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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 HILARIO SANCHEZ MONTALVO,

11 Petitioner,

12 v.

13 KRISTI NOEM, *et al*,

14 Respondents.  
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Case No.: 26CV0199 GPC SBC

**RESPONSE IN OPPOSITION  
TO HABEAS PETITION AND  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

1 **I. INTRODUCTION**

2 Petitioner has filed a habeas petition and a motion for temporary restraining  
3 order. As the petition and motion assert the same claims and relief, Respondents respond  
4 to both herein for the sake of judicial efficiency. For the reasons set forth below,  
5 Respondents ask the Court to deny the habeas petition and request for interim relief.

6 **II. BACKGROUND<sup>1</sup>**

7 Petitioner is a native and citizen of Mexico who unlawfully entered the United  
8 States on or about June 1, 2004. On or about December 8, 2020, Petitioner was  
9 convicted of driving while under the influence of alcohol in violation California Penal  
10 Code § 23152(b) and was sentenced to 1 day in jail. On December 9, 2020, he was  
11 apprehended by Enforcement and Removal Operations (ERO) following issuance of a  
12 Form I-200, Warrant for Arrest of Alien. At that time, Petitioner was determined to be  
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as being present without being  
14 admitted paroled. He was placed into removal proceedings under 8 U.S.C. § 1229a via  
15 the filing of a Notice to Appear (NTA). On March 31, 2021, upon posting an  
16 immigration bond, he was released from custody and enrolled in the Alternative to  
17 Detention (ATD) program.

18 On January 26, 2023, an Immigration Judge ordered Petitioner removed to  
19 Mexico but granted withholding of removal to Mexico under 8 U.S.C. § 1231(b)(3).  
20 See Order of the Immigration Judge, attached hereto as *Exhibit 2*. Both Petitioner and  
21 DHS waived appeal, and the decision became final on January 26, 2023. On February  
22 7, 2023, ERO terminated Petitioner’s participation in ATD. Petitioner’s immigration  
23 bond remained active, and he was ordered to report annually to ERO.

24 On September 9, 2025, Petitioner failed to report to ERO as instructed. On  
25 September 18, 2025, ERO mailed Petitioner correspondence ordering him to report on  
26 October 20, 2025 for removal. On October 20, 2025, Petitioner reported to ERO and he  
27

28 <sup>1</sup> The information below is set forth in the attached Declaration of Denise E. Barroga (Barroga Decl.), attached hereto as *Exhibit 1*. The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel

1 was thereafter detained to effectuate removal to an alternate country. See Form I-213,  
2 attached hereto as *Exhibit 3*. At that time, his immigration bond was canceled.

3 On October 28, 2025 and November 7, 2025, San Diego ERO requested  
4 assistance from ERO’s Removal and International Operations (RIO) to identify a third  
5 country where Petitioner may be removed. ICE is not attempting to remove Petitioner  
6 to Mexico. ERO’s requests remain pending while it expeditiously continues to identify  
7 a third country where Petitioner may be removed.

8 **III. ARGUMENT**

9 “Section 241(a) of the Immigration and Nationality Act (INA), codified at 8  
10 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered  
11 removed from the United States.” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575  
12 (2022). The INA provides that an alien ordered removed must be detained for 90 days  
13 pending the government’s efforts to secure the alien’s removal through negotiations  
14 with foreign governments. See 8 U.S.C. § 1231(a)(2) (the Attorney General “shall  
15 detain” the alien during the 90-day removal period under subsection (a)(1)).

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

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

- 1 (i) The country from which the alien was admitted to the United States
- 2 (ii) The country in which is located the foreign port from which the alien
- 3 left for the United States or for a foreign territory contiguous to the United
- 4 States.
- 5 (iii) A country in which the alien resided before the alien entered the
- 6 country from which the alien entered the United States.
- 7 (iv) The country in which the alien was born.
- 8 (v) The country that had sovereignty over the alien's birthplace when the
- 9 alien was born.
- 10 (vi) The country in which the alien's birthplace is located when the alien
- 11 is ordered removed.

12 *Id.* (quoting § 1231(b)(2)(E)(i)–(vi)). “If removal to any of these countries is  
13 ‘impracticable, inadvisable, or impossible,’ the individual shall be removed to ‘another  
14 country whose government will accept the alien into that country.’” *Id.* (quoting  
15 § 1231(b)(2)(E)(vii)).

