
3:26-cv-00130-JO-AHG Nicolas Segundo v. Archambeault et al
Jinsook Ohta, presiding
Allison H. Goddard, referral
Date filed: 01/09/2026
Date of last filing: 01/22/2026

History

Doc. No.	Dates	Description
<u>1</u>	<i>Filed & Entered:</i> 01/09/2026	 Petition for Writ of Habeas Corpus
<u>2</u>	<i>Filed & Entered:</i> 01/09/2026	 Minute Order (No Time)
<u>3</u>	<i>Filed & Entered:</i> 01/13/2026	 Summons Returned Executed
<u>4</u>	<i>Filed & Entered:</i> 01/13/2026	 Notice of Appearance
<u>5</u>	<i>Filed & Entered:</i> 01/14/2026	 Order of Judge Transfer
<u>6</u>	<i>Filed & Entered:</i> 01/16/2026	 Reply - Other
<u>7</u>	<i>Filed & Entered:</i> 01/16/2026	 Declaration
<u>8</u>	<i>Filed & Entered:</i> 01/22/2026	 Status Hearing

1 CARLOS A. CRUZ, ESQ. (CA SBN 196184)
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4 Alhambra, Ca 91801
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6 Facsimile: (626) 282-2220

7
8 Attorney for Petitioner

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Mateo Nicolas Segundo,

12 Petitioner,

13 v.

14 Gregory J. ARCHAMBEAULT, Field
15 Office Director of Enforcement and
16 Removal Operations, San Diego Field
17 Office, Immigration and Customs
18 Enforcement; Kristi NOEM, Secretary,
19 U.S. Department of Homeland Security;
20 U.S. DEPARTMENT OF HOMELAND
21 SECURITY; Pamela BONDI, U.S.
22 Attorney General; EXECUTIVE
23 OFFICE FOR IMMIGRATION
24 REVIEW; Jeremy CASEY, Warden of
the Imperial Regional Detention Facility,

Respondents.

Case No. '26CV0130 JO JLB

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner, Mateo Nicolas Segundo, brings this petition for a writ of
3 habeas corpus to seek enforcement of his rights as a member of the Bond Denial
4 Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM
5 (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Imperial
6 Regional Detention Facility. He now faces unlawful detention because the
7 Department of Homeland Security (DHS) and the Executive Office for Immigration
8 Review (EOIR) have refused to abide by the declaratory judgment issued on behalf
9 of the certified class in *Maldonado Bautista v. Santacruz*.
10

11 2. On November 20, 2025, the district court granted partial summary
12 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
13 nationwide class and extended declaratory judgment to the certified class.
14 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d -
15 ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial
16 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
17 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403,
18 at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed
19 nationwide Bond Eligible Class, incorporating and extending declaratory judgment
20 from Order Granting Petitioners' Motion for Partial Summary Judgment).
21
22
23
24

1 3. The declaratory judgment held that the Bond Denial Class members are
2 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for
3 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at
4 *11.

5
6 4. Furthermore, on December 18, 2025, the U.S. District Court for the
7 Central District of California entered Final Judgment in the nationwide class action
8 *Maldonado Bautista v. Santacruz. Maldonado Bautista v. Santacruz*, No. 5:25-CV-
9 01873-SSS-BFM--- F.Supp.3d ----, 2025 WL 3289861 (C.D. Cal. Dec. 18, 2025).
10 This Final Judgment is critical to the instant Petition for three reasons:

- 11
- 12 i. Finality & Preclusion: The Court rejected the Government's argument that
13 the class certification was merely interlocutory. It entered Final Judgment
14 on Counts I-III, certifying the class and declaring the policy unlawful. As
15 a class member, Petitioner's rights are now adjudicated, and the
16 Government is collaterally estopped from relitigating their detention status.
 - 17 ii. Futility of Exhaustion: The Court entered Final Judgment specifically
18 because it found "troubling" evidence that the Department of Justice
19 issued a memorandum instructing Immigration Judges to disregard the
20 federal court's prior orders and "hold the position that *Matter of Yajure*
21 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) remains good law." This
22
- 23
24

1 judicial finding confirms that administrative exhaustion is futile, as the
2 agency has prejudged the issue in bad faith.

