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Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AGUSTINUS NA,

Petitioner,

v.

JOSEPH B. EDLOW as USCIS Director, et al.,

Respondents.

Case No. 25-cv-03805-CAB-KSC

RESPONDENTS' RETURN IN OPPOSITION TO PETITIONER'S HABEAS PETITION

I. INTRODUCTION

Petitioner has filed a habeas petition seeking immediate release from Immigration and Customs Enforcement (ICE) custody or a bond hearing. ECF No. 1. For the reasons set forth below, the Court should deny Petitioner's requests for relief and dismiss the petition.

II. FACTUAL BACKGROUND

Petitioner was born in 1977 in Indonesia. *Id.* at ¶ 4. On December 28, 1990, Petitioner entered the United States at the Los Angeles International Airport Port of Entry in Los Angeles, California, as a nonimmigrant visitor for pleasure (B2) with authorization to remain in the United States for a temporary period not to exceed June 27, 1991. *Id.*; Declaration of Ryan Robert Dale Smith ("Smith Decl.") at ¶ 4; Exhibit A (Form I-213, Record of Deportable/Inadmissible Alien).[1] Petitioner failed to depart the United States on or before June 27, 1991, as required, thereby violating his immigration status. Smith Decl. at ¶ 5.

On March 10, 2003, Petitioner was apprehended by ICE Enforcement and Removal Operations (ERO) and served with a Notice to Appear, Form I-862. *Id.* at ¶ 6. Petitioner was also served with an Order of Supervision (OSUP), Form I-220B, and released from custody. Smith Decl. at ¶ 6. On October 15, 2008, an immigration judge denied Petitioner's application for asylum but granted his application for withholding of removal. *Id.* at ¶ 7; Exhibit B (Order of the Immigration Judge). Petitioner was ordered removed to any country except Indonesia. *Id.* at ¶ 7; Exhibit B. As both parties waived appeal, the order became final when issued.

On November 17, 2025, Petitioner reported in person to ERO Los Angeles in San Bernardino, California for his scheduled OSUP reporting. Smith Decl. at ¶ 8. ERO determined that Petitioner was amenable to removal and took him into ERO Los Angeles custody on that date. *Id.* On November 17, 2025, Petitioner was served with

[1] The attached Exhibits A–H are true copies, with redactions of private and confidential information, of documents obtained from ICE counsel.

the following documents: Notice of Revocation of Release (*see* Exhibit C); Form I-286 (Notice of Custody Determination) (*see* Exhibit D); Form I-205 (Warrant of Removal/ Deportation) (*see* Exhibit E); Form I-200 (Warrant for Arrest of Alien) (*see* Exhibit F); and Form I-294 (Warning to Alien Ordered Removed or Deported) (*see* Exhibit G). On November 18, 2025, Petitioner was transferred to the Otay Mesa Detention Center (OMDC). Smith Decl. at ¶ 10.

On December 15, 2025, Petitioner had a custody redetermination hearing in front of an immigration judge. *Id.* at ¶ 11. The immigration judge denied his custody redetermination request on the basis that the court lacks jurisdiction due to Petitioner having a final order granting withholding of removal. *Id.*; Exhibit H (Order of the Immigration Judge).

On December 26, 2025, Petitioner was booked out of the OMDC to Paradise Valley Hospital where he remained until December 29, 2025. Smith Decl. at ¶ 12. Petitioner is currently detained at OMDC. *Id.*

ICE ERO San Diego Field Office is working with ERO Removal and International Operations Headquarters (HQ-RIO) in Washington, D.C. and the Department of State to identify a third country that will accept Petitioner. *Id.* at ¶ 13. Should ERO identify a third country for removal, Petitioner will be notified in writing of the third country at least 24 hours prior to removal. *Id.* at ¶ 14. If Petitioner claims a fear of removal to the identified country, he will be referred to an asylum officer for processing of the fear-based claim. *Id.* When a third country is identified for resettlement, standard ICE guidance and procedures provide that an ICE officer will provide written notice to the removable alien of the intended third country removal. *Id.* at ¶ 15. The written notice identifies the country to which ICE intends to remove the alien. *Id.* ICE will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. *Id.* In exigent circumstances, ICE may execute a removal order six or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to

removal. *Id.*

"ICE continues to diligently seek to identify a third country for Petitioner's removal and believes there is a significant likelihood of removal to a third country in the reasonably foreseeable future." *Id.* at ¶ 16.

