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15 UNITED STATES DISTRICT COURT
16 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
17

18 **JOSE GILBERTO SOTELO AYALA**
19 Plaintiff and Petitioner,
20

21 vs.
22
23

24 CHRISTOPHER LAROSE Warden of the
25 Otay Mesa Detention Center; Gregory
26 ARCHAMBEAULT, Director of the San
27 Diego Field Office, United States
28 Immigration and Customs Enforcement;
PAM BONDI, Attorney General, United
States Department of Justice; KRISTI
NOEM, Secretary, United States Department
of Homeland Security; TODD LYONS,
Acting Director of United States Immigration
and Customs Enforcement; and DOES 1-5

Defendants-Respondents

Case No.: '26 CV0025 RSH KSC

Hon:

WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

INTRODUCTION

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3 1. This case challenges the unlawful and punitive detention of Plaintiff-Petitioner,
4 who is currently in the custody of Immigration and Customs Enforcement (“ICE”) at
5 the Otay Mesa Detention facility in Otay Mesa, California. Petitioner is neither a flight
6
7 risk nor a danger to the community.
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11 2. Unless the Court orders Petitioner’s immediate release, he will continue to be
12 subjected to unlawful and punitive detention.

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15 3. Plaintiff-Petitioner is not challenging or seeking judicial review of the initiation
16 of removal proceedings, the way his removal proceedings are or would be conducted,
17 or the adjudication of immigration relief by the EOIR or USCIS.
18

19
20
21 4. Through their uniform practices Respondents violate the rights of Petitioner
22 under the due process and equal protection guarantees of the U.S. Constitution, the
23 INA and its regulations, and the Administrative Procedure Act.
24

JURISDICTION AND VENUE

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27 5. This action arises under the Constitution of the United States; the Immigration
28 and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208,
110 Stat. 1570 [hereinafter ‘INA’]; and Administrative Procedure Act, 5 U.S.C. §§ 701
et seq [hereinafter “APA”].

6. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9,
cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. §
1331, as Petitioner is presently in custody under color of the authority of the

United States in the Otay Mesa ICE detention center located at 7488 Calzada de la
WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 2

1 Fuente, San Diego, CA 92154, and such custody is in violation of the Constitution,
2 laws, or treaties of the United States.
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5 7. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. §
6 702, and the All Writs Act, 28 U.S.C. § 1651.
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9 8. This court has further remedial authority pursuant to the Declaratory
10 Judgment Act, 28 U.S.C. § 2201 et seq..
11

12
13 9. The use of the Writ of Habeas Corpus to challenge detention by ICE is not
14 foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119
15 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A),
16 (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to
17 review orders of removal, not challenges to detention or the denial of constitutional
18 rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus
19 has always been available to review the legality of executive detention.”).
20

21
22 10. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209
23 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912)
24 (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545
25 (1926) (same).
26

27
28 11. Plaintiff invokes the APA, in the alternative, with a petition for a writ for habeas
corpus, to challenge Defendants’ uniform practices and actions and his detention
because “[e]ligibility that was ‘governed by specific statutory standards’ provided ‘a
right to a ruling on an applicant's eligibility,’ even though the actual granting of relief
was ‘not a matter of right under any circumstances, but rather is in all cases a matter of
grace.’” *Jay v. Boyd*, 351 U.S. 345, 353–354, (1956); *United States ex rel. Accardi v.*

1 *Shaughnessy*, 347 U.S. 260 (1954)(holding that deportable non-citizen had a right to
2 challenge the Executive's failure to exercise the discretion authorized by the law.” The
3 exercise of a district court's habeas corpus jurisdiction to answer a pure question of law
4 in this case is entirely consistent with the exercise of such jurisdiction in *Accardi*. See
5 also *United States ex rel. Hintopoulos v. Shaughnessy*, 353 U.S., 72, 77 (1957); *I.N.S.*
6 *v. St. Cyr*, 533 U.S. 289, 307–08 (2001).
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13 12. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
14 available and required by law.
15

16 13. Venue properly lies within the Southern District of California, because each
17 named Defendant-Respondent is present in this district and a substantial part of the
18 events or omissions giving rise to this action occurred and continue to occur in this
19 District. See 28 U.S.C. §1391(b). Moreover, Petitioner is currently detained within
20 this district to wit, at 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA
21 92154. Accordingly, the “restraint complained of” is occurring within the Court’s
22 territorial jurisdiction. See 28 U.S.C. § 2241(a)
23
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14. No petition for habeas corpus has previously been filed in any court to
review this the named Plaintiff-Petitioner’s detention.

PARTIES

15. Plaintiff-Petitioner **JOSE GILBERTO SOTELO AYALA** is a 51-year-old
national and citizen of Mexico who was arrested by ICE on 3 December 2025
during his regularly scheduled ICE check-in without a probable cause, without a
warrant, without a notice of violation of his supervision, and without providing
him a prior notice or an opportunity to be heard.

1 16. The U.S. Department of Homeland Security (“DHS”) is a cabinet
2
3 department of the United States federal government with the primary mission of
4
5 securing the United States.
6

7 17. ICE is an agency within DHS with the primary mission of arresting,
8
9 detaining, and removing non-citizens physically present within the territory of the
10
11 United States. ICE is also responsible for the custody and care of all detained non-
12
13 citizens awaiting resolution of their immigration cases or removal after a final
14
15 order of removal had been entered.
16

17 18. Defendant Kristi Noem is the Secretary for DHS. In this capacity, Ms. Noem
18
19 has responsibility for the administration of immigration laws pursuant to 8 U.S.C.
20
21 §1103(a), has authority over ICE and its field offices, and has authority to order the
22
23 release of Plaintiff-Petitioner. At all times relevant to this Complaint,
24
25 Defendant Noem was acting within the scope and course of her position as the
26
27 Secretary for DHS. Defendant Noem is sued in her official capacity.
28

19. Defendant-Respondent Todd Lyons is the Acting Director and Senior
Official Performing the Duties of the Director of ICE. Defendant Lyons is
responsible for the implementation of all ICE’s policies, practices, and procedures,
including those relating to detention of non-citizens. Defendant Lyons is a legal
and immediate custodian of Plaintiff. At all times relevant to this Complaint,
Defendant Lyons was acting within the scope and course of his position as an ICE
official. He is sued in his official capacity.

20. Defendant-Respondent Gregory Archambeault is the Acting Director of the
San Diego Field Office, United States Immigration and Customs Enforcement and
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1 currently has immediate and physical custody of Plaintiff-Petitioner. He is sued in
2 his official capacity.
3

4
5 21. Defendant Christopher LaRose is the warden of the Otay Mesa Detention
6 Facility in San Diego County, where Plaintiff-Petitioner is currently detained.
7 Defendant LaRose is the immediate and the physical custodian of Plaintiff. He is
8 named in his official capacity.
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13 22. The true names or capacities, whether individual, corporate, associate or
14 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
15 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
16 fictitious names, and Plaintiff will amend this Complaint to show their true names
17 and capacities when ascertained. Does 1 through 5 are the immediate, physical
18 custodians of Plaintiff-Petitioner.
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25 **FACTS RELEVANT TO ALL CAUSES OF ACTIONS**
26

27 23. Petitioner first entered the United States back in 1991 when he was barely 16
28 years old. See Exhibit A.

