

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CARLOS ALBERTO SEMINARIO-MARCOS	:
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	:
Petitioner,	: Case No. 26-cv-00421-MAK
	:
v.	: Before the
	: Honorable Mark A. Kearney
J.L. JAMISON, et al.	:
	:
Respondents.	:

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**PETITIONER’S TRAVERSE TO RESPONDENTS’ RESPONSE  
IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

Petitioner, Carlos Seminario-Marcos (hereinafter, “Petitioner”), by and through undersigned counsel, respectfully submits this Traverse in reply to Respondents’ Response in Opposition to the Petition for Writ of Habeas Corpus. Respondents attempt to justify mandatory detention under 8 U.S.C. § 1225(b)(1) by invoking expedited removal, yet the record—and Respondents’ own exhibits—demonstrate that expedited removal was never lawfully executed.

**DHS AFFIRMATIVELY PAROLED PETITIONER  
INTO THE INTERIOR AND AUTHORIZED EMPLOYMENT**

DHS paroled Petitioner into the United States pursuant to INA § 212(d)(5) in January 2022, releasing him from custody into the interior under conditions of supervision. See Exhibit A, Parole Document. Petitioner complied with all reporting requirements, lived openly in the community, applied for asylum, and was later issued an Employment Authorization Document valid for five years until 2028. See Exhibits B, C, and D, asylum receipt, work authorization and

tax return respectively. DHS does not issue multi-year work authorization to individuals it considers to be continuously detained at the border, constructively or otherwise..

**LONG-TERM PAROLE REMOVES THIS CASE FROM § 1225(b)(1)**

The cases relied upon by Respondents involve noncitizens who never experienced a meaningful break from border or custodial status. Specifically, the Respondents place great emphasis on *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103,(2020), which involved an alien detained within 25 yards of the border who never was released from custody. By contrast, Petitioner was paroled into the US, lived at liberty for years with DHS authorization and permission to work until 2028. Upon re-detention, DHS was required to proceed under INA § 240 Removal Proceedings and 8 U.S.C. § 1226(a) to provide him with an individualized custody determination. In fact, the Court in *Thuraissigiam* explicitly stated “aliens who have established connections in this country have due process rights in deportation proceedings,” *Id.* at 107, (Respondents’ Answer at 17). Moreover, despite the Respondents’ assertions, Expedited Removal proceedings were never lawfully initiated in this case.

**RESPONDENTS CANNOT INVOKE § 1225(b)(1)  
WITHOUT A VALID FORM I-860**

Expedited removal is governed by 8 C.F.R. § 235.3(b), which requires DHS to issue, sign, and serve a Form I-860, Notice and Order of Expedited Removal. The Form I-860 attached to Respondents’ Answer is mostly blank and unsigned, containing no officer signature, no date of issuance, and no proof of service. An unsigned or incomplete I-860 does not constitute a valid expedited removal order.

Had DHS believed expedited removal remained operative, it could have produced a signed Form I-860 from 2021; its failure to do so confirms that expedited removal was never

lawfully executed. Instead, the Respondent was provided with parole, release, and work authorization.

Because Form I-860 is the operative document that creates expedited removal under § 1225(b)(1), the absence of a valid I-860 is fatal to Respondents' claim that Petitioner is subject to mandatory detention under that provision.

Parole termination under 8 C.F.R. § 212.5(e) returns a noncitizen only to the status held at the time parole was granted. Where DHS cannot demonstrate that a valid expedited removal order existed at that time, parole termination cannot retroactively create one. DHS must therefore proceed under § 1226(a).

### **CONCLUSION**

For the foregoing reasons, the Petition for Writ of Habeas Corpus should be granted and an order of release should be entered or, at minimum, the Court should order an immediate bond hearing at which DHS bears the burden of justifying continued detention.

Dated: February 4, 2026

Respectfully submitted,

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E108-932

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

Date: 1/4/2022  
In Reference to: A [REDACTED]  
Name: Seminario-Marcos, Carlos Alberto

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) is providing parole to you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Final Departure Record*, see 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date of this notice and will automatically terminate upon your departure or removal from the United States at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Seminario-Marcos, Carlos Alberto      [Signature]      1/4/2022  
Alien Name      Alien Signature      Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

In person     Other: \_\_\_\_\_

A. Sagirus      [Signature]      1/4/2022  
ICE Official Name      ICE Official Signature      Date

J. Brownfield      [Signature]      1/4/2022  
Deciding Official Name      Deciding Official Signature      Date

Notice Authorizing Parole  
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Continuation Page for Interim Notice Authorizing Parole

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To Seminario-Marcos, Carlos Alberto

Date: 1/4/2022

File: A# 220 887 951

Bond: (Parole with Reporting Requirements)

[REDACTED] R  
MIDDLETOWN DELAWARE 19709

ph# [REDACTED]

You have been released from service custody pending a final decision in your extradition/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

Court Address  
Office of the Immigration Judge

You must report in person to: Non-Detained Office/ATD Office phone: 302-730-9310

At: 210 Beiser Blvd  
DOVER, DE 19904

On: 2/7/2022 @10:00 AM

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PHOTO



RIGHT INDEX