III. ARGUMENT

A. Claims and Requests Barred by 8 U.S.C. § 1252.

Petitioner bears the burden of establishing that this Court has subject matter jurisdiction over his claims. *See Ass'n of Am. Med. Colls. v. United States*, 217 F.3d 770, 778–79 (9th Cir. 2000). To the extent Petitioner's claims arise from—or seek to enjoin—the decision to execute his removal order, they are jurisdictionally barred under 8 U.S.C. § 1252(g). *See* 8 U.S.C. § 1252(g) ("Except as provided in this section and *notwithstanding any other provision of law* (statutory or nonstatutory), *including section 2241 of Title 28, or any other habeas corpus provision*, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or *execute removal orders* against any alien under this chapter.") (emphasis added); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) ("There was good reason for Congress to focus special attention upon, and make special provision for, judicial review of the Attorney General's discrete acts of "commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders"—which represent the initiation or prosecution of various stages in the deportation process.") (quoting 8 U.S.C. § 1252(g)). In other words, section 1252(g) removes district court jurisdiction over "three discrete actions that the Attorney General may take: her 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders.'" *Reno*, 525 U.S. at 482 (emphasis removed). Here, Petitioner's claims necessarily arise "from the decision or action by the Attorney General to . . . execute removal orders," over which Congress has explicitly foreclosed district court jurisdiction. 8 U.S.C. § 1252(g); *see also* 8 U.S.C. § 1252(f)(2)

("Notwithstanding any other provision of law, no court shall enjoin the removal of any alien pursuant to a final order under this section unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law."). Accordingly, to the extent Petitioner's claims arise from—or seek to enjoin—the decision to execute his removal order, the Court should deny and dismiss those claims for lack of jurisdiction under 8 U.S.C. § 1252.

B. Petitioner is Lawfully Detained.

"Section 241(a) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered removed from the United States." *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575 (2022). The INA provides that an alien ordered removed must be detained for 90 days pending the government's efforts to secure the alien's removal through negotiations with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien during the 90-day removal period under subsection (a)(1)).

Section 1231(a)(6) "authorizes further detention if the Government fails to remove the alien during those 90 days." *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). Detention authority under this statute, however, is limited to "a period reasonably necessary to bring about the alien's removal from the United States" and "does not permit indefinite detention." *Id.* at 689. The Supreme Court has held that a six-month period of post-removal detention constitutes a "presumptively reasonable period of detention." *Id.* at 701. Release is not mandated after the expiration of the six-month period unless "there is no significant likelihood of removal in the reasonably foreseeable future." *Id.*

If an individual ordered removed "is not removed to his or her country of choice or citizenship, he or she shall be removed to any of the . . . countries" listed in 8 U.S.C. § 1231(b)(2)(E). *Hadera v. Gonzales*, 494 F.3d 1154, 1156–57 (9th Cir. 2007). The enumerated countries are:

(i) The country from which the alien was admitted to the United States.

> (ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.
> (iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.
> (iv) The country in which the alien was born.
> (v) The country that had sovereignty over the alien's birthplace when the alien was born.
> (vi) The country in which the alien's birthplace is located when the alien is ordered removed.

Id. (quoting 8 U.S.C. § 1231(b)(2)(E)(i)–(vi)). "If removal to any of these countries is 'impracticable, inadvisable, or impossible,' the individual shall be removed to 'another country whose government will accept the alien into that country.'" *Id.* (quoting 8 U.S.C. § 1231(b)(2)(E)(vii)).