24. On or about 26 February 1998 Petitioner was apprehended by the legacy
INS and placed in removal proceedings with the issuance of a putative Notice to
Appear [NTA]. See Exhibit B; see also *Pereira v. Sessions*, 585 U.S. 198 (2018)
(holding an NTA like Plaintiff's that does not include the time or place of the
scheduled immigration court hearing does not trigger the stop-time rule for
purposes of cancellation of removal relief.); *Niz-Chavez v. Garland*, 593 U.S. 155

1 (2021) (holding that to trigger the stop-time rule, DHS must serve the noncitizen
2
3 with a single-document NTA containing all the information about an individual's
4
5 removal proceedings specified in INA § 239(a)(1)).
6

7
8 25. On 26 February 1998 an immigration judge granted petitioner \$3,000.00
9
10 bond. See Exhibit C.
11

12
13 26. On 3 March 1998 an immigration judge ordered Petitioner removed to
14
15 Mexico. See Exhibit A & D. He was physically removed and the order was executed
16
17 soon after.
18

19
20 27. Petitioner re-entered the United States without authorization.
21

22 28. On or about 27 January 2022 Respondents arrested Petitioner near Oceanside,
23
24 CA pursuant to section 1226(a). See Exhibit E. On the same date Respondents also
25
26 issued a Notice of Intent to Reinstate the 2 March 1998 order of removal. See Exhibit
27
28 F.

29. Respondents, however, exercised their discretion favorably and ultimately
declined to re-instate the final order of removal. See Exhibit F (bottom of form not
completed).

30. Instead, on 1 February 2022 Respondents released Petitioner from custody
and placed him on an order of supervision (OSUP). See Exhibit G.

1 31. Petitioner has complied diligently with the conditions of his release. See
2
3 Exhibit A & H.
4

5 32. At his regularly scheduled ICE Check-in on 3 December 2025 Respondents
6
7 re-detained Petitioner without a notice of violation of condition, or reason for the re-
8
9 detention, and without an opportunity to provide evidence, and be heard before a
10
11 neutral adjudicator.
12
13

14 33. Petitioner has three United States citizen children. See Exhibit A. One of them
15
16 Emmanuel has Down syndrome and is almost exclusively reliant to Petitioner for
17
18 his daily care. See Id.
19
20

21 34. For over 34 years Petitioner raised his children, worked, and took care of his
22
23 ill son.
24
25

26 35. Respondents have not reinstated the 1998 removal order and have provided
27
28 neither a notice of such intent nor afforded Petitioner the due process he is owed
prior to such reinstatement.

36. Upon his re-detention, Petitioner expressed a fear of return claim and he has
been referred to an Asylum Officer for a “credible fear” determination.

RELEVANT IMMIGRATION STATUTORY SCHEME

Immigration Detention

37. The INA governs the use of immigration detention both pre- and post-final

1 order. Post-final-order immigration detention is governed by 8 U.S.C § 1231(a);
2
3 pre-final-order detention for non-citizens present in the country is governed by 8
4
5 U.S.C. § 1226(a).
6

7 38. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
8
9 comprehensive frameworks for detaining criminal and non-criminal non-citizens.
10

11 39. Section 1226 authorizes the detention of non-citizens during removal
12
13 proceedings: section 1226(a) controls non-criminal aliens' detentions, while
14
15 section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c).
16

17 Once a non-citizen's removal proceedings are completed ICE's detention authority
18
19 is controlled by section 1231, which also distinguishes between non-criminal and
20
21 criminal non-citizens. *See* 8 U.S.C. § 1231.
22

23 *Section 1226(a) and Non-Criminal Non-citizens*
24 *During Removal Proceedings*
25

26 40. The Attorney General has discretion to detain a non-criminal non-citizen
27
28 "pending a decision on whether the alien is to be removed from the United States."
See 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.
See 8 U.S.C. § 1226(a)(1)-(2).

41. In connection with § 1226(a), the DHS promulgated regulations setting out
the process by which a non-criminal non-citizen may obtain release. The
regulations provide that, in order to obtain bond or conditional parole, the "alien
must demonstrate to the satisfaction of the officer that such release would not pose

1 a danger to property or persons, and that the alien is likely to appear for any future
2 proceeding.” See 8 C.F.R. § 1236.1(c)(8).

3
4
5 *Section 1226(c) and Criminal Non-citizens*
6 *During Removal Proceedings*
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8
9 42. Although the Attorney General has broad discretion to release non-criminal
10 non-citizens during the pendency of their removal proceedings, the INA limits the
11 Attorney General’s discretion in the case of criminal non-citizens. Specifically,
12 section 1226(c) mandates that “[t]he Attorney General shall take into custody any
13 alien who . . . is deportable by reason of having committed [certain specified
14 offenses].” See 8 U.S.C. § 1226(c)(1)(B).
15
16
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20 43. Section 1226(c) provides that the Attorney General may release a criminal
21 non-citizen “only if” necessary for narrow witness protection purposes. See 8
22 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
23 citizens throughout the entirety of their removal proceedings, and there is no
24 statutory possibility for release on bond.
25
26
27
28

44. Petitioner was never detained under the authority of section 1226(c) as he
has no qualifying criminal record.

Detention under section 1231

45. Once a non-citizen is subject to a final order of removal detention authority
shifts to 8 U.S.C. § 1231(a).” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578 (2022)
 (“[Section] 1231(a) . . . governs the detention, release, and removal of individuals
 ‘ordered removed.’”).

1 46. The INA directs that “when an alien is ordered removed, the Attorney General
2 shall remove the alien from the United States within a period of 90 days. *See* 8 U.S.C.
3 §1231(a)(1)(A). Section 1231(a)(6) of the INA provides, in turn, that an alien “may be
4 §1231(a)(1)(A). Section 1231(a)(6) of the INA provides, in turn, that an alien “may be
5 detained beyond the removal period” but only if the alien “has been determined by the
6 Attorney General to be a risk to the community or unlikely to comply with the order
7 of removal” or in certain circumstances that are not relevant here. *See* 8 U.S.C.
8 §1231(a)(6). Otherwise, “[i]f the alien does not leave or is not removed within the
9 removal period, the alien, pending removal, *shall be subject to supervision* under
10 regulations prescribed by the Attorney General.” *See* 8 U.S.C. §1231(a)(3)(emphasis
11 added).
12

13 47. Indeed, in *Zadvydas*, the Supreme Court explained that section 1231 provides a
14 “choice . . . not between imprisonment and the alien ‘living at large,’” but “between
15 imprisonment and supervision under release conditions that may not be violated.” *See*
16 *Zadvydas*, 533 U.S. at 696. Thus, *Zadvydas* establishes a presumption of *continuing*
17 release on supervision after the removal period expires unless conditions imposed are
18 violated by the non-citizen or the order of removal is executed. *Id.*
19

20 48. By enacting 8 C.F.R. §241.4(1)(2) however, Respondents have turned this
21 continuing “supervision under release conditions that may not be violated” into a
22 *discretionary* decision at the whim of deportation officers regardless of any condition
23 violation.
24