16 Here, Petitioner was granted withholding of removal to Mexico—his country of  
17 birth and citizenship as well as the country designated during his removal proceedings.  
18 Petitioner has not designated any other country for removal. There appears to be no  
19 other country that meets the definitions under subsections (i) through (vi) and Petitioner  
20 has made no showing to the contrary. *See Rokhfirooz v. Larose*, No. 25-CV-2053-RSH-  
21 VET, 2025 WL 2646165, at \*2 (S.D. Cal. Sept. 15, 2025) (“A prisoner bears the burden  
22 of demonstrating that ‘he is in custody in violation of the Constitution or laws or treaties  
23 of the United States.’”) (quoting 28 U.S.C. § 2241(c)(3), brackets omitted). Because  
24 removal to the above enumerated countries is “impracticable, inadvisable, or  
25 impossible,” ICE may remove Petitioner to a third country that will accept Petitioner’s  
26 removal. 8 U.S.C. § 1231(b)(2)(E)(vii). In invoking its authority under 8 U.S.C. §  
27 1231(b)(2)(E), ICE continues to detain Petitioner for purposes of executing his removal  
28 order to a third country.

Since Petitioner’s re-detention, ICE has worked expeditiously to effectuate his  
resettlement in a third country. On October 28, 2025 and November 7, 2025, San Diego  
ERO requested assistance from ERO’s Removal and International Operations (RIO) to

1 identify a third country where Petitioner may be removed. Barroga Decl. at ¶ 13. At this  
2 time, ICE is still in the process of diligently identifying third countries that may be  
3 willing to accept Petitioner for removal. *Id.* at ¶ 14. *See Zadvydas*, 533 U.S. at 700  
4 (instructing district courts “to listen with care when the Government’s foreign policy  
5 judgments, including, for example, the status of repatriation negotiations, are at issue,  
6 and to grant the Government appropriate leeway when its judgments rest upon foreign  
7 policy expertise.”).

8 As it stands, it would be premature to conclude that there is no significant  
9 likelihood of removal in the reasonably foreseeable future before permitting ICE an  
10 opportunity to complete the diligent efforts it has taken to effect Petitioner’s removal.  
11 Evidence of progress, even slow progress, in negotiating a petitioner’s repatriation will  
12 satisfy *Zadvydas* until the petitioner’s detention grows unreasonably lengthy. *See, e.g.,*  
13 *Sereke v. DHS*, Case No. 19-cv-1250-WQH-AGS, ECF No. 5 at 5 (S.D. Cal. Aug. 15,  
14 2019) (“The record at this stage in the litigation does not support a finding that there is  
15 no significant likelihood of Petitioner’s removal in the reasonably foreseeable future.”);  
16 *Marquez v. Wolf*, Case No. 20-cv-1769-WQH-BLM, 2020 WL 6044080, at \*3 (S.D.  
17 Cal. Oct. 13, 2020) (denying petition because “Respondents have set forth evidence that  
18 demonstrates progress and the reasons for the delay in Petitioner’s removal”).

19 Additionally, ICE attests that once a third country is identified, it will provide  
20 Petitioner written notice of the intended third country removal. Barroga Decl. at ¶ 15.  
21 The evidence further shows that ICE will generally wait at least 24 hours following the  
22 notice of third country removal before executing it, and under no circumstances would  
23 removal be executed in less time than that without the noncitizen being provided  
24 “reasonable means and opportunity to speak with an attorney prior to removal.” *Id.*

25 As to the regulatory violation claims, even if the agency’s compliance fell short,  
26 Petitioner has not established prejudice nor a constitutional violation. *See Brown v.*  
27 *Holder*, 763 F.3d 1141, 1148–50 (9th Cir. 2014) (“The mere failure of an agency to  
28 follow its regulations is not a violation of due process.”); *United States v. Tatoyan*,