Here, Petitioner was granted withholding of removal to Indonesia only. *See* Smith Decl. at ¶ 7; Exhibit B. Apart from Indonesia, there appears to be no other country that would meet the definitions under subsections (i) through (vi), and Petitioner has made no showing to the contrary. *See Rokhfirooz v. Larose*, No. 25-CV-2053-RSH-VET, 2025 WL 2646165, at *2 (S.D. Cal. Sept. 15, 2025) ("A prisoner bears the burden of demonstrating that 'he is in custody in violation of the Constitution or laws or treaties of the United States.'") (quoting 28 U.S.C. § 2241(c)(3), brackets omitted). Because removal to the above enumerated countries is "impracticable, inadvisable, or impossible," ICE may remove Petitioner to a third country that will accept Petitioner's removal. 8 U.S.C. § 1231(b)(2)(E)(vii).

Petitioner argues that removal to a third country will violate his due process rights because he "has no ties to any third country and has never consented to such removal." ECF No. 1 at ¶ 27; *see also id.* at ¶ 35 ("Any attempt to remove him to a country other than Indonesia would violate the Due Process Clause, as such removal would be arbitrary, unsupported by law, and inconsistent with the protections afforded by his withholding of removal."). But withholding of removal to Indonesia does not preclude ICE from removing Petitioner to a third country, which the statutory framework

discussed above plainly contemplates.

Recent developments in international relations between the United States and several other countries have made probable ICE's removal of immigrants, like Petitioner, that it previously was unable to remove to third countries. Against this backdrop and invoking its authority under 8 U.S.C. § 1231(b)(2)(E), ICE continues to detain Petitioner for purposes of enforcing his removal order to a third country. *See* Smith Decl. at ¶¶ 13–16.

Since Petitioner's order of removal, ICE has worked as expeditiously as possible to effectuate his resettlement in a third country. ICE ERO San Diego Field Office is working with ERO Removal and International Operations Headquarters (HQ-RIO) in Washington, D.C. and the Department of State to identify a third country that will accept Petitioner. Although HQ-RIO is still in the process of identifying countries that may be willing to accept Petitioner for removal, the record reflects that "ICE continues to diligently seek to identify a third country for Petitioner's removal and believes there is a significant likelihood of removal to a third country in the reasonably foreseeable future." Smith Decl. at ¶ 16; *see also Zadvydas*, 533 U.S. at 700 (instructing district courts "to listen with care when the Government's foreign policy judgments, including, for example, the status of repatriation negotiations, are at issue, and to grant the Government appropriate leeway when its judgments rest upon foreign policy expertise.").

As courts in this district have found, "evidence of progress, albeit slow progress, in negotiating a petitioner's repatriation will satisfy *Zadvydas* until the petitioner's detention grows unreasonably lengthy." Exhibit I, *Kim v. Ashcroft*, Case No. 02-cv-1524-J-LAB, ECF No. 25 at 8:8–10 (S.D. Cal. June 2, 2003) (finding that petitioner's one year and four-month detention does not violate *Zadvydas* given respondent's production of evidence showing governments' negotiations are in progress and there is reason to believe that removal is likely in the foreseeable future); *see also Marquez v. Wolf*, No. 20-cv-1769-WQHBLM, 2020 WL 6044080, at *3 (S.D. Cal. Oct. 13, 2020)

(denying petition because "Respondents have set forth evidence that demonstrates progress and the reasons for the delay in Petitioner's removal"); Exhibit J, *Sereke v. DHS*, Case No. 19-cv-1250-WQH-AGS, ECF No. 5 at 5:4–6 (S.D. Cal. Aug. 15, 2019) ("[T]he record at this stage in the litigation does not support a finding that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future.").

Petitioner argues that he fears persecution and harm if he is removed to Indonesia, *see* ECF No. 1 at ¶¶ 9, 30, but ICE does not intend to remove him to Indonesia. Smith Decl. at ¶¶ 13–16. Petitioner also argues that "[a]ny attempt to remove Petitioner while he holds valid withholding of removal status would violate his due process rights under the Fifth Amendment," and that "[t]he government has provided no explanation or legal basis for rescinding his withholding of removal . . . ." *Id.* at ¶ 26. But Petitioner's removal order makes clear that the only country to which he cannot be removed is Indonesia, as that was the only country for which he obtained withholding of removal. *See* Exhibit B. Petitioner offers no authority for his argument that the government may not detain him in preparation for removing him to a third country simply because he may not be removed to Indonesia.