25 49. But Congress in section 1231(a) spoke in unambiguous terms in setting a
26 temporal removal period and a direction of release on supervision after the expiration
27 of the 90-day removal period unless specific findings are made by the AG making
28 WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND

1 release not reasonable. By providing “authority” to the agency to enact regulations for
2 the statutory mandated “supervision” and a fill-gap authority to establish “reasonable
3 written restrictions on the alien’s conduct or activities that the Attorney
4 General prescribes for the alien” Congress did not, however, provide unfettered
5 discretion to the agency to revoke the statutory mandated release on supervision for
6 reasons unrelated to violations of conditions of release. Since section 241.4(1)(2)(i) &
7 (iv) are inconsistent with the specific statutory authority delegated to the agency by
8 section 1231(a)(3) and violate the presumption of continuing release on supervision
9 without violation of the “written conditions” on which the supervision was granted,
10 the regulation is violative of the unambiguous language of the statute. Defendants
11 cannot by regulation circumvent the clear and unambiguous language of the statute.
12
13 *See Pereira v Sessions*, 138 S.Ct. 210, 214 (2018) (“If the intent of Congress is clear,
14 that is the end of the matter; for the court, as well as the agency, must give effect to
15 the unambiguously expressed intent of Congress”)
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Detention Pursuant to 8 U.S.C. § 1225(b)(2) and Respondents New Detention Practices

50. Under § 1225(b)(2), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant issued by the Attorney General “may” be detained but is also eligible for release on bond. 8 U.S.C § 1226(a). Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of “aliens already in the country.”

1 *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). Petitioner is not an arriving alien
2
3 nor is she seeking an entry to the US under § 1225 but has resided continuously in
4
5 the United States for years.

6
7 51. For decades, long-term residents of the U.S. who entered without inspection
8
9 and were subsequently apprehended by ICE in the interior of the country have been
10
11 detained pursuant to § 1226 and entitled to bond hearings before an IJ, unless
12
13 barred from doing so due to their criminal history or if a prior order of removal is
14
15 re-instated.

16
17 52. In July 2025, however, ICE began asserting that all individuals who entered
18
19 without inspection should be considered “seeking admission” and therefore subject
20
21 to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

22
23 53. On September 5, 2025, the BIA issued a precedential decision adopting this
24
25 interpretation, departing from the INA’s text, federal precedent, and existing
26
27 regulations. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

28
54. Respondents’ new legal interpretation is plainly contrary to the statutory
framework and its implementing regulations. Indeed, for decades, Respondents had
applied § 1226(a) to people like the Petitioner. Defendants’ new policies are thus
not only contrary to law, but are arbitrary and capricious in violation of the
Administrative Procedure Act (“APA”). They were also adopted without
complying with the procedural requirements of the APA.

55. The Courts to have addressed the issue have found the Government
invocation of the mandatory detention provision under section 1225 unlawful and

have ordered release of non-citizens held in detention based of such erroneous
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1 reading of the Immigration and Nationality Act and application of § 1225(b) to
2 noncitizens who, like Petitioner, are not apprehended upon arrival in the United
3 States. *See Rodriguez Vasquez v. Bostock*, No. 3:25-CV-05240-TMC,---F.Supp.3d-
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5 --, 2025 WL 1193850 (W.D.Wash. Apr. 24, 2025); *Maldonado Bautista v. Ernesto*
6
7 *Santacruz Jr*, No. 5:25-cv-01873-SSS-BFM, (C.D. Cal. filed July 23,
8
9 2025)(certifying a class and granting summary judgment to the class holding that
10
11 Respondents’ policy is unlawful) ; *see also Gomes v. Hyde*, No. 1:25-CV- 11571-
12
13 JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) granting habeas based on
14
15 same ground); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM,---F.Supp. 3d---
16
17 2025 WL 2084238, at *9 (D. Mass. July 24, 2025) (ordering release where
18
19 noncitizen was redetained based on ICE's assertion of detention authority under§
20
21 1225(b)); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting
22
23 court’s disagreement with BIA’s analysis in *Yajure Hurtado*); *see also Jimenez v.*
24
25 *FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v.*
26
27 *Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*,
28
2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025).

56. Here in 2022 Respondents arrested Petitioner under section 1226(a). See Exhibit E. And also exercised their discretion not to place Petitioner in reinstatement proceedings. See Exhibit F. Now rather than place Petitioner in section 240 proceedings, Respondents appears to have reversed course at whim and applied section 1225(b) to justify his arrest and detention on 3 December 2025. Subsequently they referred Petitioner for a “credible fear interview” pursuant to

1 their new policy of mandatory detention of all individual who are apprehended but
2 are inadmissible.
3

4
5 57. Under *Loper Bright v. Raimondo*, this Court should independently interpret
6 the statute and give the BIA’s expansive interpretation of § 1225(b)(2) no weight,
7 as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).
8
9

10
11 58. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of
12 the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of
13 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to
14 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration
15 Review (“EOIR”) issued regulations clarifying that individuals who entered the
16 country without inspection were not considered detained under § 1225, but rather
17 under § 1226(a). See *Inspection and Expedited Removal of Aliens; Detention and*
18 *Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed.
19 Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens
20 who are present without having been admitted or paroled (formerly referred to as
21 aliens who entered without inspection) will be eligible for bond and bond
22 redetermination”).
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59. The statutory context and structure also make clear that § 1226 applies to individuals who have not been admitted and entered without inspection. In 2025, Congress added new mandatory detention grounds to § 1226(c) that apply only to noncitizens who have not been admitted. See *The Laken Riley Act*, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

1 60. By specifically referencing inadmissibility for entry without inspection under 8
2 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered
3 by § 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible,
4 including those present without admission or parole.
5
6
7

8
9 61. The Supreme Court has explained that § 1225(b) is concerned “primarily [with
10 those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of
11 entry, where the Government must determine whether [a noncitizen] seeking to enter
12 the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In
13 contrast, Section 1226 “authorizes the Government to detain certain aliens *already in*
14 *the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphases
15 added).
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23 62. Furthermore, § 1225(b)(2) specifically applies only to those “seeking
24 admission,” and the implementing regulations at 8 C.F.R. § 1.2 address noncitizens
25 who are “coming or attempting to come into the United States.” The use of the present
26 progressive tense would exclude noncitizens like Petitioner who are apprehended in
27 the interior years after they entered, as they are no longer “seeking admission” or
28 “coming [...] into the United States.” *See Martinez v. Hyde*, 2025 WL 2084238 at *6
(D. Mass. July 24, 2025) (citing the use of present and present progressive tense to
support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended
in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200
(S.D. Cal. 2019) (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that
“[t]he use of the present progressive, like use of the present participle, denotes an
ongoing process”).

