

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN CARLOS DERAS ARANA,

Petitioner,

v.


PAUL ARTETA, Sheriff, Orange County,
KENNETH GENALO, New York City Field Office
Director, U.S. Immigration and Customs
Enforcement; KRISTI NOEM, U.S. Secretary of
Homeland Security; PAMELA BONDI, U.S.
Attorney General,

Respondents.

1:26-cv-240-GHW

DECLARATION OF
SUPERVISORY DETENTION AND
DEPORTATION OFFICER
TIMOTHY NEVIN

I, Timothy Nevin, declare:

1. I am a Supervisory Detention and Deportation Officer (SDDO) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served in this capacity since August 2009. As an SDDO, I supervise ICE Deportation Officers at the Newburgh, New York Office. As a Supervisory Detention and Deportation Officer, I am familiar with certain DHS procedures relating to the processing, removal, detention, and parole of aliens. I have access to the DHS administrative records/electronic records for Petitioner Juan Carlos Deras Arana (“Petitioner”), who has been assigned alien number A . The following representations are based on my review of Petitioner’s ICE administrative file, DHS electronic records and databases, and consultation with my colleagues.

2. I submit this Declaration in support of Respondents’ Memorandum of Law in Opposition to the Petition for Writ of Habeas Corpus.

3. At an unknown date and place, Petitioner, a citizen of Guatemala, unlawfully entered the United States. Petitioner did not possess or present a valid immigrant visa, reentry


permit, border crossing identification card, or other valid entry document. Inasmuch as he had illegally crossed the border, he was not at that time admitted or paroled, or inspected by an immigration officer.


4. In April 2015, Petitioner filed an application for an immigration benefit with U.S. Citizenship and Immigration Services (“USCIS”). On July 5, 2017, in connection with Petitioner’s application, USCIS initiated removal proceedings through the service of a Form I-862, Notice to Appear (“NTA”), which charged him as inadmissible pursuant to Immigration and Nationality Act (“INA”), section 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the U.S. without being admitted or paroled.

5. On July 31, 2017, the NTA was served on the Executive Office for Immigration Review (“EOIR”), thereby commencing removal proceedings against Petitioner. Petitioner’s initial master calendar hearing was scheduled for December 6, 2017.

6. On December 6, 2017, Petitioner appeared with counsel before an immigration judge. At the hearing, Petitioner, through counsel, submitted oral pleadings in which he admitted to the factual allegations in the NTA and conceded to removability. Petitioner claimed that he entered the United States illegally near the Arizona border in October 2002.

7. Upon joint motion by DHS and Petitioner, on April 11, 2023, the immigration judge dismissed removal proceedings without prejudice on grounds of prosecutorial discretion.

8. On December 26, 2025, at approximately 8:30 a.m., ICE officers encountered Petitioner while conducting checks on various vehicles within the area of 1 Maple Avenue in White Plains, New York. ICE officers conducted a record check of vehicle 1996 GMC, with Maryland license plate #  and determined the vehicle was registered to Petitioner. Further DHS system checks revealed that Petitioner had a prior immigration history. The ICE officers

approached Petitioner, who matched the description of the registered owner of the 1996 GMC license plate #  at 1 Maple Avenue in White Plains, as he approached his vehicle. ICE officers asked Petitioner for identification, and he voluntarily produced his Guatemalan identification card. Petitioner further stated that he possessed no documentation to be present in the U.S. legally and that he did not have any petitions or applications pending with USCIS. DHS record checks in the field did not reveal any legal entry or legal immigration status for Petitioner. ICE issued an I-200, Warrant of Arrest, then informed Petitioner he was under arrest and transported him to 26 Federal Plaza for processing.

9. At 26 Federal Plaza, on December 26, 2025, ICE personally served Petitioner with an NTA, charging him as inadmissible pursuant to INA § 212(a)(6)(A)(i) [8 U.S.C. § 1182(a)(6)(A)(i)] for being present in the U.S. without being admitted or paroled, and for having entered the U.S. at a time or place other than as designated by the Attorney General and § 212(a)(7)(A)(i)(I) [8 U.S.C. § 1182(a)(7)(A)(i)(I)] as an alien applying for admission not in possession of a valid entry document. The NTA directed Petitioner to appear before an immigration judge on January 5, 2026.

10. On December 26, 2025, DHS filed the NTA with EOIR, thereby commencing removal proceedings against the Petitioner.

11. On December 27, 2025, Petitioner was transferred to Orange County Jail.

12. On December 31, 2025, at the master calendar hearing, the matter was reset for the Petitioner to find an attorney.

13. On January 7, 2026, the Petitioner appeared with counsel before an immigration judge at his master calendar hearing. At the hearing, Petitioner, through counsel, submitted oral pleadings in which he admitted to the factual allegations and conceded to the inadmissibility charge

under INA § 212(a)(6)(A)(i); DHS withdrew the charge under INA § 212(a)(7)(A)(i)(I). On the same day, Petitioner requested a review of his custody determination. A custody redetermination hearing was scheduled for January 14, 2026.

14. On January 12, 2026, the Petitioner was transferred to Brooklyn Metropolitan Detention Center.

15. On January 14, 2026, the immigration judge conducted a custody determination hearing, where the Petitioner withdrew his request for a bond review and the immigration judge issued an order withdrawing it without prejudice.

16. Petitioner remains detained at Brooklyn Metropolitan Detention Center under INA § 235(b)(2)(A) [8 U.S.C. § 1225(b)(2)(A)] as an alien who has not been admitted or paroled into the United States.

17. At no time has Petitioner been admitted to the United States.

18. At no time has Petitioner been ordered removed from the United States.

Pursuant to 28 U.S.C. § 1746, I, Timothy Nevin, hereby declare under penalty of perjury that the following is true and correct:

Executed at Newburgh, New York

On January 21, 2026



Timothy J. Nevin
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security