Moreover, ICE did provide Petitioner with a written explanation for rescinding his OSUP. Specifically, on November 17, 2025, ICE provided Petitioner with a Notice of Revocation of Release stating that he was being re-detained because there are "changed circumstances" in his case. Specifically:

> You are advised that ICE has determined that you have violated conditions of your release that were listed in the Order of Supervision you were issued at the time of your release from ICE custody, e.g., you have violated the conditions of your release as follows: You failed to obtain or attempt to obtain a travel document form [sic] your country of citizenship.

Exhibit C.

Petitioner suggests that an individualized custody review was a prerequisite to his post-final order detention (*see* ECF No. 1 at ¶ 29), but he offers no specific authority to support his contention. While a noncitizen may request a custody redetermination by

an immigration judge at any time before a final order of removal is issued, *see* 8 U.S.C. § 1226(a), 8 C.F.R. §§ 236.1(d)(1), 1003.19, 1236.1(d)(1), Petitioner's removal order became final in 2008. *See* Smith Decl. at ¶ 7. Any right to request a custody determination by an immigration judge has long since passed. Moreover, for individuals, such as Petitioner, who are subject to a final order of removal and subject to mandatory detention under 8 U.S.C. § 1231(a) for purposes of removal, the constitutional question is whether detention is indefinite based on a finding of there being no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701. In that proper context, if Petitioner's current detention were to be found to be unlawful—which Respondents firmly contest—the proper remedy would not be a bond hearing and would instead be release "subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3).

Finally, Petitioner focuses much of his petition and supporting exhibits on the impact that his detention and removal has had and will have on his family. *See* ECF No. 1 at ¶¶ 11–21, Exhibits 3–22. But Petitioner cannot demonstrate how this situation makes *his* detention unlawful, or that *he* is entitled to habeas relief.

IV. CONCLUSION

For the foregoing reasons, the Court should deny Petitioner's dismiss the petition.

Dated: January 6, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Matthew Riley
MATTHEW RILEY
Assistant United States Attorney
Attorney for Respondents

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Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AGUSTINUS NA,

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v.

JOSEPH B. EDLOW as USCIS Director, et al.,

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Case No. 25-cv-03805-CAB-KSC

TABLE OF EXHIBITS

EXHIBITS:

A. Form I-213, Record of Deportable/Inadmissible Alien, dated November 17, 2025

B. Order of the Immigration Judge, dated October 15, 2008

C. Notice of Revocation of Release, dated November 17, 2025

D. Form I-286, Notice of Custody Determination, dated November 17, 2025

E. Form I-205, Warrant of Removal/Deportation, dated November 17, 2025

F. Form I-200, Warrant for Arrest of Alien, dated November 17, 2025

G. Form I-294, Warning to Alien Ordered Removed or Deported, dated November 17, 2025

H. Order of the Immigration Judge, dated December 15, 2025

Dated: January 6, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Matthew Riley
MATTHEW RILEY
Assistant United States Attorney
Attorney for Respondents

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
NA, AGUSTINUS		

Sex	Hair	Eyes	Cmplxn
M	[redacted]	[redacted]	[redacted]

Country of Citizenship	Passport Number and Country of Issue	File Number
INDONESIA	[redacted] INDONESIA	[redacted]

Height	Weight	Occupation
[redacted]	[redacted]	PHARMACY TECH

U.S. Address: [redacted]

Scars and Marks:

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
12/28/1990 Unknown Time, LAX, B2-Visitor For Pleasure	

F.B.I. Number: ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence: N/A N/A, OTHER - FOR COUNTRIES OTHER THAN US, INDONESIA

Method of Location/Apprehension: NCA

Date of Birth	Age:	Date of Action	Location Code	At/Near	Date/Hour
[redacted]	[redacted]	11/17/2025	SBD/LOS	See I-831	11/17/2025 09:02

City, Province (State) and Country of Birth	AR ☒	Form (Type and No.) Lifted ☐ Not Lifted ☐	By
[redacted], INDONESIA			N. 9597 BERNAL

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S

Immigration Record	Criminal Record
NEGATIVE	

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate): [redacted]

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known: [redacted]

Mother's Present and Maiden Names, Nationality, and Address, if Known: [redacted]

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☐ Yes ☒ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
See Narrative	Unemployed or Retired	Hr	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

Left Index fingerprint

[redacted]

Right Index fingerprint

[redacted]

[redacted]

Subject Health Status

The subject claims good health.