3 iii. *Yajure-Hurtado* is "No Longer Tenable": The Court explicitly held that
4 "the core holding of *Yajure-Hurtado* cannot be squared with the [Court's]
5 Order... *Yajure-Hurtado* is no longer controlling; the legal conclusion
6 underlying the decision is no longer tenable."
7

8 5. Nonetheless, the Executive Office for Immigration Review and its
9 subagency the Immigration Court and the Department of Homeland Security (DHS)
10 have blatantly refused to abide by the declaratory relief and have unlawfully ordered
11 that Petitioner be denied the opportunity to be released on bond.
12

13 6. Petitioner, Mateo Nicolas Segundo, is a member of the Bond Eligible
14 Class, as he:

- 15 a. does not have lawful status in the United States and is currently
16 detained at the Imperial Regional Detention Facility. He was
17 apprehended by immigration authorities on or about July 9, 2025;
18 b. entered the United States without inspection over 17 years ago and was
19 not apprehended upon arrival, *cf. id.*; and
20 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

21 7. After apprehending Petitioner on July 9, 2025, DHS placed him in
22 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
23 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
24 United States without inspection.

8. The Court should expeditiously grant this petition.

1 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas
2 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the
3 United States Constitution (the Suspension Clause).

4 15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the
5 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
6 § 1651.
7

8 VENUE

9 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
10 484, 493- 500 (1973), venue lies in the United States District Court for the Southern
11 District of California, the judicial district in which Petitioner currently is detained.
12

13 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
14 because Respondents are employees, officers, and agencies of the United States, and
15 because a substantial part of the events or omissions giving rise to the claims
16 occurred in the Southern District of California.

17 REQUIREMENTS OF 28 U.S.C. § 2243

18 18. The Court should grant the petition for writ of habeas corpus
19 “forthwith,” as the legal issues have already been resolved for class members in
20 *Maldonado Bautista*.
21

22 19. Habeas corpus is “perhaps the most important writ known to the
23 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
24

1 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
2 added). “The application for the writ usurps the attention and displaces the calendar
3 of the judge or justice who entertains it and receives prompt action from him within
4 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
5 2000) (citation omitted).
6

7 PARTIES

8 20. Petitioner, Mateo Nicolas Segundo, is a citizen of Guatemala who has
9 been in immigration detention since July 9, 2025. After Petitioner was arrested in
10 San Bernardino, California, ICE did not set bond, and Petitioner requested review of
11 his custody by an IJ. On July 29, 2025, Petitioner, through former counsel requested
12 a change in custody status in custody redetermination proceedings before the
13 Imperial Immigration Court. Petitioner was denied bond noting he was subject to
14 mandatory detention. Thereafter, Petitioner appealed the decision before the Board
15 of Immigration Appeals (BIA). The appeal remains pending. Petitioner filed a
16 subsequent custody redetermination request following the Central District Court of
17 California’s decision granting partial summary judgment on behalf of individual
18 plaintiffs on November 25, 2025, certifying a nationwide class and extending
19 declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz, supra*.
20 On December 1, 2025, the Immigration Judge at the Imperial Immigration Court
21 denied Petitioner’s custody redetermination request finding that it lacked jurisdiction
22
23
24

1 over the request for custody redetermination under *Matter of Yajure Hurtado*, 29
2 I&N Dec 216 (BIA 2025). The order for the decision was signed and served on
3 December 19, 2025. However, on the date of the bond hearing redetermination,
4 December 1, 2025, the Court made an alternate finding that the Petitioner was neither
5 a danger to the community nor a flight risk and issued an alternative bond in the
6 amount of \$2,000 with additional safeguards, “in case a reviewing court says I do
7 have the authority to grant a bond.” Oral Decision dated December 1, 2025.
8 Petitioner filed a subsequent custody redetermination request following the U.S.
9 District Court for the Central District of California entering Final Judgment in the
10 nationwide class action *Maldonado Bautista v. Santacruz. Maldonado Bautista v.*
11 *Santacruz*, No. 5:25-CV-01873-SSS-BFM--- F.Supp.3d ----, 2025 WL 3289861
12 (C.D. Cal. Dec. 18, 2025). On December 30, 2025, the Immigration Judge at the
13 Imperial Immigration Court denied bond finding the Petitioner was an applicant for
14 admission and subject to mandatory detention.
15
16

17 21. Respondent Gregory J. Archambeault is the Director of the San Diego
18 Field Office of ICE’s Enforcement and Removal Operations division. As such,
19 Gregory J. Archambeault is Petitioner’s immediate custodian and is responsible for
20 Petitioner’s detention and removal. He is named in his official capacity.
21

22 22. Respondent Kristi Noem is the Secretary of the Department of
23 Homeland Security. She is responsible for the implementation and enforcement of
24

1 the Immigration and Nationality Act (INA), and oversees ICE, which is responsible
2 for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner
3 and is sued in her official capacity.

4
5 23. Respondent Department of Homeland Security (DHS) is the federal
6 agency responsible for implementing and enforcing the INA, including the detention
7 and removal of noncitizens.

