date: 9/19/2025 Researched by (Name/Title): P. BRAGASSA PRT 1/9194

Print and Sign ID/Badge#

Date: 9/19/2025 Prepared by (Name/Title): P. BRAGASSA PRT 1/9194

Print and Sign ID/Badge#



NOTE: Not valid unless the seal of the MDSO is affixed. The MDSO is prohibited from disclosing the existence of juvenile criminal history information, as well as records that have been sealed or expunged. Therefore, if "No Local Record" is indicated, there remains the possibility that juvenile, sealed or expunged records may be associated with the above name that cannot be disclosed. There is also the possibility that an adult or juvenile may have been arrested in a jurisdiction other than Miami-Dade County. The Florida Department of Law Enforcement may disclose information related to criminal history for certain licensing and employment purposes as provided by law. They may be contacted at 1-800-342-0820.

32.08.60-502 Revised: 01/09/2025

REPÚBLICA BOLIVARIANA DE VENEZUELA



MINISTERIO DEL PODER POPULAR PARA RELACIONES INTERIORES, JUSTICIA Y PAZ
DESPACHO DEL VICEMINISTERIO DE POLÍTICA INTERIOR Y SEGURIDAD JURÍDICA
DIRECCIÓN GENERAL DE JUSTICIA, INSTITUCIONES RELIGIOSAS Y CULTOS
COORDINACIÓN DE ANTECEDENTES PENALES

CERTIFICACIÓN DE ANTECEDENTES PENALES

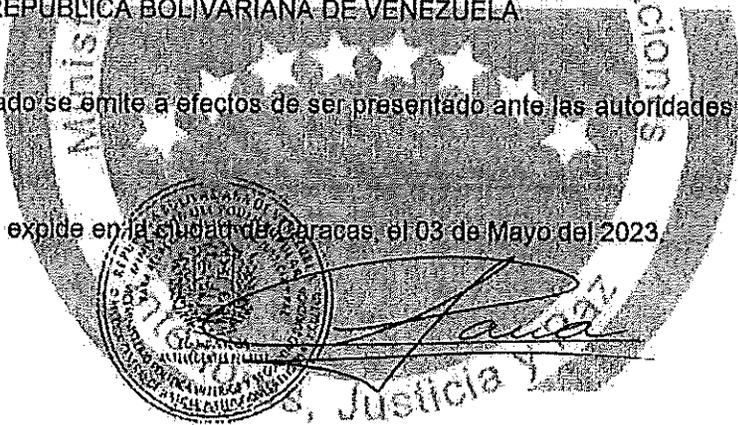
En nombre del Ciudadano Ministro del Poder Popular para Relaciones Interiores, Justicia y Paz, la Dirección General de Justicia, Instituciones Religiosas y Cultos, en ejercicio de sus funciones y cumpliendo la Ley de Registro de Antecedentes Penales, publicada en la Gaceta Oficial de la República de Venezuela (hoy República Bolivariana de Venezuela) Nro. 31.791, de fecha 03 de agosto de 1979, a solicitud de parte interesada expide, certificado de antecedentes penales al ciudadano (a):

JHONDER ENRIQUE ZAMBRANO MACHADO CI: V-23947738

Se constata, luego de revisada la base de datos de la Oficina de Antecedentes Penales y hasta la emisión del presente documento, que el referido ciudadano(a) **NO REGISTRA ANTECEDENTES PENALES EN LA REPÚBLICA BOLIVARIANA DE VENEZUELA**

El presente certificado se emite a efectos de ser presentado ante las autoridades de **ESTADOS UNIDOS DE AMÉRICA**.

Certificación que se expide en la ciudad de Caracas, el 03 de Mayo del 2023.



ALANA YANESKA ZULOAGA RUIZ

VICEMINISTRA DE POLÍTICA INTERIOR Y SEGURIDAD JURÍDICA

Designada según Decreto N° 4.284 de fecha 11 de Septiembre de 2020.

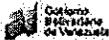
Publicado en Gaceta Oficial de la República Bolivariana de Venezuela

N° 6.574 Extraordinario en la misma fecha.