Current Administrative Charges

11/17/2025 - 237a1B - NONIMMIGRANT OVERSTAY

RECORDS CHECKED ...(CONTINUED ON I-831)

Alien has been advised of communication privileges 11/17/25 (Date/Initials)

N. 9597 BERNAL
Deportation Officer
(Signature and Title of Immigration Officer)

Distribution

T file

Received (Subject and Documents) (Report of Interview)

Officer N. 9597 BERNAL

on November 17, 2025 (time)

Disposition Bag and Baggage

Examining Officer: BUCHHOLZ, A 6949

Form I-213 (Rev. 08/01/07)

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name	File Number	Date
NA, AGUSTINUS	[redacted] Event No: [redacted]	11/17/2025

EARM Pos
CIS Pos
TECS Pos
IAFIS Unk
NCIC Unk

NAME AND ADDRESS OF US EMPLOYER

[redacted]

AT/NEAR

San Bernardino, CA

Record of Deportable/Excludable Alien:

ERO San Bernardino
NA, Agustinus [redacted]
COB/COC: Indonesia
DNA: [redacted]

ENCOUNTER
On November 17, 2025, Enforcement and Removal Operations (ERO) San Bernardino Non-Detained Docket (NDD) Deportation Officer (DO) Bernal and DO Cuesta encountered NA at the Immigration and Customs Enforcement (ICE) San Bernardino Sub-Office (SBD) located at 655 W. Rialto Ave, San Bernardino, CA 92410, when NA reported in person when he was scheduled. Upon reviewing record checks, DO Bernal and DO Cuesta determined that NA had a final order of removal issued by an immigration judge (IJ), no more pending appeals or applications were found; therefore, probable cause was established that NA was amenable to enforcement action. DO Bernal and DO Cuesta made contact with NA in the SBD lobby. DO Bernal and DO Cuesta identified themselves verbally as an "ICE Officer" and visually identified themselves with "ICE" identifiers on person. DO Bernal and DO Cuesta informed NA that he had an administrative warrant of arrest, and arrested NA without incident.

NA is not a citizen or national of the United States (U.S.). NA is a citizen and national of Indonesia by virtue of birth.

IMMIGRATION HISTORY
On December 27, 1990, NA entered the United States (U.S.) at the Los Angeles International Airport Port of Entry in Los Angeles, CA, as a nonimmigrant visitor for pleasure (B2) with authorization to remain in the United States for a temporary period not to exceed June 27, 1991.

On June 27, 1991, NA failed to depart the U.S. as required, thus violating his immigration status.

On March 10, 2003, Detention and Removal Operations (DRO) Los Angeles served NA was served a Notice to Appear, Form I-862. On the Same date, DRO Los Angeles served NA with an Order of Supervision (OSUP), Form I-220B and released NA.

On October 15, 2008, an Immigration Judge in Los Angeles granted NA withholding of removal, and ordered NA removed to Indonesia.

Signature	Title
N. 9597 BERNAL	Deportation Officer

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name	File Number	Date
NA, AGUSTINUS	[redacted] Event No: [redacted]	11/17/2025

On November 17, 2025, NA reported in person to ERO Los Angeles in San Bernardino, CA, for his scheduled OSUP reporting. ERO Los Angeles determined that NA is amenable to removal and took NA into ERO Los Angeles custody.

CRIMINAL HISTORY
NA does not have any criminal convictions.

ADDITIONAL INFORMATION
NA does not have any appeals pending with the Board of Immigration Review or the U.S. Court of Appeals for the Ninth Circuit.

NA stated that they have not served in the U.S. Armed Forces.

NA does not have any application pending with USCIS.

NA makes no claims to benefits or U.S. citizenship

NA claims no association or affiliation with any gangs.

CONSULAR NOTIFICATION
NA was notified of the right to communicate with a consular officer from his country as per Article 36(1)(b) of the Vienna Convention on Consular Relations. NA indicated he understood his rights but declined to speak with anyone at this time.