1 474 F.3d 1174, 1178 (9th Cir.2007) (“Compliance with . . . internal [customs] agency  
2 regulations is not mandated by the Constitution”) (internal quotation marks omitted);  
3 *United States v. Barraza-Leon*, 575 F.2d 218, 221–22 (9th Cir. 1978) (holding that even  
4 assuming that the judge had violated the rule by failing to inquire into the alien’s  
5 background, any error was harmless because there was no showing that the petitioner  
6 was qualified for relief from deportation). As Petitioner cannot show prejudice under  
7 these circumstances, the alleged violation of agency regulations does not warrant the  
8 relief he seeks. *See, e.g., Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009),  
9 *opinion amended and superseded on other grounds*, 591 F.3d 1105 (9th Cir. 2010)  
10 (“While the regulation provides the detainee some opportunity to respond to the reasons  
11 for revocation, it provides no other procedural and no meaningful substantive limit on  
12 this exercise of discretion as it allows revocation ‘when, in the opinion of the revoking  
13 official . . . [t]he purposes of release have been served . . . [or] [t]he conduct of the alien,  
14 or *any other circumstance*, indicates that release would no longer be appropriate.’”)  
15 (emphasis in original) (citing 8 C.F.R. §§ 241.4(l)(2)(i), (iv)); *Carnation Co. v. Sec’y of*  
16 *Labor*, 641 F.2d 801, 804 n.4 (9th Cir. 1981) (“violations of procedural regulations  
17 should be upheld if there is no significant possibility that the violation affected the  
18 ultimate outcome of the agency’s action” (citation omitted)); *United States v.*  
19 *Hernandez-Rojas*, 617 F.2d 533, 535 (9th Cir. 1980) (INS’ failure to follow regulations  
20 requiring that an arrested alien be advised of his right to speak to his consul was not  
21 prejudicial and thus not a ground for challenging the conviction); *United States v.*  
22 *Barraza-Leon*, 575 F.2d 218, 221–22 (9th Cir. 1978) (holding that even assuming that  
23 the judge had violated the rule by failing to inquire into the alien’s background, any  
24 error was harmless because there was no showing that the petitioner was qualified for  
25 relief from deportation).

26 To the extent Petitioner is challenging ICE’s decision to detain him for the  
27 purpose of removal, such a challenge is precluded by statute. *See* 8 U.S.C. § 1252(g)  
28 (“Except as provided in this section and *notwithstanding any other provision of law*

1 (statutory or nonstatutory), *including section 2241 of Title 28, or any other habeas*  
2 *corpus provision*, and sections 1361 and 1651 of such title, no court shall have  
3 jurisdiction to hear any cause or claim by or on behalf of any alien arising from the  
4 decision or action by the Attorney General to commence proceedings, adjudicate cases,  
5 or *execute removal orders* against any alien under this chapter.”) (emphasis added); *see*  
6 *also Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There  
7 was good reason for Congress to focus special attention upon, and make special  
8 provision for, judicial review of the Attorney General’s discrete acts of “commenc[ing]  
9 proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders”—which represent  
10 the initiation or prosecution of various stages in the deportation process.”); *Limpin v.*  
11 *United States*, 828 Fed. App’x 429 (9th Cir. 2020) (holding district court properly  
12 dismissed under 8 U.S.C. § 1252(g) “because claims stemming from the decision to  
13 arrest and detain an alien at the commencement of removal proceedings are not within  
14 any court’s jurisdiction”).

15 Because the record shows that Petitioner is not entitled to habeas relief, there is  
16 no need for an evidentiary hearing in this matter. *See Schriro v. Landrigan*, 550 U.S.  
17 465, 474 (2007) (“[I]f the record refutes the applicant’s factual allegations or otherwise  
18 precludes habeas relief, a district court is not required to hold an evidentiary hearing.”).

#### 19 IV. CONCLUSION

20 For the reasons stated herein, Respondents respectfully request that the Court  
21 deny the requests for relief and dismiss the petition.

22  
23 DATED: January 20, 2026

Respectfully submitted,

24 ADAM GORDON  
25 United States Attorney

26 *s/ Glen F. Dorgan*  
27 \_\_\_\_\_  
28 GLEN F. DORGAN  
Attorneys for Respondents

# Exhibit “1”

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

HILARIO SANCHEZ MONTALVO,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

Case No. 25-cv-3859-DMS-BJW

**DECLARATION OF DENISE  
BARROGA**

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

1. I am a Deportation Officer (DO) with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the Otay Mesa suboffice of the San Diego Field Office. I have been with ICE as a DO since August 14, 2022.

2. This declaration is based on my personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a

1 DO at the ICE ERO San Diego Field Office, as well as my review of government  
2 databases and documentation relating to Petitioner Hilario Sanchez Montalvo.

3 3. Petitioner is a native and citizen of Mexico.

4 4. On or about June 1, 2004, Petitioner unlawfully entered the United States.

5 5. On or about December 8, 2020 Petitioner was convicted of driving while  
6 under the influence of alcohol in violation California Penal Code § 23152(b) and was  
7 sentenced to 1 day in jail. Petitioner was also arrested for violating a court order which  
8 resulted in a conviction for “intent to annoy/harass: rep calls” under California Penal  
9 Code § 653m(b) on June 24, 2021. He was sentenced to probation and ordered to attend  
10 domestic violence classes.

