

1 Spencer C. Lee
2 Smith, Alston, Darner & Lee, PLC
3 2210 N. 7th Street
4 Phoenix, AZ 85006
5 spencer@salfirm.com
6 602-595-2040
7 AZ Bar No. 032991

8 *Attorney for Petitioner*

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ARIZONA

11 Brayan Tamarit-Ferrer,

12 Petitioner,

13 v.

14 David R. Rivas, Acting Warden, San Luis Regional
15 Detention Center;

16 John Cantu, Field Office Director of Phoenix Office
17 of Detention and Removal, U.S. Immigrations and
18 Customs Enforcement; U.S. Department of Homeland
19 Security;

20 Todd M. Lyons, Acting Director, Immigration and
21 Customs Enforcement, U.S. Department of Homeland
22 Security;

23 Kristi Noem, in her Official Capacity, Secretary, U.S.
24 Department of Homeland Security; and

25 Pamela Bondi, in her Official Capacity, Attorney
26 General of the United States;

27 Respondents.
28

Case No.



**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful Detention
Under 28 U.S.C. § 2241

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INTRODUCTION

1. Petitioner Brayan Armides Tamarit-Ferrer is a Cuban national who entered the United States on June 9, 2020. He was initially placed in expedited removal under INA § 235(b)(1) and detained at the Torrance County Detention Facility. On June 24, 2020, an asylum officer conducted a credible fear interview and determined that Petitioner had established a credible fear of persecution on account of imputed political opinion. The asylum officer found Petitioner credible and determined that no mandatory bars to relief applied.

2. Following the positive credible fear determination, the Department of Homeland Security issued Petitioner a Notice to Appear commencing removal proceedings under INA § 240 and charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). Petitioner has never been ordered removed and does not have a final order of removal.

3. On August 17, 2020, after Petitioner had been detained for nearly two months following his positive credible fear determination, an Immigration Judge ordered Petitioner released from custody on a \$5,000 bond pursuant to 8 C.F.R. § 236.1(c). The Immigration Judge’s order reflects that Petitioner was in “removal proceedings” and that custody was governed by the discretionary detention framework of INA § 236.

4. The following day, ICE issued Petitioner a “Notice of Release Pursuant to Padilla v. ICE,” stating that Petitioner was released from custody because an immigration judge or the Board of Immigration Appeals ordered his release pursuant to the preliminary injunction in Padilla v. ICE.

1 detained. He is Mr. Tamarit-Ferrer's immediate legal custodian and thus a proper
2 respondent in this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

3 14. Respondent John Cantu was the Field Office Director of the ICE
4 Enforcement and Removal Operations (ERO) Phoenix Field Office and was the federal
5 agent charged with overseeing all ICE detention centers in Arizona, including the Eloy
6 Detention Center. He was dismissed from this role on October 24, 2025. No replacement
7 for Mr. Cantu has been publicly identified. Mr. Cantu or his successor is responsible for
8 Mr. Tamarit-Ferrer's detention, and thus a legal custodian of Mr. Tamarit-Ferrer.
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10 15. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and
11 Customs Enforcement (ICE) and is the federal agent charged with overseeing all ICE
12 operations. He is sued in his official capacity.

13 16. Respondents Pamela Jo Bondi and Kristi Noem are, respectively, the
14 Attorney General of the United States and the Secretary of Homeland Security. As such,
15 they are responsible for maintaining the immigration detention system. They are thus the
16 ultimate legal custodians of Mr. Tamarit-Ferrer.
17

18 STATEMENT OF FACTS

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20 17. Mr. Tamarit-Ferrer initially came into immigration custody on or about
21 June 9, 2020 while crossing the U.S.-Mexico border to seek asylum. He was initially placed
22 in expedited removal under INA § 235(b)(1) and detained at the Tarrant County
23 Detention Center Facility in New Mexico.

24 18. Petitioner expressed fear of return and on June 24, 2020, an asylum office
25 conducted a credible fear interview ("CFI"). The asylum officer found Petitioner credible
26 and determined that he had established a credible fear of persecution on account of imputed
27 political opinion. The asylum officer further determined that no mandatory bars to asylum
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1 or withholding of removal applied. *See Exhibit E, CFI Interview.*

2 19. Following that determination, the Department of Homeland Security
3 vacated expedited removal and issued a Notice to Appear commencing removal
4 proceedings under INA § 240. Petitioner has never been removed and does not have a final
5 order of removal. His removal proceedings remain pending.