CASE DISPOSITION
It was determined that NA is amenable to removal, and was taken into ERO Los Angeles custody.

NA will be processed as a Final Order of Removal to Indonesia and will remain in ICE custody to effectuate his removal to a Third Country.

Other Identifying Numbers

ALIEN-[redacted]
Credit Card-[redacted]
..COMMENT: BANK OF AMERICA VISA
Credit Card-[redacted]
..COMMENT: LA LOMA FEDERAL VISA CHECK CARD
Driver's License (State and Country)-[redacted] (UNITED STATES)
..COMMENT: CALIFORNIA D.L.
U.S. Visa-[redacted]
..COMMENT: B-2 12/20/90

Signature	Title
N. 9597 BERNAL	Deportation Officer

IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FL.
LOS ANGELES, CA 90014

In the Matter of

MR. AGUSTINUS, NA
Respondent

Case No.: [redacted]

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on October 15, 2008
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

[X] The respondent was ordered removed from the United States to any country except Indonesia. ~~or in the alternative to~~ .
[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to .
[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to .

Respondent's application for:
[X] Asylum was ( )granted ( )denied (X)withdrawn.
[X] Withholding of removal was (X)granted ( )denied ( )withdrawn. for Indonesia.
[ ] A Waiver under Section _____ was ( )granted ( )denied ( )withdrawn.
[ ] Cancellation of removal under section 240A(a) was ( )granted ( )denied ( )withdrawn.

Respondent's application for:
[X] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied (X) withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Cancellation under section 240A(b) (2) was ( )granted ( )denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
[ ] Adjustment of Status under Section ____ was ( )granted ( )denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
[X] Respondent's application of (X) withholding of removal (X) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied (X) withdrawn.
[ ] Respondent's status was rescinded under section 246.
[ ] Respondent is admitted to the United States as a _____ until _____.
[ ] As a condition of admission, respondent is to post a $ _____ bond.
[ ] Respondent knowingly filed a frivolous asylum application after proper notice.
[ ] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
[X] Proceedings were terminated.
[ ] Other: _____.

Date: Oct 15, 2008

DAVID C. ANDERSON
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
655 W. Rialto Ave.
San Bernardino, CA 92410

U.S. Immigration and Customs Enforcement

NA, Agustinus
c/o Immigration and Customs Enforcement
Los Angeles Field Office

[redacted]

Notice of Revocation of Release

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

You are advised that ICE has determined that you have violated conditions of your release that were listed in the Order of Supervision you were issued at the time of your release from ICE custody, e.g., you have violated the conditions of your release as follows: You failed to obtain or attempt to obtain a travel document form your country of citizenship.

Based on the above, and pursuant to 8 C.F.R. § 241.4 / 8 C.F.R. § 241.13, you are to remain in ICE custody at this time. You will promptly be afforded an informal interview at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release. If you are not released after the informal interview, you will receive notification of a new review, which will occur within approximately three months of the date of this notice.

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

A. Buchholz, SDDO

NOV 17 2025
Date

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: NA, AGUSTINUS A-File Number: [redacted]

Date: 11/17/2025

Event ID: [redacted] Subject ID: [redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☒ Detained by the Department of Homeland Security.

☐ Released (check all that apply):

☐ Under bond in the amount of $ _____

☐ On your own recognizance.

☐ Under other conditions. [Additional document(s) will be provided.]

BUCHHOLZ, A 6949
Name and Signature of Authorized Officer

11/17/2025 9:43 AM
Date and Time of Custody Determination

SDDO
Title

U.S. IMMIGRATION & CUSTOMS ENFORCEMENT DRO - San Bernardino, CA
Sub Office 655 WEST RIALTO AVENUE SAN BERNARDINO, CA US 92410
Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I **do** request an immigration judge review of this custody determination.

☐ I **do not** request an immigration judge review of this custody determination.

[redacted]
Signature of Alien

11/17/2025
Date

The contents of this notice were read to NA, AGUSTINUS (Name of Alien) in the ENGLISH (Name of Language) language.