1 63. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
2
3 to Petitioner, who last had last entered the U.S. approximately 8 years ago.
4

5 *Reinstatement of Removal*
6

7 64. Under § 1231(a)(5):
8

9 If the Attorney General finds that an alien has reentered the United
10 States illegally after having been removed . . . under an order of
11 removal, the prior order of removal is reinstated from its original date
12 and is not subject to being reopened or reviewed, the alien is not
13 eligible and may not apply for any relief under this chapter, and the
14 alien shall be removed under the prior order at any time after the
15 reentry.
16

17 65. Under § 1231, Respondents have authority to reinstate a noncitizen’s prior
18 removal order when he or she reenters the country unlawfully. “The only factual
19 predicates for reinstatement are that (1) petitioner is an alien, (2) who was subject
20 to a prior removal order, and (3) who illegally reentered the United States.”
21
22

23 *Morales de Soto v. Lynch*, 824 F.3d 822, 825 (9th Cir. 2016) (cleaned up).
24

25 66. Respondents, however, are not required to reinstate a removal order; rather
26 officers may exercise prosecutorial discretion and place someone in removal
27 proceedings under INA § 240 in lieu of issuing a reinstatement order under INA §
28 241(a)(5), *Morales de Soto*, 824 F.3d at 825; *Villa-Anguiano v. Holder*, 727 F.3d
873, 878 (9th Cir. 2013) (reinstatement of removal under the INA is neither
“automatic” nor “obligatory” and citing to *Alcala v. Holder*, 563 F.3d 1009,
1013 (9th Cir.2009)), or proceed to adjudicate an application for relief for which
the non-citizen is eligible. Here, Respondents exercised their discretion and
declined to re-instate the 1998 final order of removal as memorialized in Exhibit F.

1 67. When DHS decides to start a reinstatement process DHS procedures require
2 officers to ask whether the person has a fear of return. If the person indicates a fear
3 of return during reinstatement proceedings, DHS must refer him or her to an
4 of return during reinstatement proceedings, DHS must refer him or her to an
5 asylum officer for a reasonable fear interview. 8 C.F.R. §§ 208.31, 241.8(e).
6
7

8
9 68. If no fear of return is expressed a DHS officer must follow the Regulations
10 applicable to reinstatements. Specifically, the officer must conduct a review of the
11 record and provide the non-citizen with an opportunity to present evidence and
12 rebut any factual findings. 8 C.F.R. § 241.8(b).
13
14

15
16
17 69. At the conclusion of the interrogation, the officer completes the top portion
18 of Form I-871, titled “Notice of Intent/Decision to Reinstate Prior Order.” This
19 portion of the form contains the factual allegations against the individual, including
20 that he or she is not a U.S. citizen, the date of the prior order, and the date of illegal
21 reentry. It also states that there is no right to a hearing before an immigration
22 judge. The officer must present the notice portion of Form I-871 to the individual
23 to sign and to indicate whether he or she wishes to make a statement contesting the
24 determination. *Id.* (“If the [individual] wishes to make . . . a statement, the officer
25 shall allow the [individual] to do so and shall consider whether the [individual]’s
26 statement warrants reconsideration of the determination.”).
27
28

70. A different officer then signs the bottom portion of Form I-871, labeled
“Decision, Order and Officer’s Certification.” DHS officers often sign the top and
bottom portions of the form at the same time and without following the mandated
process, which renders the order immediately executable and begins the 30-day

1 period for filing a petition for review, unless the person expresses a fear of return
2
3 to his or her country of origin.

4
5 71. DHS is also supposed to serve the noncitizen's attorney with a copy of the
6
7 reinstatement order if the attorney has filed a Notice of Entry of Appearance (Form
8
9 G-28) with DHS. See 8 C.F.R. § 292.5(a) (requiring notice and service of papers
10
11 on counsel or the individual if unrepresented); see also 8 C.F.R. § 103.8(c)(2)
12
13 (related to personal service of persons in penal or mental institutions,
14
15 incompetents, and minors under the age of 14).

16
17 72. If a non-citizen expresses a fear of return, DHS must refer her for a
18
19 reasonable fear interview. If the asylum officer determines the person did not
20
21 establish a reasonable fear, the person may seek review of that determination by an
22
23 IJ. 8 C.F.R. §§ 208.31(f), (g); 1208.31(f), (g). If the IJ disagrees with the asylum
24
25 officer's determination, the person then may apply for withholding of removal and
26
27 CAT protection before the IJ. 8 C.F.R. §§ 208.31(g)(2); 1208(g)(2). If the IJ agrees
28
with the asylum officer's determination, the person cannot appeal to the BIA. 8
C.F.R. §§ 208.31(g)(1); 1208.31(g)(1).

73. Here, Respondents exercised the discretion afforded them under the Act
when they declined to start re-instatement proceedings against Petitioner in 2022.
Petitioner is thus now subject to section 240 proceedings and eligible for a bond
under section 1226(a).

COUNT ONE

Detention in Violation of the Fifth Amendment (substantive due process)

WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 19

Against all Defendants

1
2 74. Petitioner repeats and incorporates by reference all allegations in paragraphs
3
4 15 to 73 above.

5
6 75. The Fifth Amendment guarantees that no person shall be deprived of liberty
7
8 without due process of law. U.S. Const. Amend. V. “Freedom from
9
10 imprisonment—from government custody, detention, or other forms of physical
11
12 restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*,
13
14 533 U.S. 678, 690 (2001).

15
16 76. “Government detention violates the Due Process Clause unless it is ordered
17
18 in a criminal proceeding with adequate procedural safeguards, or in certain special
19
20 and non-punitive circumstances ‘where a special justification, . . . outweighs the
21
22 individual’s constitutionally protected interest in avoiding physical restraint.’”
23
24 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
25
26 *Hendricks*, 521 U.S. 346, 356 (1997)).

27
28 77. Respondents cannot show any “special justification” or compelling
governmental interest which would outweigh Petitioner’s constitutional liberty.

78. The governmental interest in the continued detention of these least-
dangerous individuals does not and cannot outweigh the liberty interest at stake.

COUNT TWO
Violation of Fifth Amendment Right
Procedural Due Process [re-detention]
Against All Defendants

1 79. Petitioner repeats and incorporates by reference all allegations in paragraphs
2
3 15 to 73 above.
4

5 80. The Fifth Amendment’s Due Process Clause prohibits the federal government
6
7 from depriving any person of “life, liberty, or property, without due process of law.”
8
9 U.S. Const. Amend. V.
10

11 81. The Supreme Court has repeatedly emphasized that the Constitution generally
12
13 requires a hearing before the government deprives a person of liberty or property.
14
15 *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).
16

17 82. Under the *Mathews v. Eldridge* framework, the balance of interests strongly
18
19 favors Petitioner’s release.
20

21 83. Petitioner’s private interest in freedom from detention is profound. The interest
22
23 in being free from physical detention is “the most elemental of liberty interests.” *Hamdi*
24
25 *v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690
26
27 (2001) (“Freedom from imprisonment—from government custody, detention, or other
28
forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
protects.”).

84. The risk of erroneous deprivation is exceptionally high. Petitioner has no
criminal record, has been deemed no a danger or a flight risk already, has complied with
all conditions of his OSUP order, has three United States citizen children, is eligible for
relief from removal, and has deep ties to the community.

85. The government’s interest in detaining Petitioner without due process is
minimal. Immigration detention is civil, not punitive, and may only be used to prevent

1 danger to the community or ensure appearance at immigration proceedings. *See*
2
3 *Zadvydas*, 533 U.S. at 690.