6 20. After the positive CFI determination, Petitioner remained detained for
7 several weeks while removal proceedings were pending. On August 17, 2020, an
8 Immigration Judge exercised custody jurisdiction pursuant to 8 C.F.R. § 236.1(c) and
9 ordered Petitioner released from immigration custody on a \$5,000 bond. The Immigration
10 Judge's written custody order reflects that Petitioner was in removal proceedings and that
11 his custody was governed by the discretionary detention framework of INA § 236. *See*
12 **Exhibit A, IJ Bond Order.**

13 21. On August 18, 2020, U.S. Immigration and Customs Enforcement ("ICE")
14 issued Petitioner a written "Notice of Release Pursuant to Padilla v. ICE." The notice states
15 that Petitioner was released from ICE custody because an immigration judge or the Board
16 of Immigration Appeals ordered his release pursuant to the preliminary injunction in
17 Padilla v. ICE. Petitioner was released into the United States under supervision. *See*
18 **Exhibit B, Notice of Release.**

19 22. Following his release, Petitioner complied with the conditions of his
20 immigration supervision and remained at liberty for several years while his removal
21 proceedings remained pending. During this period, Petitioner was not incarcerated, did not
22 abscond, and did not violate any immigration court orders.

23 23. In 2025, Petitioner was cited in Miami-Dade County, Florida for a minor
24 traffic offense—crossing a median strip. The matter was handled in traffic court and did
25 not involve arrest, incarceration, or probation.
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1 29. Once DHS abandoned expedited removal, placed Petitioner into § 240
2 proceedings, litigated custody under § 236 before an Immigration Judge, and released
3 Petitioner into the United States, DHS could not later “revert” to § 235(b) detention. No
4 statute authorizes DHS to resurrect § 235(b) years later for a noncitizen in pending removal
5 proceedings.
6

7 30. Respondents may argue that detention “reverts” to INA § 235 based on
8 *Yajure Hurtado v. Garland*, 19 F.4th 1069 (9th Cir. 2021). Per the INA, an “alien present
9 in the United States who has not been admitted or who arrives in the United States . . . shall
10 be deemed for the purposes of this chapter as an applicant for admission.” 8 U.S.C. §
11 1225(a)(1). An applicant for admission who is “seeking admission” “shall” be detained
12 under Section 1225(b)(2) unless the applicant is “clearly and beyond a doubt entitled to be
13 admitted.” *Id.* § 1225(b)(2)(A).
14
15

16 31. Petitioner argues that his case is not governed by Section 1225(b)(2)
17 because he is not an alien “seeking admission into the country.” Even if he is an “applicant
18 for admission,” he is not “seeking admission” currently because he is “already in the
19 country pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S.
20 281, 297 (2018). Section 1226 “generally governs the process of arresting and detaining
21 [non-citizens who have already entered the United States] pending their removal.” *Id.* at
22 288. Under Section 1226, “an alien may be arrested and detained pending a decision on
23 whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a) (emphasis
24 added). Detention is therefore discretionary, and the noncitizen may be released upon
25 application on either bond or “conditional parole.” *Id.*
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1 32. Petitioner is already in the United States pending the outcome of his removal
2 proceedings. Notably, he was released on bond by an Immigration Judge pursuant to
3 236.1(c) and the Notice to Appear (“NTA”) initiating removal proceedings deems
4 Petitioner “an alien present in the United States who has not been admitted or paroled,”
5 and clarifies that he is not “an arriving alien.” *See Exhibit C, NTA.*
6

7 33. Because Petitioner has no final order of removal and is not in expedited
8 removal proceedings, DHS may detain him, if at all, only under INA § 236(a). Any
9 detention predicated on § 235(b) is ultra vires and unlawful.
10

11 34. For this reason alone, Petitioner’s continued detention violates the
12 immigration statutes and must be terminated.
13

14 **II. GROUND TWO: DHS VIOLATED THE DUE PROCESS CLAUSE BY RE-**
15 **DETAINING PETITIONER UNDER INA § 236(a) WITHOUT AN**
16 **INDIVIDUALIZED DETERMINATION OF FLIGHT RISK OR**
17 **DANGEROUSNESS.**

18 35. Even where detention is authorized under INA § 236(a), the Fifth
19 Amendment requires that detention be justified by an individualized determination that the
20 noncitizen poses a flight risk or danger to the community, and that less restrictive
21 alternatives to detention are inadequate.
22

23 36. Petitioner was previously released from immigration custody pursuant to an
24 Immigration Judge’s bond order and remained at liberty for several years while his removal
25 proceedings remained pending. During that time, Petitioner complied with the conditions
26 of his release and did not abscond.
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28 37. Re-detention after years of liberty constitutes a significant deprivation of a

1 settled liberty interest. At a minimum, due process requires notice of the reasons for
2 detention and a meaningful opportunity to contest DHS's assertions before a neutral
3 decisionmaker.