BERNAL, N. 9597
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Deportation Officer
Title

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

Subject ID: [redacted]
File No: [redacted]
Event No: [redacted]
Date: November 17, 2025

To any immigration officer of the United States Department of Homeland Security:

AGUSTINUS NA
(Full name of alien)

who entered the United States at Los Angeles, CA (Place of entry) on December 28, 1990 (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- [X] an immigration judge in exclusion, deportation, or removal proceedings
- [ ] a designated official
- [ ] the Board of Immigration Appeals
- [ ] a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

237a1B;

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

Salaries and Expenses, Department of Homeland Security 2025

A 6949 BUCHHOLZ
(Signature of immigration officer)

SDDO
(Title of immigration officer)

November 17, 2025, San Bernardino, CA
(Date and office location)

Alien No: 078 019 890

To be completed by immigration officer executing the warrant: Name of alien being removed:

AGUSTINUS NA

Port, date, and manner of removal: _____

Photograph of alien removed

Right index fingerprint of alien removed

[redacted]

(Signature of alien being fingerprinted)

N. 9597 BERNAL - Deportation Officer

(Signature and title of immigration officer taking print)

Departure witnessed by: _____

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

_____

_____

_____

_____

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____

(Signature and title of immigration officer)

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

File No. [redacted]

Date: 11/17/2025

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 NA, AGUSTINUS 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)

A 6949 BUCHHOLZ - 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 San Bernardino, CA (Location)

on NA, AGUSTINUS (Name of Alien) on 11/17/2025 (Date of Service), and the contents of this notice were read to him or her in the ENGLISH (Language) language.

N. 9597 BERNAL
Deportation Officer
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARNING TO ALIEN ORDERED REMOVED OR DEPORTED

Event No: [redacted] A-File Number: [redacted]

Date: 11/17/2025

Alien's name: AGUSTINUS NA

In accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act), you are prohibited from entering, attempting to enter, or being in the United States:

☐ For a period of 5 years from the date of your departure from the United States because you have been found deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated upon your arrival in the United States as a returning lawful permanent resident.

☒ For a period of 10 years from the date of your departure from the United States because you have been found:

- ☒ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
- ☐ inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated as a result of your having been present in the United States without admission or parole.
- ☐ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
- ☐ deportable under section 237 of the Act and ordered removed from the United States in accordance with section 238 of the Act by a judge of a United States district court, or a magistrate of a United States magistrate court.

☐ For a period of 20 years from the date of your departure from the United States because, after having been previously excluded, deported, or removed from the United States, you have been found:

- ☐ inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
- ☐ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
- ☐ deportable under section 237 of the Act and ordered removed from the United States in proceedings under section 238 of the Act.
- ☐ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
- ☐ to have reentered the United States illegally and have had the prior order reinstated under section 241(a)(5) of the Act.

☐ At any time because you have been found inadmissible or excludable under section 212 of the Act, or deportable under section 241 or 237 of the Act, and ordered deported or removed from the United States, and you have been convicted of a crime designated as an aggravated felony, as defined under section 101(a)(43) of the Act.

After your removal has been effected you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or U.S. Department of Homeland Security office. Refer to the above file number when requesting forms or information.

WARNING FOR ALL REMOVED ALIENS: It is a crime under Title 8 United States Code, Section 1326, for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Depending on the circumstances of the removal, conviction for this crime can result in imprisonment of a period of from 2 to 20 years and/or a fine up to $250,000.00.

SPECIAL NOTICE FOR SEX OFFENDERS: Federal Law requires a convicted sex offender, including an alien who has been removed from or otherwise departed the United States and subsequently returns, to register in each jurisdiction in the United States in which he or she resides, is employed, or is a student. Violation of this requirement can result in prosecution and imprisonment for up to 10 years under Title 18 United States Code, Section 2250.

N. 9597 BERNAL	Deportation Officer	SAN BERNARDINO, CA
(Signature of officer serving warning)	(Title of officer)	(Location of DHS office)

DHS Form I-294 (3/12)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:
NA, AGUSTINUS

To:
Lum, Albert Justin
2502 E WASHINGTON BLVD
PASADENA, CA 91104

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
12/15/2025

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 court lacks jurisdiction. Respondent has a final order granting withholding of removal.