4
5 86. Furthermore, the “fiscal and administrative burdens” of providing Petitioner
6
7 with a bond hearing are minimal, particularly when weighed against the significant
8
9 liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

10
11 87. Considering these factors, Petitioner respectfully requests that this Court order
12
13 his immediate release from custody or in the alternative order that he be provided with a
14
15 bond hearing before an immigration judge where Respondents bear the burden of proof.

16
17 **COUNT THREE**
18 **Procedural Due Process Claim**
19 **Revocation of bond and/or orders of supervision without notice and**
20 **opportunity to contest the revocation.**
21 **Against all Defendants**

22
23 88. Plaintiff repeats and incorporates by reference all allegations in paragraphs
24
25 15 to 73 above.

26
27 89. Respondents have a final policy and uniform practice of revoking section
28
1226 and section 1231 releases, orders of supervision, and work authorizations
without providing any process and without a finding that a violation of a condition
for release had occurred. Once release on specified conditions has been granted,
however, it cannot be taken away without adequate process.

90. As a matter of standard policy and practice, however, Respondents revoke
bonds, conditional parole grants, and order of supervision and take targets into
custody without any violation of enumerated conditions and without a notice or the
opportunity to respond and be heard. This policy and practice violate procedural
due process because it fails to provide the release recipients with notice, a reasoned

1 explanation for the revocation decision, and an opportunity to respond, present
2
3 arguments and evidence to demonstrate that the individual continues to be eligible
4
5 for and warrants the continuation of his or her grant of section 1231 release.
6

7 Defendants' policy and uniform practice also fail to provide for reinstatement in
8
9 cases where the revocation decision was in error.
10

11 91. Plaintiff-Petitioner's private interests affected by Defendants' actions are
12
13 profound – his physical liberty. The risk of erroneous deprivation of liberty is high,
14
15 because Plaintiff is neither flight risk nor danger to the community. In fact,
16
17 Plaintiff was found eligible and had previously been released and placed on OSUP
18
19 for years.
20

21 92. The government's interest in Plaintiff's arrest and punitive administrative
22
23 detention is minimal.
24

25 93. The deprivation of Plaintiff's liberty interests far outweighs the
26
27 government's interest in arrests and continued detention after release under section
28
1231 had been granted as authorized by the INA and Respondents exercised their
discretion not to re-instate Petitioner 1998 removal order.

94. The burden on the Government for the additional process requested by
Plaintiff, to wit, a notice of condition violation and/or revocation of release, an
opportunity to respond, and be heard before a neutral decisionmaker would be
minimal.

95. Non-citizens granted bond, conditional parole, or orders of supervision who
are arrested at their check-in ICE appointment or during targeted enforcement

1 action have no other judicial venue to challenge the revocation of their orders of
2
3 release or the legality of their arrests.
4

5 96. Not affording them a judicial forum to challenge the revocations and/or the
6
7 legality of their arrests though this habeas corpus proceedings would also violate
8
9 the Suspension Clause of the U.S. Constitution.
10

11 **COUNT FOUR**
12 **Violation of 8 U.S.C. § 1226(a)**
13 **Unlawful Denial of Release on Bond**
14 **Against All Respondents**
15

16
17 97. Petitioner repeats and incorporates by reference all allegations in paragraphs
18
19 15 to 73 above.
20

21 98. Because Respondents exercised their discretionary authority in 2022 and
22
23 declined to re-instate Petitioner's 1998 order, Petitioner may be detained, if at all,
24
25 pursuant to 8 U.S.C. § 1226(a). Under § 1226(a) and its associated regulations,
26
27 Petitioner is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).
28

99. Petitioner has not been, and will not be, provided with a bond hearing by
Respondents as required by law unless the Court so order.

100. Petitioner's continuing detention is therefore unlawful.

COUNT FIVE
Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19
Against All Respondents

101. Petitioner repeats and incorporates by reference all allegations in paragraphs
1 to 83 above.

1 102. In 1997, after Congress amended the INA through IIRIRA, EOIR and the
2 then-Immigration and Naturalization Service (“INS”) issued an interim rule to
3 interpret and apply IIRIRA. Specifically, under the heading of “Apprehension,
4 Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite
5 being applicants for admission, [noncitizens] who are present without having been
6 admitted or paroled (formerly referred to as [noncitizens] who entered without
7 inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at
8 10323. The agencies thus made clear that individuals who had entered without
9 inspection were eligible for consideration for bond and bond hearings before IJs
10 under 8 U.S.C. § 1226 and its implementing regulations.
11
12
13
14
15
16
17
18
19
20

21 103. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
22 continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.
23
24

25 **COUNT SIX**

26 **Non-Statutory Ultra Vires Action/Accardi Doctrine Violation** 27 **Against all Defendants**

28 104. Petitioner repeats and incorporates by reference all allegations in paragraphs 15 to 73 above.

105. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner under the circumstances of this case.

106. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents’ ultra vires actions in holding him in punitive immigration detention without an opportunity to be heard and apply for a bond.

1 107. Under the *Accardi* doctrine, Petitioner also has a right to set aside agency
2 action that violated agency procedures, rules, or instructions. *See United States ex*
3 *rel. Accardi v. Shaughnessy*, 347 U.S. 260 (“If petitioner can prove the allegation
4 [that agency failed to follow its rules in a hearing] he should receive a new
5 hearing”).
6
7
8
9

10
11 **108.** Respondents violated agency regulations governing who and upon what
12 findings it may holding individual without an opportunity for release.
13
14

15 ***

16
17 **SUBSTANTIAL LIKELIHOOD OF SUCCESS**

18
19 109. Petitioner repeats and incorporates by reference all allegations in paragraphs
20 1 to 109 above.
21

22
23 110. As shown above Petitioner has shown substantial likelihood of success on
24 her statutory and constitutional claims.
25

26
27 **NOTICE AND IRREPARABLE HARM**

28 **111.** Pursuant to Federal Rule of Civil Procedure 65(b)(1) and Local Rules 7-19 and 65-1, immediately after filing this Petition, Petitioner’s Counsel will provide a copy of the Petition and notice of intent to seek Rule 65(a) relief ex parte to Respondents.

112. Petitioner has resided in the United States for over 45 years, has three United States citizen children, and has established deep roots in the communities. Because of his unlawful arrests and detention, he has been separated from family members, including his disabled son Emmanuel who is entirely reliant on Petitioner for his daily routine. See Exhibit A Exhibit I. Petitioner is experiencing severe emotional
WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 26

1 distress and is not receiving the medical cares he needs for his high blood pressure
2
3 and acute migraines. *Id.* These hardships are severe and unusual and not simply
4
5 incident to immigration detention.
6

7 **113.** “It is well established that the deprivation of constitutional rights
8
9 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990,
10
11 1002 (9th Cir. 2012). “When an alleged deprivation of a constitutional right is
12
13 involved, most courts hold that no further showing of irreparable injury is
14
15 necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005)
16
17 (cleaned up). Permitting continued violations of federal law would serve “neither
18
19 equity nor the public interest.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022).
20
21 Thus, the public interest weighs in favor of the Petitioner because continued
22
23 detention without the legal protections afforded by the INA, Due Process, and the
24
25 prohibition against non-refoulement potentially violates his due process and
26
27 statutory rights. *See Xuyue Zhang v. Barr*, 612 F.Supp.3d 1005, 1017 (C.D. Cal.
28
2019) (“Generally, public interest concerns are implicated when a constitutional
right has been violated, because all citizens have a stake in upholding the
Constitution.”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue a Temporary Restraining Order ordering release of Petitioner or in the alternative that Respondents provide him with a constitutionally valid bond hearing before an Immigration Judge;

WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF - 27

Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

VERIFICATION OF COUNSEL

I'm counsel for Petitioner Jose Gilberto Sotelo Ayala who is detained by ICE outside of the counties in which I maintain my offices and he cannot easily receive and return documents. Accordingly, I make this verification for and on behalf of Petitioner for that reason. I have conducted a reasonable investigation into the facts and circumstances in this case, interviewed the witnesses, and I am informed and believe and on that ground allege that the factual matters stated in the foregoing Petition for Habeas Corpus are true and correct to the best of my knowledge.

s/ Nicolette Glazer Esq.
Nicolette Glazer Esq.
LAW OFFICES OF LARRY R GLAZER
2121 Avenue of the Stars #800
Century City, CA 90067
T: 310-407-5353
F: 310-407-5354
nicolette@glazerandglazer.com
ATTORNEY FOR PETITIONER

I, [REDACTED] state and declare under penalty of perjury as follows:

I make this declaration in support of my father Jose Sotelo's verified petition for habeas corpus. I make this declaration based on my personal knowledge and based on information I received directly from my father who is currently detained by ICE.

My father Jose Sotelo arrived in the US in 1991 at the age of 16. In 1998, he was stopped by INS officers and placed in removal proceedings. He was issued an order of removal without contesting it because he did not understand the process and did not have enough money to fight it. He was deported back to Mexico in 1998 or 1999 but returned to the US without authorization. In February 2022 he was again arrested by ICE and placed on an order of supervision. Under the conditions of the order, my dad has presented himself to in person check ins twice a year and complied diligently with all other conditions of his supervision.

On December 3, 2025, my father went to his regularly scheduled ICE check-in and was detained during his appointment in the San Diego ICE office. The officers did not give him a reason for his detention or an opportunity to provide evidence or explain anything. He has since been held in the Otay Mesa detention center.

My father Jose had no violations during the time he was on supervision, and the arrest has caused a lot of distress. My dad has high blood pressure and migraines that have become much worse while he has been held in detention, and he is unable to receive the care he needs. His worries are also amplified because he is the family's main provider and since his arrest our family has suffered significant financial and emotional hardship.

Jose Sotelo has three United States citizen children, including a son, J[REDACTED], with Down syndrome. Jose Emmanuel is extremely close with my dad; they are best friends.

Due to his medical condition, Emmanuel needs constant care and companionship that only my dad could provide; without this support, Emmanuel's health will undoubtedly decline precipitously. Since our dad's arrest Emmanuel has shown signs of depression, loss of appetite, and trouble sleeping. He asks about his father several times a day and is unable to comprehend why he is not present. The sudden change in his family dynamic has left Emmanuel anxious and without peace to continue his daily life routine.

Apart from the emotional trauma he is experiencing, Emmanuel is also losing essential care services that my dad provides directly. My dad is the only person who can take care of his hygienic needs, as Emmanuel refuses to let our mother or me help with showers or clean up after using the restroom since we are women. My dad is also the one to help Emmanuel with meals, aid in getting ready, taking him to necessary appointments, and providing mental stimulation such as practicing speech or showing him how to work. Emmanuel needs constant supervision when outside of home and the care of his father. My dad fears for his life and safety if returned to Mexico and he is presenting his case to the immigration judge with the help of an attorney. If Jose Sotelo is removed from the US, Emmanuel would

have to accompany him, and he would be in grave danger. He will also not be able to receive the proper services and medical care he has here.

I am attaching a few photos of my dad and Emmanuel and some records for your consideration. I implore that your Honor release my father. My father is an honest, hardworking, and compassionate person who has devoted his life to his wife and children. He is not a danger to anyone and will comply with all conditions of release.

The above is true and correct to the best of my knowledge.

A handwritten signature in black ink is positioned above a horizontal line. Below the line, a rectangular area is completely redacted with a solid black fill.

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

File No:



In the Matter of:

Respondent SOTELO-Ayala, Jose

currently residing at:

In I&NS Custody, Deportation & Detention Section, 880 Front Street, Ste. 1234, San Diego, CA. 92101

(Number, street, city, state and ZIP code)

(Area code and phone number)

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

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

FEB 27 1998

The Service alleges that you:

- 4. You are not a citizen or national of the United States.
- 5. You are a native of Mexico and a citizen of Mexico.
- 6. You arrived in the United States at or near Otay Mesa, California on or about February 26, 1998.
- 7. You were not then admitted or paroled after inspection by an immigration officer.

IMMIGRATION COURT
SAN DIEGO, CA

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)(6)(A)(i) of the Immigration and Nationality Act (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.

Section 235(b)(1) order was vacated pursuant to : 8 CFR208.30(f)(2) 8CFR235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of _____ to be set at a later date and time

on _____ to be set _____ at _____ to be set _____ to show why you should not be removed from the United States based on _____ charge(s) set forth above.

Assistant Chief Patrol Agent

(Signature and Title of Issuing Officer)

Date: February 26, 1998

San Diego, California

(City and State)

See reverse for important information

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 under 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 3.16. 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 which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. 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 and that you are inadmissible or deportable on the charges contained in the Notice to Appear. 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 departing voluntarily. You will be given a reasonable opportunity to make such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court 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 INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Jose Sotelo Ayala
(Signature of Respondent)

Before: Kevin G. Roberts
Kevin G. Roberts, Border Patrol Agent
(Signature and Title of INS Officer)

Date: February 26, 1998

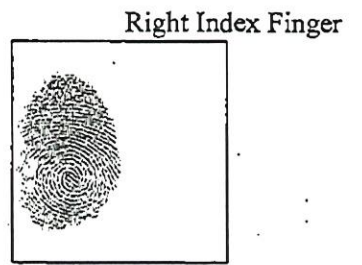
Certificate of Service

This Notice to Appear was served on the respondent by February 26, 1998, in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

in person by certified mail, return receipt requested by regular mail

Attached is a list of organizations and attorneys which provide free legal services.

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




Jose Sotelo Ayala
(Signature of Respondent if Personally Served)

Kevin G. Roberts
Kevin G. Roberts, Border Patrol Agent
(Signature and Title of Officer)

U.S. Department of Justice

Immigration and Naturalization Service

Warrant for Arrest of Alien

File No. 

Date: February 26, 1998

To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
SOTELO-Ayala, Jose

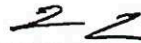
(Full name of alien)

an alien who entered the United States at or near Otay Mesa, California on
(Port)

February 26, 1998 is within the country in violation of the immigration laws and is
(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of authorized INS official)
FRANCISCO E. LUCERO

(Print name of official)


Assistant Chief Patrol Agent

(Title)

Certificate of Service

Served by me at San Diego, California on February 26, 1998 at 11:50 AM

I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.


Kevin G. Roberts

(Signature of officer serving warrant)

Border Patrol Agent

(Title of officer serving warrant)

Immigration and Naturalization Service

Notice of Custody Determination

File No: [Redacted]

Name: SOTELO-Avala, Jose

Date: February 26, 1998

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 determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- detained in the custody of this Service.
- released under bond in the amount of \$3,000.00
- released on your own recognizance.