Atención: Este documento consta de una (1) hoja, el cual no debe contener enmiendas, tachaduras, modificaciones o superposiciones. Los datos de identificación del solicitante son suministrados por el Servicio Administrativo de Identificación, Migración y Extranjería (SAIME). La autenticidad de este certificado lo puede verificar a través del portal www.mppriip.gob.ve con el Nro: 10220235970459 o escaneando el código QR.



AP



Ministerio del Poder Popular
para Relaciones Interiores, Justicia y Paz



BOLIVARIAN REPUBLIC OF VENEZUELA

[OFICIAL SEAL]

**MINISTRY OF PEOPLE'S POWER FOR INTERNAL RELATIONS, JUSTICE AND
PEACE SCIENTIFIC, CRIMINAL, AND CRIMINOLOGICAL INVESTIGATIONS
CORPS (CICPC) GENERAL DIRECTORATE OF CRIMINAL RECORDS**

CRIMINAL RECORD CERTIFICATE

On behalf of the citizen Ministry of Internal Relations, Justice and Peace, the Justice General Direction, Religious Institutions and Cults, in the exercise of their duties and in compliance of the Criminal Background Records Law published in the official gazette of the Republic of Venezuela (today Bolivarian Republic of Venezuela) No. 31.791 of August 03, 1979, according to the interested party requesting, it is issued the following criminal record certificate:

JHONDER ENRIQUE ZAMBRANO MACHADO CI: VI-23947738

Upon reviewing the criminal records of the Criminal Record Office's databases as of the date of this document, the aforementioned citizen **NO CRIMINAL RECORDS WERE FOUND WITHIN THE BOLIVARIAN REPUBLIC OF VENEZUELA.**

This certificate is issued for the purpose of being presented to the authorities of the **UNITED STATES OF AMERICA.**

Issued in Caracas, Venezuela on the 03 day of the month of May, of 2023.

[Signature & Seal]

ALANA YANESKA ZULOAGA RUIZ

DEPUTY MINISTER OF DOMESTIC POLICY AND LEGAL SECURITY

Appointed pursuant to Decree No. 4,294 dated September 11, 2020. Published in the Official Gazette of the Bolivarian Republic of Venezuela No. 6,574, special edition, on the same date.

Attention: this document consists of one (1) page, which must not contain any amendments, deletions, modifications, or overlaps. The applicant's Identification data is provided by the Administrative Service for Identification, Migration, and Foreigners (SAIME). The authority of the certified ID can be verified through the portal www.mpprijp.gob.ve with the number 10220235970459 or by scanning the QR code.

CERTIFICATION OF TRANSLATION ACCURACY

I, the undersigned, hereby certify that I am competent to translate from Spanish into English, and that the attached document is a true and accurate translation of the original document titled: **“Certificado de Antecedentes Penales – República Bolivariana de Venezuela”**

to the best of my knowledge and ability.

- **Name of Document Translated:** Certificado de Antecedentes Penales (Criminal Record Certificate)
- **Language Translated From:** Spanish
- **Language Translated To:** English
- **Type of Document:** Criminal Background Certificate
- **Purpose of Translation:** Immigration proceedings

I further certify that I am proficient in both Spanish and English and that I am not a party to the matter related to this translation.

Executed on this 22 day of October 2025.

Signature:  _____

Printed Name: Karen Linero Marengo

Address: 6190 NW 31st Terrace, Fort Lauderdale, FL 33309

Phone Number: 814-323-8382

Email: karen@tamarisklawfirm.com

EXHIBIT F

Tamarisk Law Firm PLLC
6190 NW 31st Ter
Fort Lauderdale, FL 33309
(814)323-8382

Counsel for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS

)	
In the Matter of:)	
ZAMBRANO MACHADO, JHONDER ENRIQUE)	Detained
)	
Respondent,)	File No.: 
)	
In Removal Proceedings)	
)	Next Hearing: October 28, 2025
)	Immigration Judge: Tuckman, Dean S.