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Guy Grande

Immigration Judge: Grande, Guy 12/15/2025

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

Appeal Due: 01/14/2026

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 : NA, AGUSTINUS | A-Number : [redacted]

Riders:

Date: 12/15/2025 By: MCFEDRIES, LYNNE, Court Staff

ADAM GORDON
United States Attorney
MATTHEW RILEY
California State Bar No. 257643
Assistant U.S. Attorney
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Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AGUSTINUS NA,

Petitioner,

v.

JOSEPH B. EDLOW, et al.,

Respondents.

Case No. 25-cv-03805-CAB-KSC

DECLARATION OF RYAN ROBERT DALE SMITH IN SUPPORT OF RESPONDENTS' RETURN IN OPPOSITION TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

I, Ryan Robert Dale Smith, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as a Deportation Officer (DO) assigned to the Otay Mesa suboffice of the ICE ERO San Diego Field Office. I have held this position since April 27, 2020.

2. As a DO, I am responsible for, among other things, enforcing final orders of deportation and removal from the United States for aliens and requesting travel documents from foreign consulates as part of the removal process.

3. This declaration is based upon my personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a DO for the Otay Mesa suboffice of the ICE ERO San Diego Field Office, as well as my review of government databases and documentation relating to Petitioner Agustinus Na (Petitioner).

4. On December 28, 1990, Petitioner entered the United States at the Los Angeles International Airport Port of Entry in Los Angeles, California, as a nonimmigrant visitor for pleasure (B2) with authorization to remain in the United States for a temporary period not to exceed June 27, 1991.

5. Petitioner failed to depart the United States on or before June 27, 1991, as required, thereby violating his immigration status.

6. On March 10, 2003, Petitioner was apprehended by ERO and served with a Notice to Appear, Form I-862. He was also served with an Order of Supervision (OSUP), Form I-220B, and released.

7. On October 15, 2008, an immigration judge denied Petitioner's application for asylum but granted his application for withholding of removal. Petitioner was ordered removed to any country except Indonesia.

8. On November 17, 2025, Petitioner reported in person to ERO Los Angeles in San Bernardino, California for his scheduled OSUP reporting. ERO determined that Petitioner was amenable to removal and took him into ERO Los Angeles custody on that date.

9. On November 17, 2025, Petitioner was served with the following documents: Notice of Revocation of Release; Form I-286 (Notice of Custody Determination); Form I-205 (Warrant of Removal/Deportation); Form I-200 (Warrant for Arrest of Alien); and Form I-294 (Warning to Alien Ordered Removed or Deported).

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10. On November 18, 2025, Petitioner was transferred to the Otay Mesa Detention Center (OMDC).

11. On December 15, 2025, Petitioner had a custody redetermination hearing in front of an immigration judge. The immigration judge denied his custody redetermination request on the basis that the court lacks jurisdiction due to Petitioner having a final order granting withholding of removal.

12. On December 26, 2025, Petitioner was booked out of the OMDC to Paradise Valley Hospital where he remained until December 29, 2025. Petitioner is currently detained at OMDC.

13. ICE ERO San Diego Field Office is working with ERO Removal and International Operations Headquarters (HQ-RIO) in Washington, D.C. and the Department of State to identify a third country that will accept Petitioner.

14. Should ERO identify a third country for removal, Petitioner will be notified in writing of the third country at least 24 hours prior to removal. If Petitioner claims a fear of removal to the identified country, he will be referred to an asylum officer for processing of the fear-based claim.

15. When a third country is identified for resettlement, standard ICE guidance and procedures provide that an ICE officer will provide written notice to the removable alien of the intended third country removal. The written notice identifies the country to which ICE intends to remove the alien. ICE will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. In exigent circumstances, ICE may execute a removal order six or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to removal.

16. ICE continues to diligently seek to identify a third country for Petitioner's removal and believes there is a significant likelihood of removal to a third country in the reasonably foreseeable future.

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

Executed this 6th day of January 2026.

RYAN R SMITH

Digitally signed by RYAN R SMITH
Date: 2026.01.06 13:27:26 -08'00'

RYAN ROBERT DALE SMITH
Deportation Officer
San Diego Field Office