8
9 24. Respondent Pamela Bondi is the Attorney General of the United States.
10 She is responsible for the Department of Justice, of which the Executive Office for
11 Immigration Review and the immigration court system it operates is a component
12 agency. She is sued in her official capacity.

13
14 25. Respondent Executive Office for Immigration Review (EOIR) is the
15 federal agency responsible for implementing and enforcing the INA in removal
16 proceedings, including for custody redeterminations in bond hearings.

17
18 26. Respondent Jeremy Casey is employed by Core Civic as Warden of the
19 Imperial Regional Detention Facility, where Petitioner is detained. He has
20 immediate physical custody of Petitioner. He is sued in his official capacity.

21 **CLAIM FOR RELIEF**

22 **Violation of the INA:**

23 **Request for Relief Pursuant to *Maldonado Bautista***

24
25 27. Petitioner repeats, re-alleges, and incorporates by reference each and
26 every allegation in the preceding paragraphs as if fully set forth herein.

1 28. As a member of the Bond Eligible Class, Petitioner is entitled to
2 consideration for release on bond under 8 U.S.C. § 1226(a).

3 29. The order granting partial summary judgment in *Maldonado Bautista*
4 holds that Respondents violate the INA in applying the mandatory detention statute
5 at § 1225(b)(2) to class members.
6

7 30. The order granting class certification in *Maldonado Bautista* further
8 orders that “[w]hen considering this determination with the MSJ Order, the Court
9 extends the same declaratory relief granted to Petitioners to the Bond Eligible Class
10 as a whole.”

11 31. Respondents are parties to *Maldonado Bautista* and bound by the
12 Court’s declaratory judgment, which has the full “force and effect of a final
13 judgment.” 28 U.S.C. § 2201(a).
14

15 32. By denying Petitioner a bond hearing under § 1226(a) and asserting that
16 he is subject to mandatory detention under § 1225(b)(2), Respondents violate
17 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado*
18 *Bautista*.
19

20 **PRAYER FOR RELIEF**

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

- 22 a. Assume jurisdiction over this matter;
23
24

1 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

2 The undersigned counsel submits this verification on behalf of Mateo Nicolas
3 Segundo. As Mr. Segundo's counsel, I hereby verify and declare under penalty of
4 perjury that the factual allegations made in the foregoing Petition for Writ of Habeas
5 Corpus are true and correct to the best of my knowledge.
6

7 Date: January 9, 2026

8 /S/ Carlos A. Cruz, Esq.

9 Carlos A. Cruz

Attorney at Law

10 Law Office of Carlos A. Cruz

11 118 East Huntington Drive, Suite A

Alhambra, CA 91801

12 Telephone: (626) 282-2222

13 Facsimile: (626) 282-2220
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CERTIFICATE OF SERVICE

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Southern District of California by using the appellate CM/ECF system on January 9, 2026.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by CM/ECF system.

/S/ Carlos A. Cruz, Esq.

Carlos A. Cruz

Attorney at Law

Law Office of Carlos A. Cruz

118 East Huntington Drive, Suite A

Alhambra, CA 91801

Telephone: (626) 282-2222

Facsimile: (626) 282-2220

EXHIBITS IN SUPPORT OF PETITIONER’S PETITION FOR WRIT OF HABEAS CORPUS

EXHIBIT 1..... 1-2
Order of the Immigration Judge Dated July 29, 2025

EXHIBIT 2..... 3-4
Order of the Immigration Judge Dated December 19, 2025

EXHIBIT 3..... 5-6
Order of the Immigration Judge Dated December 30, 2025

EXHIBIT 4..... 7-9
Board of Immigration Appeals Filing Receipt for Appeal or Motion dated August 27, 2025

EXHIBIT 5..... 10-12
Notice to Appear dated July 16, 2025 charging Respondent removable pursuant to 8 U.S.C. § 1182(a)(6)(A)(i).

EXHIBIT 1



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

Respondent Name:

SEGUNDO, MATEO NICOLAS

To:

Fontes, Martin Cayetano
6377 Riverside Ave
Ste. 110
Riverside, CA 92506

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

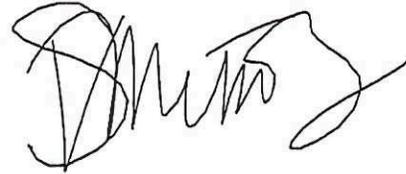
07/29/2025

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
Respondent is detained under INA section 235(b), which requires mandatory detention.
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:
Respondent was given a BIA appeals packet and told what the appeal deadline is.