4
5 38. DHS provided none of these safeguards. Instead, ICE summarily re-
6 detained Petitioner based solely on a minor traffic citation that resulted in no incarceration,
7 no probation, no criminal sentence, and a withhold of adjudication.

8
9 39. The Florida state court that adjudicated the traffic matter determined that no
10 custodial punishment or supervision was warranted. DHS's decision to impose civil
11 incarceration instead—without any individualized findings—cannot be reconciled with
12 due process.

13
14 40. A minor, non-custodial traffic offense does not establish that a person is a
15 danger to the community or a flight risk. Nor does it justify abandoning alternatives to
16 detention that DHS previously found sufficient for years.

17
18 41. Because DHS failed to make any individualized determination that
19 Petitioner poses a danger or flight risk sufficient to justify detention under § 236(a),
20 Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.
21

22 **III. GROUND THREE: DHS'S SUMMARY RE-DETENTION OF PETITIONER**
23 **IS ARBITRARY, PUNITIVE, AND EXCESSIVE IN RELATION TO ITS**
24 **CIVIL PURPOSE.**

25 42. Civil immigration detention is permissible only where it is reasonably
26 related to a legitimate regulatory purpose, such as ensuring appearance at removal
27 proceedings or protecting the community. It may not be punitive or excessive in relation to
28

1 that purpose.

2 43. Petitioner's re-detention bears no reasonable relationship to those purposes.
3
4 Petitioner lived at liberty for years while his case remained pending, appeared as required,
5 and remained under DHS supervision.

6 44. The sole triggering event for re-detention was a resolved traffic citation that
7
8 resulted in a fine and no custodial penalty. DHS has not alleged that Petitioner failed to
9 appear for immigration proceedings or violated any immigration court order.

10 45. Where a state court has determined that no incarceration or supervision is
11
12 warranted, DHS's decision to impose civil incarceration for the same conduct is grossly
13 disproportionate and indicative of a punitive purpose.

14 46. The Constitution does not permit DHS to use civil detention as punishment
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16 for minor infractions or as a reflexive response untethered from individualized necessity.

17 47. Because Petitioner's detention is excessive in relation to any legitimate
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19 regulatory purpose, it violates substantive due process and must end.

20 48. WHEREFORE, this Court should order Petitioner's immediate release.

21 49. Where detention under INA § 236(a) is unsupported by individualized
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23 findings and violates due process, the appropriate remedy under 28 U.S.C. § 2241 is release
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25 from custody.

26 50. Alternatively, if the Court concludes that some process is required, it should
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28 order DHS to provide an immediate, constitutionally adequate custody hearing at which

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DHS bears the burden of justifying continued detention and demonstrating why alternatives to detention are insufficient.

51. Because Petitioner has already demonstrated years of compliance under supervision, immediate release is the least restrictive and most appropriate remedy.

PRAYER FOR RELIEF

52. Mr. Tamarit-Ferrer is being unlawfully detained in violation of the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Order Respondents to answer the petition on an expedited basis due to Mr. Tamarit-Ferrer's detained status;
- b. Grant the Petition for writ of habeas corpus;
- c. Order Petitioner's immediate release from ICE custody;
- d. Alternatively, order a prompt and constitutionally adequate custody hearing with DHS bearing the burden of proof;
- e. Grant further relief as the Court deems just and proper.

Dated: December 29, 2025

Respectfully submitted,

/s/ Spencer C. Lee
Spencer C. Lee
Attorney for Reza Amiri

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of
Petitioner’s attorneys. I have discussed with the Petitioner the events described in the Petition.
Based on those discussions, I hereby verify that the factual statements made in the attached
Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this December 29, 2025, in Phoenix, AZ.