- You may request a review of this determination by an immigration judge.
- You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

[Signature]
 (Signature of authorized officer)
 Assistant Chief Patrol Agent
 (Title of authorized officer)
 San Diego, California
 (INS office location)

- I do do not request a redetermination of this custody decision by an immigration judge.
- I acknowledge receipt of this notification.

Jose Sotelo Avala
 (Signature of respondent)

2/26/98
 (Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

- Immigration Judge
- District Director
- Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- No change - Original determination upheld.
- Detain in custody of this Service.
- Bond amount reset to _____
- Release - Order of Recognizance
- Release - Personal Recognizance
- Other: _____

 (Signature of officer)

IMMIGRATION COURT
401 WEST A STREET, SUITE #800
SAN DIEGO, CA 92101-7904

In the Matter of

Case



SOTELO-AYALA, JOSE
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Mar 2, 1998.
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.

- [*] The respondent was ordered removed from the United States to MEXICO.
- [*] Respondent's application for voluntary departure was denied and respondent was ordered removed to MEXICO ~~or in the alternative to~~ 2
- [] 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 asylum was () granted () denied () withdrawn.
- [] Respondent's application for withholding of removal was () granted () denied () withdrawn.
- [] Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- [] Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- [] Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn or () other.
- [] Respondent's application for adjustment of status under section _____ of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- [] Respondent's status was rescinded under section 245.
- [] 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.
- [] Proceedings were terminated.
- [] Other:

Date: Mar 2, 1998

Appeal: WAIVED ~~Appeal Due By: Apr 1, 1998~~

Both

JOSE J. BARTOLOMEI
 Immigration Judge

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


File No. 


Date: 01/27/2022

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 SOTELO-AYALA, JOSE is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien  (b)(7)(C) (b)(6)

(Signature)  (b)(7)(C) (b)(6)


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 Ocean Side, CA
(Location)

on SOTELO-AYALA, JOSE on 02/01/2022, and the contents of this
(Name of Alien) (Date of Service)


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

 (b)(7)(C) (b)(6) Caribey

Name and Signature of Officer Name or Number of Interpreter (if applicable)

U.S. Department of Homeland Security

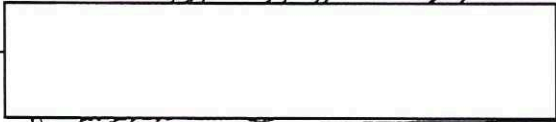
Continuation Page for Form I-200

Alien's Name SOTELO-AYALA, JOSE GILBERTO	File Number 	Date 01/27/2022
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OTHER ALIASES KNOWN BY

JOSE, AYALA
Jose, Sotelo-Sotelo

(b)(7)(C) (b)(6)

Signature 	Title SDDO
--	---------------

U.S. Department of Homeland Security

Notice of Intent/Decision to Reinstate Prior Order

File No. [Redacted]
Event No. [Redacted]
Date: January 27, 2022

JOSE GILBERTO SOTELO-SOTELO AKA: JOSE, AYALA

Name: _____

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of Removal entered against you. This intent is based on the following determinations:

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on March 2, 1998 at San Diego, California

2. You have been identified as an alien who:

- was removed on April 5, 2017 pursuant to an order of deportation / exclusion / removal.
departed voluntarily on _____ pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).

3. You illegally reentered the United States on or about _____ at or near _____

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the spanish language.

[Redacted signature box] (b)(7)(C) (b)(6)
[Redacted signature box] (b)(7)(C) (b)(6) DO (Title of officer)

Acknowledgment and Response

I do do not wish to make a statement contesting this determination.

Jose Sotelo (Signature of Alien)

Decision, Order, and Officer's Certification

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

[Redacted name] (Printed or typed name of official)
[Redacted name] (Signature of authorized deciding official)
SDDO (Title)

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

ORDER OF SUPERVISION

File No.: 
Date: February 1, 2022

Name: SOTELO-AYALA, JOSE GILBERTO

On March 2, 1998, you were ordered:
(Date of Final Order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

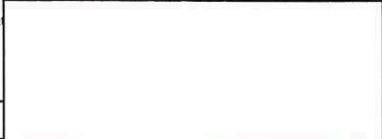

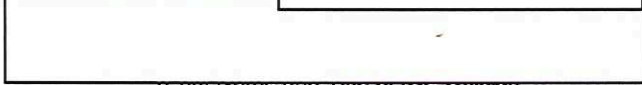
- That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- That you do not travel outside 50 miles for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- That you report in person on 05/02/2022 10:00 AM to this agency office at:
(Date/Time)

See I-831

(Reporting Address)

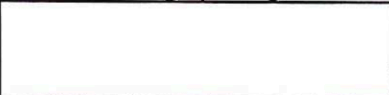
- That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

See attached  conditions (Continue on separate sheet if  
(Print Name and Title of ICE Officer)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

 ing Order)

Jose Sotelo
(Signature of Alien)

02/01/2022
(Date)

(b)(7)(C) (b)(6)

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

ORDER OF SUPERVISION (ADDENDUM)

File No. 

Name: SOTELO-AYALA, JOSE GILBERTO

Date: February 1, 2022

- That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Supervision.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- Other:

x Jose Sotelo
Alien's Signature

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

ORDER OF SUPERVISION (OUTPROCESSING CHECKLIST)

All Aliens

- Probation/Parole Officer Notified
- Obtain address where living and telephone number
- Enter into IDENT
- NCIC Check
- Travel Document Application

Sex Offenders

- Probation/Parole Officer Notified
- Registered as sex-offender as required by state statute within 7 days
- Victim/Witness Coordinator Notified
- Victim/Witness Notified
- Written Proof of Counseling

Substance Abusers


- Probation/Parole Officer Notified
- Written Proof of Counseling

(b)(7)(C) (b)(6)

Completed By	
	Date 02/01/2022
Concurrence By	
Supervisory ICE Official ELMASRY, AMBER A	Date 02/01/2022

U.S. Department of Homeland Security

Continuation Page for Form I-220B

Alien's Name SOTELO-AYALA, JOSE GILBERTO	File Number 	Date 02/01/2022
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LOCATION OF ICE OFFICE WHICH YOU REPORT TO

ICE ENFORCEMENT AND REMOVAL OPERATIONS SAN DIEGO CA 92101

(b)(7)(C) (b)(6)

Signature		Title DO
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U.S. Department of Homeland Security
Immigration and Customs Enforcement

Warning for Failure to Depart

Name: SOTELO-AYALA, JOSE GILBERTO	Field Office: SND-T	File #:
Section 243(a) of the Immigration and Nationality Act provides, in part, that: Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who-- (A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court, (B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure, (C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or (D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order, shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both. Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody. Any action Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will <i>NOT</i> relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above. * Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.		
Date Order Final: March 2, 1998	Ordered Removed under Section: 212a6Ai, 212a9Aii	
Record of Service (Check method used)		
Record of Personal Service		
Served By: (Print Name and Title of Officer) (b)(7)(C) (b)(6)	Date: February 1, 2022	
Served On: <i>Jose Sotelo</i>	Location of Service: ICE ENFORCEMENT AND REMOVAL OPERATIONS 880 FRONT STREET #2242 SAN DIEGO CA 92101	
Date: February 1, 2022		
() Warning administered in Court (Copy of order attached)	Record of Personal Service (Cont.)	
() Certified Mail Service	Fingerprint of Alien (Specify finger used)	
Attach certified mail receipts here.		 Right Index