11 6. On December 9, 2020, Petitioner was apprehended by ERO following  
12 issuance of a Form I-200, Warrant for Arrest of Alien.

13 7. On December 9, 2020, DHS placed Petitioner into removal proceedings  
14 under Immigration and Nationality Act (INA) § 240, 8 U.S.C. § 1229a, via the filing of  
15 a Notice to Appear (NTA). The NTA charged Petitioner with inadmissibility under INA  
16 §§ 212(a)(6)(A)(i) for being present without having been admitted or paroled.

17 8. On March 31, 2021, Petitioner was released from custody upon posting an  
18 immigration bond and enrolled in the Alternative to Detention (ATD) program.

19 9. On January 26, 2023, an Immigration Judge ordered Petitioner removed to  
20 Mexico but granted withholding of removal to Mexico under INA § 241(b)(3). Both  
21 Petitioner and DHS waived appeal, and the decision became final on January 26, 2023.

22 10. On February 7, 2023, ERO terminated Petitioner’s participation in ATD.  
23 Petitioner’s immigration bond remained active, and he was ordered to report annually  
24 to ERO.

25 11. On September 9, 2025, Petitioner failed to report to ERO as instructed. On  
26 September 18, 2025 ERO mailed Petitioner correspondence ordering him to report on  
27 October 20, 2025 for removal.

1 12. On October 20, 2025, Petitioner reported to ERO where he was detained  
2 to effectuate removal. On that date Petitioner was provided with a Notice of Revocation  
3 of Release. Petitioner's immigration bond was canceled.

4 13. ICE has worked as expeditiously as possible to identify a third country to  
5 which Petitioner may be removed. On October 28, 2025, and November 7, 2025, San  
6 Diego ERO requested assistance from ERO's Removal and International Operations  
7 (RIO) to identify a third country where Petitioner may be removed.

8 14. At this time, ICE is still in the process of identifying third countries that  
9 may be willing to accept Petitioner for removal.

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

18 13. Once a third country is identified, ICE will provide Petitioner with written  
19 notice, and if Petitioner claims a fear of removal to the identified country, he will be  
20 referred to an asylum officer for processing of the fear-based claims

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

23 Executed this 16th day of January 2026.

24 DENISE E  
25 BARROGA  
26 Denise Barroga  
27 Deportation Officer  
28 San Diego Field Office

Digitally signed by  
DENISE E BARROGA  
Date: 2026.01.16  
12:25:46 -08'00'

# **Exhibit “2”**



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
SAN DIEGO IMMIGRATION COURT

Respondent Name:  
SANCHEZ MONTALVO, HILARIO

To:  
Beatriz Valente, Esquire  
2727 Camino del Rio South  
Suite 320  
San Diego, CA 92108

A-Number:



Riders:  
In Removal Proceedings  
Date:  
01/26/2023

**ORDER OF THE IMMIGRATION JUDGE**

- This is a summary of the oral decision entered on 01/26/2023. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

**I. Removability**

The immigration court found Respondent  removable  inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): as charged.

The immigration court found Respondent  not removable  not inadmissible under the following Section(s) of the Act:

**II. Applications for Relief**

Respondent's application for:

**A. Asylum/Withholding/Convention Against Torture**

- Asylum was  granted  denied  withdrawn with prejudice  withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was  granted  denied  withdrawn with prejudice  withdrawn without prejudice.
- Withholding of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice.
- Deferral of Removal under the Convention Against Torture was  granted  denied  withdrawn with prejudice  withdrawn without prejudice.
- Respondent knowingly filed a frivolous application for asylum after notice of the

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was
  - granted  denied  withdrawn with prejudice  withdrawn without prejudice.
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was
  - granted  denied  withdrawn with prejudice  withdrawn without prejudice.
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was
  - granted  denied  withdrawn with prejudice  withdrawn without prejudice.

C. Waiver

- A waiver under INA §        was
  - granted  denied  withdrawn with prejudice  withdrawn without prejudice.

D. Adjustment of Status

- Adjustment of Status under INA §        was
  - granted  denied  withdrawn with prejudice  withdrawn without prejudice.

E. Other

By the stipulation of the parties. Respondent was granted withholding of removal under section 241(b)(3) of the Act.