/s/ Spencer C. Lee
Spencer C. Lee
Attorney for Reza Amiri

CERTIFICATE OF SERVICE

1
2 This is to certify that on December 29, 2025, the foregoing PETITION FOR WRIT OF
3 HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
4 was served by certified mail, on:

5 David R Rivas,
6 Acting Warden, San Luis Regional Detention Center,
7 Office of the General Counsel
8 U.S. Department of Homeland Security
9 245 Murray Lane, SW
10 Mail Stop 0485
11 Washington, DC 20528-0485

12 John Cantu,
13 Field Office Director of Phoenix Office of Detention and Removal, U.S. Immigrations and
14 Customs Enforcement
15 Office of the General Counsel
16 U.S. Department of Homeland Security
17 245 Murray Lane, SW
18 Mail Stop 0485
19 Washington, DC 20528-0485

20 Todd M. Lyons, Acting Director, Immigration and Customs Enforcement
21 Office of the General Counsel
22 U.S. Department of Homeland Security
23 245 Murray Lane, SW
24 Mail Stop 0485
25 Washington, DC 20528-0485

26 Kristi Noem
27 Secretary, Department of Homeland Security
28 Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

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Pamela Bondi
Attorney General of the United States
950 Pennsylvania Avenue, NW,
Washington, DC 20530

Timothy Courchaine, U.S. Attorney
Federal District Court, District of Arizona
U.S. Attorney's Office
40 N. Central Avenue, Suite 1800
Phoenix, AZ 85004-4449

/s/ Spencer C. Lee
Spencer C. Lee
Smith, Alston, Darner, and Lee
2210 N 7th Street
Phoenix, AZ 85006
info@salfirm.com
602-595-2040
AZ Bar No. 032991

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EXHIBIT A

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
8915 MONTANA AVENUE
EL PASO, TX 79925

RE: TAMARIT-FERRER, BRAYAN ARMIDES
FILE: ~~XXXXXXXXXX~~

DATE: Aug. 17, 2020

TO:
TAMARIT-FERRER, BRAYAN ARMIDES
TORRANCE DETENTION FACILITY
209 COUNTY ROAD A049
ESTANCIA, NM 87016

Please take notice that the above captioned case has been scheduled for a
Master/Individual hearing before the Immigration Court on Sept. 3, 2020
at 7:30 at

209 COUNTY ROAD, A-49
ESTANCIA, NM 87016

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT EL PASO, TX THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [X] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [X] DHS
DATE: 8/17/20 BY: COURT STAFF [Signature] N3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

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

FILE: ~~XXXXXXXXXX~~

IN THE MATTER OF:

TAMARIT-FERRER, BRAYAN ARMIDES

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Department of Homeland Security and the respondent, it is hereby

ORDERED that the request for a change in custody status be denied.

ORDERED that the request be granted and that respondent be:
 released from custody on his own recognizance

released from custody under bond of \$ 5,000.00

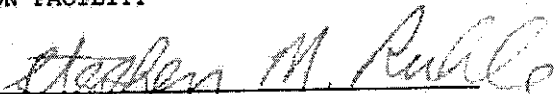
OTHER _____

Copy of this decision has been served on the respondent and the Department of Homeland Security.

APPEAL: waived -- reserved

EL PASO -- TORRANCE COUNTY DETENTION FACILITY

Date: Aug 17, 2020


STEPHEN M. RUHLE
Immigration Judge

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EXHIBIT B



U.S. Immigration and Customs Enforcement

Notice of Release Pursuant to Padilla v. ICE

Alien Name Tamarit-Ferrer, Brayán



Date: 08/18/2020

You are being released from U.S. Immigration and Customs Enforcement (ICE) custody because an immigration judge or the Board of Immigration Appeals has ordered your release pursuant to the preliminary injunction in Padilla v. ICE, No. 18-928, 2019 WL 2766720 (W.D. Wash. July 2, 2019).

You are being released in accordance with the preliminary injunction provided you comply with the following conditions:

- Conditions of release including reporting requirements, surrender for removal, and reporting to MIAMI, FL ICE ERO Non-Detained Unit.

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

Signature of DHS Official: P. BATES SDDO

Alien's Acknowledgment of Conditions of Release Pursuant to Padilla v. ICE

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language) and understand the conditions of my release as set forth in this notice.

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

08/18/2020 (Date)

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EXHIBIT C

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

File No: ~~XXXXXXXXXX~~

In the Matter of:
Respondent: TAMARIT-FERRER, BRAYAN ARMIDES currently residing at:

Torrance County Detention Facility, 209 County Road A049, Estancia, NM 87016
(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:

EXHIBIT # 1
ID ONLY: 7/27/20
ADMITTED: 7/27/20
JUDGE SWP

- A**
- 1) You are not a citizen or national of the United States;
 - 2) You are a native of Cuba and citizen of Cuba;
 - 3) You entered the United States at an unknown location on or about 6/9/2020;
 - 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
 - 5) 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:

- Section 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.
- Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has 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:

El Paso Service Processing Center, 8915 Montana Avenue, Suite 100, El Paso, TX 79925
(Complete Address of Immigration Court, including Room Number, if any)

on TBD at TBD to show why you should not be removed from the United States based on the charge(s) set forth above.
Patrick Swan Supervisory Asylum Officer
(Signature and Title of Issuing Officer) (Sign in ink)

Date: 06-26-2020 Houston, TX
(City and State)

U.S. DEPARTMENT OF JUSTICE
JUL 21 AM 10:19
EL PASO, TX

Notice to Respondent

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

Allen 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:

X [Signature] (Signature of Respondent) (Sign in ink)

Date: 06/26/2020

[Signature of Ignacio Garcia Jr.] (Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on 06/26/2020 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.

