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Attorney for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT PENNSYLVANIA
CIVIL DIVISION

Rafael GONZALEZ ORTIZ
Petitioner,

v.

Brian MCSHANE, Field Office Director of
Enforcement and Removal Operations,
Philadelphia Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; J.L.
JAMISON, Warden of Philadelphia Federal
Detention Center

Respondents.

Case No. 26-301

**JOINT STATEMENT OF THE
PARTIES**

JOINT STATEMENT OF THE PARTIES REGARDING PETITIONER'S DETENTION

HISTORY AND DATE OF ENTRY

Petitioner, by and through counsel, and Respondents, by and through counsel, jointly submit the following statement to the Court regarding Petitioner's detention history and asserted date of entry into the United States, to the best of counsel, current knowledge and information:

1. To the best of counsel for Petitioner's knowledge, Petitioner has been apprehended by immigration authorities on one occasion and has been held in immigration detention on one occasion only, beginning on or about January 15, 2026, when Petitioner was taken into custody by immigration authorities.
2. Petitioner entered the United States on or about 2015. Based on information provided to counsel by Petitioner's family members, Petitioner has remained present in the United States since that entry in 2015.
3. A prior habeas petition filed on Petitioner's behalf stated, due to a typographical error, that Petitioner has been detained since 2008. See Pet. For Writ of Habeas Corpus ¶¶ 2, 10. That statement was incorrect. Petitioner has been detained since January 15, 2026, and has been present in the United States since approximately 2015.
4. Counsel for Petitioner, as well as Petitioner's family, are unaware of any other apprehension, custody, or detention by immigration authorities prior to January 15, 2026.
5. Counsel for Petitioner has been unable to have direct contact with Petitioner while Petitioner has been detained at the Federal Detention Center, Philadelphia, and therefore has relied on information obtained from Petitioner's family members regarding Petitioner's immigration and detention history.

6. The Department of Homeland Security has filed with the Executive Office for Immigration Review (“EOIR”) a Notice to Appear (“NTA”), Form I-862, in this matter, which alleges that Petitioner entered the United States “on or about January 1, 2015.” The Form I-862 therefore also reflects an alleged entry in January 2015. (See attached, marked as Exhibit “A”).
7. To date, no Form I-213, Record of Deportable/Inadmissible Alien, has been filed with EOIR in this case. The Form I-213 generally contains more detailed information regarding an individual’s immigration history and circumstances of apprehension. In the absence of a filed Form I-213, counsel for Petitioner has relied on information and knowledge provided by Petitioner’s family members.
8. Counsel for Petitioner is unaware of the evidentiary basis for the specific date of entry alleged in the Notice to Appear.
9. This joint statement is submitted to clarify the record regarding Petitioner’s detention history and alleged date of entry and to correct the typographical error contained in the prior filing.

Counsel for Respondents

Counsel for Petitioner

// Neelima Vanguri

// Antonio A. Maturano, III

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Antonio A. Maturano, III
Maturano & Associates

Date: 01/27/2026

Date: 01/27/2026

EXHIBIT A

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]

File No: [Redacted]

In the Matter of:

Respondent: RAFAEL GONZALEZ-ORTIZ currently residing at:

555 Geo Dr Philipsburg, PENNSYLVANIA 168668139

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

(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 MEXICO and a citizen of MEXICO;
 3. You entered the United States at or near Naco, Arizona, on or about January 1, 2015;
 4. You were not then admitted or paroled after inspection by an Immigration Officer.ORA at that time you arrived at a time or place other than as designated by the Attorney General.
- See Continuation Page Made a Part Hereof

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:

See Continuation Page Made a Part Hereof

- 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:

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 07201. ELIZABETH VIDEO HEARINGS

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

on January 26, 2026 at 2:30 pm to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

J 8355 CLARK - SDDC
(Signature and Title of Issuing Officer)

Date: January 15, 2026

Philadelphia, PA

(City and State)

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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/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 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 January 15, 2026, 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.

[Signature]
(Signature of Respondent if Personally Served)

[Signature] BRANDON RAMOS - Deportation Officer
(Signature and Title of officer)

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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 (CARIER), 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-sorn>. 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.

Alien's Name GONZALEZ-ORTIZ, RAFAEL	File Number 	Date 01/15/2026
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THE SERVICE ALLEGES THAT YOU:

5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

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.

212(a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature  J 8355 CLARK	Title SDDO
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