**III. Voluntary Departure**

- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary departure under INA § 240B(b) was  denied.
- Respondent's application for  pre-conclusion voluntary departure under INA § 240B(a)  post-conclusion voluntary under INA § 240B(b) departure was  granted, and

Respondent is ordered to depart by . The respondent must post a \$  bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to

taking effect immediately.

- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

- Further information regarding voluntary departure has been added to the record.
- Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart<sup>21</sup> within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

the presumptive civil monetary penalty amount of \$3,000.00 USD

\$ \_\_\_\_\_ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.*

If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### IV. Removal

Respondent was ordered removed to

In the alternative, Respondent was ordered removed to

Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

#### V. Other

Proceedings were  dismissed  terminated with prejudice  terminated without prejudice  
 administratively closed.

Other:

Ordered removed to Mexico but withholding to that country was granted. Both parties waive appeal.



Immigration Judge: BARTOLOMEI, RICO 01/26/2023

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

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

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By: Regan, Lisa , Court Staff

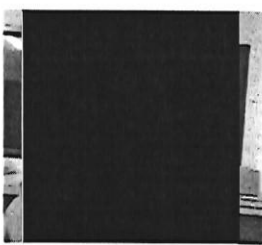


Date: 01/26/2023

# Exhibit “3”

U.S. Department of Homeland Security

Subject ID : [REDACTED]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>SANCHEZ MONTALVO, HILARIO</b>		First	Middle	Sex <b>M</b>	Hair <b>[REDACTED]</b>	Eyes <b>[REDACTED]</b>	Cmplxn <b>LBR</b>
Country of Citizenship <b>MEXICO</b>	Passport Number and Country of Issue <b>[REDACTED] MEXICO</b>	SNI File Number <b>[REDACTED]</b>		Height <b>[REDACTED]</b>	Weight <b>[REDACTED]</b>	Occupation <b>LABORER</b>	
U.S. Address <b>[REDACTED]</b>				Scars and Marks			
Date, Place, Time, and Manner of Last Entry <b>Unknown Date Unknown Time,</b>			Passenger Boarded at	F.B.I. Number <b>[REDACTED]</b>		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated	
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location Apprehension <b>NCA</b>			
Date of Birth <b>[REDACTED]</b>	Age: <b>38</b>	Date of Action <b>10/21/2025</b>	Location Code <b>SND/SND</b>	At/Near <b>See I-831</b>		Date/Hour <b>10/20/2025 10:56</b>	
City, Province (State) and Country of Birth <b>PUEBLA, MEXICO</b>		AR <input checked="" type="checkbox"/>	Form: (Type and No.) <input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By <b>[REDACTED] PARRA</b>			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry		Status When Found	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S.			
Immigration Record <b>NEGATIVE</b>			Criminal Record <b>See Narrative</b>				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) <b>[REDACTED] NATIONALITY: MEXICO</b>				Number and Nationality of Minor Children <b>None</b>			
Father's Name, Nationality, and Address, if Known <b>[REDACTED] NATIONALITY: MEXICO</b>		Mother's Present and Maiden Names, Nationality, and Address, if Known <b>MONTALVO, HILARIO NATIONALITY: MEXICO</b>					
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>	Charge Code Words(s) <b>See Narrative</b>			
Name and Address of (Last)(Current) U.S. Employer		Type of Employment <b>Unemployed or Retired</b>	Salary	Employed from/to <b>Hr</b>			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) <b>FIN: [REDACTED] Left Index fingerprint Right Index fingerprint</b>							
							
<b>Subject Health Status</b> ----- The subject does not claim good health. Please contact your local IHSC health care staff member for additional information.							
<b>Current Administrative Charges</b> ----- 10/20/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges <b>10-21-2025</b> (Date/Initials)			<b>[REDACTED] MARQUIS</b> Deportation Officer (Signature and Title of Immigration Officer)				
Distribution: <b>AFILE</b> <b>EARM</b> <b>STATS</b>		Received: (Subject and Documents) (Report of Interview) Office: <b>[REDACTED] MARQUIS</b> on: <b>October 21, 2025</b> (time) Disposition: <b>Other</b> Examining Officer: <b>BARILE, JOHN</b>					

U.S. Department of Homeland Security

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Alien's Name SANCHEZ MONTALVO, HILARIO	File Number [REDACTED]	Date 10/20/2025
Event No: [REDACTED]		

RECORDS CHECKED

CIS Pos  
EARM Pos  
IAFIS Pos  
NCIC Pos  
TECS Pos

AT/NEAR

SAN DIEGO, CALIFORNIA

Record of Deportable/Excludable Alien:

Name: SANCHEZ MONTALVO, Hilario

A: [REDACTED]  
DOB: [REDACTED]  
COB: [REDACTED]  
FBI: [REDACTED]  
FINS: [REDACTED]

On October 20, 2025, at approximately 0848 hours, SANCHEZ-MONTALVO, Hilario, [REDACTED], a citizen and national of Mexico, reported to the Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), San Diego Non-Detain Unit (NDU), per a G-56 Call In letter for a scheduled appointment. SANCHEZ is to be taken into ICE custody per ICE ERO management; PRADO has a final order of removal.