X [Signature] (Signature of Respondent if Personally Served) (Sign in ink)

[Signature of Ignacio Garcia Jr.] (Signature and Title of officer) (Sign in ink)

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.

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EXHIBIT D

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

www.miamidadeclerk.gov

TRAFFIC DIVISION


JUDGMENT

THE STATE OF FLORIDA VS.

Case Number ALUFUXE

Defendant **BRAYAN ARMIDES TAMARIT FERRER**

Driver's License 

Address 

Date of Birth 

Telephone _____

Municipality FLA HIGHWAY PATROL

Whereas the above defendant in this case entered a plea of **not guilty** to the offense of **CROSSING MEDIAN STRIP** in violation of Florida Statute **316.090(2)** is found **guilty** of said offense and is ordered and adjudged **adjudication of guilt withheld** by this Court.

IT IS THEREFORE ordered by this Court:

The defendant is assessed **\$47.50** fine, **\$35.00** costs, **\$84.00** surcharges, **\$0.00** tolls for a total of **\$166.50**.

A request for stay of amount due is granted and must be paid by **04/27/2026**.

Failure to pay the balance on or before agreed date may result in contempt of court, the suspension of driver license, issuance of bench warrant or being required to reappear before the court, in addition to the payment of penalty fees.

DONE AND ORDERED AT MIAMI, FLORIDA THIS 28 DAY OF OCTOBER, 2025.



Judge/Hearing Office: Josie Perez Velis

I have read and understand the above terms and conditions and I hereby acknowledge receipt of a copy of this form.



Scan QR Code for online traffic and billing information

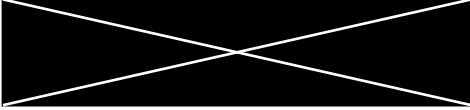
DEFT. NOT PRESENT

Defendant

Final Judgment and Court Disposition *Disposición Final e Instrucciones de La Corte*

October 29, 2025

BRAYAN ARMIDES TAMARIT FERRER



Re: Case Number: ALUFUXE; Miami Dade
Número de Caso: ALUFUXE; Miami Dade

Your Miami Dade case ALUFUXE has been closed. The Final Judgment and Court Instructions are as follows:

Su caso en Miami Dade con numero(s) ALUFUXE ha concluido. Seguidamente, la Disposición Final e Instrucciones de la Corte:

FINAL JUDGMENT/DISPOSICIÓN FINAL		
Final Disposition: Withhold Adjud <i>Disposición Final: Withhold Adjud</i>	Probation: <i>Probatoria:</i>	Points: No <i>Puntos: No</i>
Court Fees: \$166.50 <i>Gastos de Corte: \$166.50</i>	Amount to Pay Directly to the Court <i>Pagar Dinero Directamente a la Corte</i>	Due Date: 04/27/2026 <i>Fecha de vencimiento: 04/27/2026</i>
Hour(s) Traffic School Course: <i>Hora(s) de Escuela de Tráfico:</i>	Type of Traffic School: <i>Clase de Manejo:</i>	Community Service Hours: <i>Horas de Servicio a la Comunidad:</i>

COURT COSTS ARE PAYABLE DIRECTLY TO THE CLERK OF COURTS. Enclosed is a document explaining how to make your payment. Failure in paying Court Costs and/or attending Traffic School may result in your license being suspended.

Should you have any question or require further assistance, do not hesitate to contact us. We appreciate your business!

LOS GASTOS DE CORTE SE PAGAN DIRECTAMENTE AL CLERK O ESCRIBANO DE CORTE. Si hay gasto de Corte, se incluye un documento que explica como hacer el pago directamente al Clerk de la Corte. De no pagar los Gastos de la Corte y/o no cumplir con la escuela de tráfico, puede resultar en una suspensión de su licencia de conducir.

*¡Agradecemos atender su caso!
Si Ud. tiene alguna pregunta o necesita más información, no dude en contactarnos.*

LAW OFFICES OF ALEX A. HANNA, P.A.

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EXHIBIT E