000001



Immigration Judge: Munoz, Jeffrey V. 07/29/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved
Appeal Due: 08/28/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : SEGUNDO, MATEO NICOLAS | A-Number : 
Riders:
Date: 07/29/2025 By: Beltran, Vanessa, Court Staff

EXHIBIT 2



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

Respondent Name:

SEGUNDO, MATEO NICOLAS

To:

Cruz, Carlos Alfredo
118 E. Huntington Dr. Ste#A
Alhambra, CA 91801

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

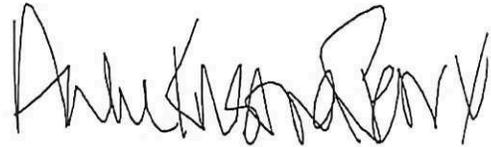
12/19/2025

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
Respondent is an applicant for admission, and the Court is not authorized to grant bond pursuant to Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025)
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:

000003



Immigration Judge: Perry, Anne Kristina 12/19/2025

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

Appeal Due:

Certificate of Service

This document was served:

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

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

Respondent Name : SEGUNDO, MATEO NICOLAS | A-Number :



Riders:

Date: 12/19/2025 By: LUGO, CASSANDRA, Court Staff

EXHIBIT 3



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

Respondent Name:
SEGUNDO, MATEO NICOLAS

A-Number:

To:
Cruz, Carlos Alfredo
118 E. Huntington Dr. Ste#A
Alhambra, CA 91801

Riders:
In Custody Redetermination Proceedings

Date:
12/30/2025

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

Respondent is an applicant for admission and is subject to mandatory detention under INA section 235(b). This Court is not bound by the litigation in the Central District of California to grant a bond hearing. Matter of Yajure Hurtado controls.

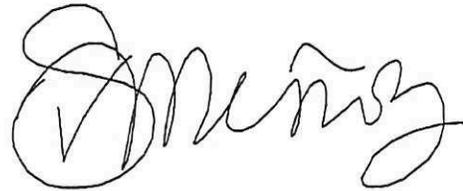
"The Court readily admits that federal courts are of limited jurisdiction. This Court's jurisdiction to grant habeas relief is limited to those within the judicial district. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (concluding habeas jurisdiction lie "in only one district: the district of confinement"). In certifying the Bond Eligible Class, the Court only extends its declaratory judgment regarding the illegality of the DHS Policy for purposes of the APA claim. The Court cannot order nationwide release or bond hearings for Bond Eligible class members, especially so to those confined outside this judicial district."

Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al. Additional Party Names: Franco Galdamez, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987, at *30 (C.D. Cal. Dec. 18, 2025), judgment entered sub nom. Maldonado Bautista v. Noem, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

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

000005

Other:



Immigration Judge: Munoz, Jeffrey V. 12/30/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved
Appeal Due: 01/29/2026

Certificate of Service

This document was served:

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

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

Respondent Name : SEGUNDO, MATEO NICOLAS | A-Number : 

Riders:

Date: 12/30/2025 By: Villegas Jr., Jose, Court Staff

EXHIBIT 4

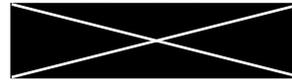


UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Cruz, Carlos Alfredo
Law Offices of Carlos A. Cruz
118 E. Huntington Dr. Ste#A
Alhambra, CA 91801

DHS/ICE Office of Chief Counsel - IMP
2409 LA BRUCHERIE RD., SUITE 3
IMPERIAL, CA 92251

Name:
SEGUNDO, MATEO NICOLAS



Riders:

Date of Notice: 08/27/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 08/20/2025, in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

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Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: TurnerM

CC

000009

EXHIBIT 5

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event: [REDACTED]

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: MATEO NICOLAS SEGUNDO

currently residing at:

[REDACTED] CALIFORNIA 92231

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

[REDACTED]
(Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

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

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

2409 LA BRUCHERIE ROAD, IMPERIAL, CALIFORNIA 92251, IMPERIAL-DETAINED

(Complete Address of Immigration Court, including Room Number, if any)

on July 29, 2025 at 8:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

CONCEPCION ARREDONDO - SDDO

(Signature and Title of Issuing Officer)

Date: July 16, 2025

Calexico, CA

(City and State)

EOIR - 1 of 3

Notice to Respondent

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

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

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

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

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

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

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/vero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 124.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

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

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

Request for Prompt Hearing

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

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 16, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

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

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

Refuse to sign
(Signature of Respondent if Personally Served)

[Signature]
SALVADOR PEREZ JR. - Deportation Officer
(Signature and Title of officer)

EOIR - 2 of 3

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

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

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

Disclosure:

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