At approximately 0948 hours, I, Deportation Officer (DO) Parra and DO Smoak identified ourselves as ICE officers and informed SANCHEZ that he was being placed under arrest, and he will be taken into ICE custody. SANCHEZ has a final order of removal but withholding to Mexico. SANCHEZ was served with a Form I-200, Warrant for Arrest of Alien and a Notice of Revocation of Release. I asked SANCHEZ if he had any medical condition, and he stated that he had none. DO Smoak and DO Chen escorted SANCHEZ to the ICE San Diego staging for processing, without incident.

INTERVIEW:

SANCHEZ [REDACTED]  
SANCHEZ place of birth is Puebla, Mexico  
SANCHEZ stated that his parents and maternal and paternal grandparents are citizens of Mexico without any status in the United States.  
SANCHEZ is divorced.  
SANCHEZ claims to have one USC child age 14.  
SANCHEZ does not claim to have served in the United States Armed Forces.  
SANCHEZ was questioned regarding any medical problems; SANCHEZ stated to be in good health and not taking any type of medications.



SANCHEZ will be detained at the Otay Mesa Detention Facility, pending the outcome of his order of removal.

I, Deportation Officer Marquis, R. was assigned processing duties located at the San Diego Field Office located at 880 Front Street San Diego, California 92101. During the course of my duties, I was tasked with the processing of SANCHEZ MONTALVO, Hilario, A216 897 020 as

Signature [REDACTED] MARQUIS 	Title Deportation Officer
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U.S. Department of Homeland Security


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Alien's Name SANCHEZ MONTALVO, HILARIO	File Number  Event No: 	Date 10/20/2025
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an Remand to effectuate removal to a third country.

At the Staging, DO Marquis, interviewed SANCHEZ MONTALVO, Hilario and asked him a series of questions relating to his biographical information and immigration status.

SANCHEZ MONTALVO stated that his true and complete name is Hilario SANCHEZ MONTALVO.

SANCHEZ MONTALVO stated that his date of birth is 

SANCHEZ MONTALVO stated he has never previously entered or resided in the U.S.

SANCHEZ MONTALVO stated both of biological parents are citizens of Mexico by virtue of birth in Mexico.

SANCHEZ MONTALVO stated to not have legal documents to enter, transit, or reside in the United States.

SANCHEZ MONTALVO was offered a free phone call, consular notification, and free legal services. Documentation forms were placed in the A-File.

IMMIGRATION HISTORY:

SANCHEZ MONTALVO ANCHEZ claims to have entered the United States on or about June 1 , 2004, without inspection through Tecate, California.

CRIMINAL HISTORY:

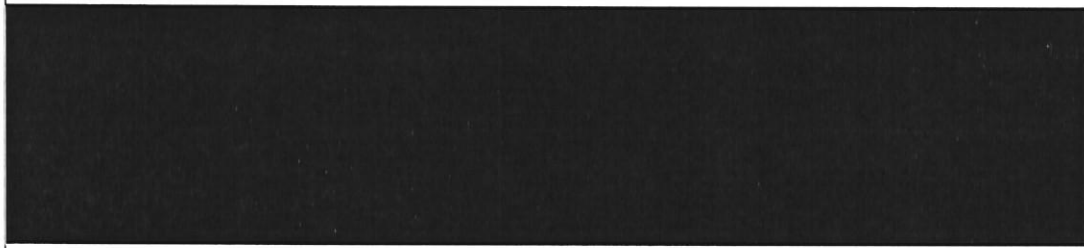
SANCHEZ MONTALVO has a conviction of driving under the influence on April 22, 2021.

DISPOSITION:

SANCHEZ MONTALVO is inadmissible pursuant to section 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.

SANCHEZ will be detained at the Otay Mesa Detention Facility, pending the outcome of his order of removal. Per OPLA ERO will process as an Remand to effectuate removal to a third country.

Other Identifying Numbers



Signature  MARQUIS	Title Deportation Officer
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