RESPONDENT'S MOTION FOR BOND AND CUSTODY REDETERMINATION

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Exh. 1 - A



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS**

In the Matter of: ZAMBRANO MACHADO, JHONDER E.)	Detained
Respondent,)	File No.: 
In Removal Proceedings)	

INDEX OF EXHIBITS IN SUPPORT OF RESPONDENT'S MOTION
FOR BOND AND CUSTODY REDETERMINATION

- Exhibit A: USCIS Form I-797C, Notice of Action Granting Temporary Protected Status (TPS) until October 02, 2026.
- Exhibit B: Sponsor Letter/Affidavit of Support from Cecilia Carrasquillo (U.S. Citizen).
- Exhibit C: Copy of the Application for Asylum and Withholding of removal filed with the court on May 24, 2024, which is hereby reincorporated to this record and motion.
- Exhibit D: Employment Letter from "BestClean" LLC (Stating job awaiting him upon release).
- Exhibit E: 2024 Filed U.S. Individual Income Tax Return (Form 1040).
- Exhibit F: Copy of Valid Florida Temporary Driver's License and Social Security Card.
- Exhibit G: Miami-Dade Sheriff's Office Criminal Background Check (No Local Record).
- Exhibit H: Venezuelan Certificate of Criminal Records showing that Respondent does not have criminal records in Venezuela (with the translation and certificate of translation).

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Exh. 1 - 

- Exhibit I: Multiple Letters of Recommendation from U.S. Community Members vouching for Respondent and his good morals and character.

RESPONDENT'S MOTION FOR BOND AND CUSTODY REDETERMINATION

Now Comes the Respondent, ZAMBRANO MACHADO, JHONDER ENRIQUE, by and through his undersigned counsel, Karen Linero Marengo, Esq., of Tamarisk Law Firm and respectfully moves this Honorable Court to order his release on conditional parole pursuant to INA 236(a)(2)(B), or, in the alternative, to set a reasonable bond in this matter. In support thereof, the Respondent submits the following:

I. Statement of Jurisdiction and Law

1. This Court has jurisdiction to conduct a custody redetermination hearing pursuant to 8 C.F.R. 1003.19 and INA 236(a).
2. The Respondent is currently detained at the East Montana Detention Facility in El Paso, Texas, which is within the jurisdiction of this Court.
3. The Respondent is not subject to mandatory detention under INA 236(c) and is therefore eligible to be considered for release on his own recognizance, conditional parole, or bond.

II. Factual Basis for Release

A. **Not a Flight Risk (Strong Community Ties in Miami).** The Respondent has strong family and community ties in Miami, Florida, which demonstrate he is not a flight risk and will appear for all future proceedings.

- o **Lawful Status and Compliance:** The Respondent holds Temporary Protected Status (TPS), granted December 13, 2023, and valid through October 2, 2026 (Exhibit A). This status provides a legal right to remain and work and is a powerful incentive to appear for all scheduled hearings.

- o **Fixed Address and Family Ties:** If released, the Respondent will reside at [REDACTED] [REDACTED] with his aunt. Respondent has lived in this address since 2023.

- Respondent's sponsor, Cecilia Carrasquillo, a U.S. Citizen will ensure Respondent attends all his court appearance moving forward. *See* Exhibit B (Sponsor Letter and proof of citizenship).
- **Ineligibility to Re-enter**: The Respondent acknowledges the severe consequences of failing to appear, including the loss of his bond and ineligibility for future relief, which further compels his compliance.
- **Eligibility for Relief**: The Respondent filed with the court on May 24, 2024, his relief from removal in the form of Asylum, Withholding of Removal, and protection under the Convention Against Torture (CAT), which he is now reincorporating in these proceedings. His application provides a powerful incentive to appear for all scheduled hearings. A copy of the entire Application for Asylum and Withholding of removal filed with the court on May 24, 2024, and exhibits, is hereby reincorporated to this record and motion as Exhibit C.
- **Economic Ties and Self-Sufficiency**: The Respondent has a confirmed job awaiting him in Miami, as evidenced by the Letter from BestClean LLC (Exhibit D), and demonstrated financial compliance by filing a 2024 Income Tax Return (Form 1040), proving his strong economic ties to the U.S. community. *See* Exhibit E.
- **Identification**: The Respondent possesses a valid Florida Temporary Driver's License and a valid Social Security Number (Exhibit F), which further confirms his ties to the community and his identity.