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

- Submit passports (current and expired) to ICE. If you have a copy of your passport, you are to submit it.
- Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- Submit to ICE birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.
- Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.
- Provide ICE with written copies of requests to embassies or consulates requesting issuance of a travel document.
- Provide ICE with written copies of responses from embassies or consulates regarding your requests.
- Solicit permission from another country, which may be able to accept you, to enter that country to affect your removal from the United States.
- Provide your true and correct name and date of birth and any other identities you have ever used.
- Other: _____

Alien's Signature Jose Soto/B A Number 073 002 866



Served by on February 1, 2022 at SND-T

Officer's Name Date Location
(b)(7)(C) (b)(6)



To be served with I-229 (a) no later than 30 days after the final order

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

WARNING FOR FAILURE TO COMPLY WITH TERMS OF SUPERVISED RELEASE


Name SOTELO-AYALA, JOSE GILBERTO		Field Office	File # 
<p>Section 243(b) of the Immigration and Nationality Act of 1952, as amended, provides, in part, that:</p> <p>An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3)* or knowingly give false information in response to an inquiry under such section shall be fined not more than \$1000 or imprisoned for not more than one year, or both.</p> <p>*Section 241(a)(3) of the Immigration and Nationality Act of 1952, as amended, provides, in part, that:</p> <p>If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—</p> <ul style="list-style-type: none"> (A) to appear before an immigration officer periodically for identification; (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government; (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien. 			
Date Order Final	Ordered Removed under Section 212a6Ai, 212a9Ai1		
Record of Service (Check method used)			
<input type="checkbox"/> Record of Personal Service			
Served By (Print Name and Title of Officer)		(b)(7)(C) (b)(6)	Date 2/11/2020
Officer's Signature	Location of Service SND		
Served On: (Alien's Signature) JOSE Sotelo		Date 2/11/2020	
<input type="checkbox"/> Certified Mail Service		Fingerprint of Alien (Specify finger used)	
Attach certified mail receipts here.		 Right Index	

Event No: SND2201000538

DATE PREPARED 02/01/2022		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT			FILE A	
1. NAME JOSE GILBERTO SOTELO-AYALA					2. SEX M	
3. OTHER NAMES USED OR KNOWN BY JOSE, AYALA Jose, Sotelo-Sotelo See I-831					4. CITIZENSHIP MEXICO	
5. DATE OF BIRTH 		6. PLACE OF BIRTH MEXICO CITY, MEXICO, MEXICO				
7. HEIGHT 66	WEIGHT 165	EYES BRO	HAIR BRO	COMPLEXION LBR	MARKS OR SCARS	
8. NEAREST LARGE CITY TO PLACE OF BIRTH			9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY			
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED. N/A						
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS			12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED.			
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP <i>(Show dates of residence)</i>						
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE <i>(Show dates of residence, and immigration status there)</i> 4823 Luna Dr. Oceanside CALIFORNIA, 92057						
15. PLACE OF ENTRY INTO UNITED STATES					DATE OF ENTRY INTO UNITED STATES	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE.						
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input type="checkbox"/> NO. DESCRIBE DOCUMENT (S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT. (b)(7)(C) (b)(6)						
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>						
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD Not Applicable						
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ (Date) VIA _____ (Port) TO _____ (Country)						
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES						
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE						
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					(b)(7)(C) (b)(6)	
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL						

U.S. Department of Homeland Security

Continuation Page for Form I-217

Alien's Name SOTELO-AYALA, JOSE GILBERTO	File Number 	Date 02/01/2022
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ALIASES

CHILDREN INFO

CALIFORNIA, 92057

(b)(7)(C) (b)(6)

Signature		Title
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2 of 2 Pages



Next Reporting Date:

December 05, 2023 between 11:00 AM and 12:00 PM

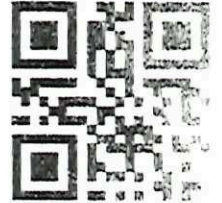
Participant reported on June 6, 2023. Identity verified through CART. System check show no new/derogatory information. No wants, no warrants.

For information on an Immigration court case, please go to: <https://acis.eoir.justice.gov> or call 800-898-7180.

Please keep this receipt with your records. Store receipt away from sunlight.



ICE



8-220R

Próxima fecha para reportarse:

junio 04, 2024 entre 11:00 AM y 12:00 PM

Participant reported on December 05, 2023. Identity verified through CART. System checks show no new/ derogatory information. No wants, no warrants.

For information on an Immigration court case, please go to: <https://acis.eoir.justice.gov> or call 800-893-7130.

Favor de guardar este recibo con sus registros. Guarde este recibo lejos de la luz solar.



ICE



I-320R

Impreso: junio 4 2024 11:29 AM

JOSE SOTELO-AYALA



Proxima fecha para reportarse:

domingo 03. 2024 entre 01:00 PM y 02:01 AM

Some past reports on June 04, 2024. Identity verified through CAPT. System checks show no new derogatory information. No warrants.

For information on an immigration court case please go to: <https://aisis.eoir.justice.gov> or call 800-898-7180

Favor de guardar este recibo con sus registros. Guarde este recibo lejos de la luz solar.



I-220R



ICE



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

ORDER OF SUPERVISION

File No.: 

Name: SOTELO-AYALA, JOSE GILBERTO

Date: February 1, 2022

On March 2, 1996, you were ordered:
(Date of Final Order)

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- That you do not travel outside 50 miles for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- That you report in person on 05/02/2022 10:00 AM to this agency office at:
(Date/Time)

See I-831

(Reporting Address)

- That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- See attached sheet containing other specified conditions (Continue on separate sheet if required)

(Signature of ICE Official)

ELMASRY, AMBER A

(Print Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

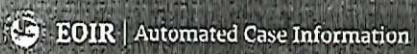
(Signature of ICE Official Serving Order)

Jose Sotelo
(Signature of Alien)

02/01/2022

(Date)

An official website of the United States government. [Here's how you know](#)



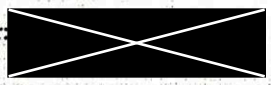
Court Closures Today December 30, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Home > **SOTELO-AYALA, JOSE** 



Automated Case Information

Name: **SOTELO-AYALA, JOSE** | A-Number: 

Next Hearing Information


There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE
March 2, 1998

COURT ADDRESS
880 FRONT STREET, SUITE 4240
SAN DIEGO, CA 92101

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
880 FRONT STREET, SUITE 4240
SAN DIEGO, CA 92101

PHONE NUMBER
(619) 510-4500

- [Archive](#)
- [Social Media](#)
- [EOIR Freedom of Information Act \(FOIA\)](#)
- [Immigration Court Online Resource](#)
- [Accessibility](#)
- [Budget & Performance](#)
- [USA.gov](#)
- [Contact Technical Support](#)
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