B. Not a Danger to the Community. The Respondent is not a danger to the community.



- **Clean Record:** The Respondent poses no threat to the community. He has no criminal convictions or history of arrests in the United States. A recent search of the Miami-Dade Sheriff's Office arrest records confirms "No Local Record" (Exhibit G). His Venezuelan police clearance similarly confirms "no records of criminal events" (Exhibit H).
- **Circumstances of Detention:** The Respondent's current detention stems solely from his immigration status. Per Respondent's statement, he was detained by ICE agents at a convenience store in a broad-net immigration enforcement action following routine police check in Miami. The local police determined he was free to go, but ICE proceeded with the arrest. This history demonstrates that the Respondent's presence in the United States has been peaceful and lawful. Exhibit A is hereby reincorporated (TPS status approved notice). Therefore, his detention is administrative and not based on any criminal or public safety concerns.
- **Good Character:** The Respondent is a hardworking, responsible, and admirable person, confirmed by multiple Letters of Recommendation from U.S. residents and community members. He has also complied with his tax responsibility. *See* Exhibit I. Exhibit E is hereby reincorporated.
- **Purpose of Entry:** The Respondent fled his home country to escape prosecution from local government and does not pose a threat to public safety. Exhibit C is hereby reincorporated.
- **Release Plan:** If released, the Respondent will immediately return to his job in the Miami area to provide for himself and his family, further grounding him in the



community. Exhibit D is hereby reincorporated (Letter from his current employer stating they expect Respondent to return to his job).

C. Medical and Humanitarian Concerns

- o **Urgent Medical Condition:** The Respondent is currently experiencing a serious, unaddressed medical condition. The Respondent reports he noticed blood in his stools and has not received proper medical examination or treatment while in ICE custody at the East Montana Detention Facility.
- o **Inadequate Care and Due Process:** Continued administrative detention while suffering from a potentially severe, undiagnosed gastrointestinal issue represents a serious humanitarian concern and impedes his ability to participate effectively in his legal proceedings. The Respondent requires timely release to the care of his family and local providers in Miami for urgent medical diagnosis and treatment.

III. Conclusion and Prayer for Relief

The Respondent is not a threat to the community and has demonstrated through his TPS status, employment history, tax compliance, and family ties that he is fully committed to appearing for all future immigration proceedings.

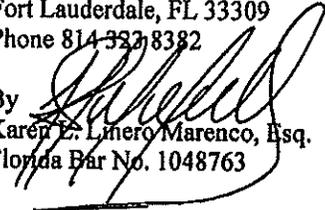
Wherefore, the Respondent respectfully moves this Honorable Court to find that he is not a danger to the community or a flight risk and is thus worthy of release. The Respondent prays that this Court:

A. Grant this Motion and schedule a Bond and Custody Redetermination Hearing on October 28, 2025, or at the earliest available date.

B. Order the Respondent's release on his own recognizance (O.R.) or, in the alternative, set a reasonable bond not to exceed \$1,500.

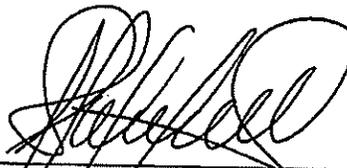
Respectfully submitted this 22 day of October 2025.

TAMARISK LAW FIRM PLLC
6190 NW 31st Ter
Fort Lauderdale, FL 33309
Phone 814 323 8382

By 
Karen E. Linero Marengo, Esq.
Florida Bar No. 1048763

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2025, the foregoing RESPONDENT'S MOTION FOR BOND AND CUSTODY REDETERMINATION was filed by electronic service to: EOIR Dallas, Texas and Office of Chief Counsel, Dallas, Texas



Karen L. Linero Marengo, Esq.
EOIR ID: ZZ969306
TAMARISK LAW FIRM PLLC
6190 NW 31st Ter
Fort Lauderdale, FL 33309
Phone 814 323 8382
Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS

In the Matter of:

File No.

ZAMBRANO MACHADO, JHONDER ENRIQUE



ORDER OF THE IMMIGRATION JUDGE

Upon Consideration of Respondent's Motion for Bond and Custody Redetermination, it is
HEREBY ORDERED that the motion be GRANTED DENIED because:

- DHS does not oppose the motion.
- Respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per
- Other:

Date: Immigration Judge Hon. Tuckman, Dean S.

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS

Date:

By: Court Staff

EOIR 9 of 85

Exh. 1 - Adm

