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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO**

Mukeshkumar Chandulal Patel

Petitioner,

Case No.

MARY DE ANDA- YBARRA, Deputy Managing Director, Atlanta Field Office, Immigration and Customs Enforcement And Removal Operations (“ICE/ERO”); **TODD LYONS**, Acting Director of Immigration and Customs Enforcement (“ICE”); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; **KRISTI NOEM**, Secretary of the Department of Homeland Security (“DHS”); U.S. DEPARTMENT OF HOMELAND SECURITY; **PAMELA BONDI**, Attorney General of the United States; **Warden**, Otero County Processing Center, United States Attorney.

**PETITION FOR WRIT
HABEAS CORPUS**

Respondents,

Petitioner, Mukeshkumar Chandulal Patel (hereinafter “the Petitioner” files Petition for Habeas Corpus and Complaint for Declaratory and Injunctive Relief, under 28 U.S.C. §§2241, (habeas corpus) 1331 (federal question), with the Administrative Procedure Act, 5 U.S.C. §702 et seq; 28 U.S.C. §2201 (Declaratory Judgment Act).

I. INTRODUCTION

Petitioner Mukeshkumar Chandulal Patel (“Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus to review the lawfulness of his current civil immigration detention by Respondents since November 10, 2025. Petitioner is detained following his arrest at a scheduled ICE check-in in Chicago, Illinois, despite appearing as directed and without any individualized determination that he poses a flight risk or danger to

the community. His continued detention is unlawful and unconstitutional.

II. JURISDICTION AND VENUE

1. This action arises under the constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. §1101 et. seq.
2. This court has subject matter jurisdiction under 28 U.S.C. §§2241 (habeas corpus), U.S.C. §1331 (federal question), and Article I, §9, cl. 2 of the United States Constitution (Suspension Clause).
3. This court may grant relief under the habeas corpus statutes, 28 U.S.C. §2241 et. seq., the Declaratory Judgement Act, 28 U.S.C. §2201 et. seq., the All-Writs Act, 28 U.S.C. §1651, and the Immigration and Nationality Act, 8 U.S.C. §1252(e)(2).

III. VENUE

4. Venue is proper because Petitioner is in Respondents custody at the Otero County Processing Center, 26 McGregor Range Rd, Otero, NM 88081. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. §1391(e).

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

5. The Court must grant the petition for writ of habeas corpus or issue an order to how cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
6. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ

known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

7. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

V. THE PARTIES

8. Petitioner is a citizen of India. Petitioner is present within the state of New Mexico as of the time of the filing of this petition.

9. Respondent Mary De Anda-Ybarra, El Paso ICE Field Office. The El Paso Field Office is responsible for local custody decisions relating to non-citizens charges with being removable from the United States, including the arrest, detention, and custody status of non-citizens. Respondent De Anda- Ybarra is a legal custodian of the Petitioner.

10. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs and Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

12. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

13. Respondent U.S. Immigration Customs Enforcement is the federal agency

responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

14. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

15. Respondent Warden of the Otero County Processing Center in Otero, New Mexico, where Petitioner is currently detained. As Warden, Respondent is the local official having day-to-day custody over Petitioner and is a proper Respondent in a habeas action. Respondent is sued in his official capacity.

16. This action is commenced against all Respondents in their official capacities.

VI. LEGAL FRAMEWORK

17. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

18. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

19. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

20. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C. § 1229a.

29. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441

U.S. 418, 4253 (1979).

30. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to people or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

31. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

32. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual's release when the facts and circumstances warrant it.

33. Revocation and return to custody are authorized only based on individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

34. Once DHS affirmatively exercises discretion to release a noncitizen on supervision, it may not later rely on a categorical or fictional "arriving alien" classification to justify mandatory detention without an individualized custody determination.

35. In *Bautista v. Santa Cruz*, (5:25-cv-01873) the court rejected the government's attempt to rely on categorical statutory classifications, including § 1225(b)(1), to foreclose individualized custody review and habeas relief, holding that such detention raises serious due process concerns.

36. Where immigration courts lack jurisdiction to conduct custody hearings, habeas review is required to prevent unconstitutional detention.

VII. FACTUAL BACKGROUND

34. Petitioner entered the United States on December 3, 2023, near Tecate CA, together with his wife, and affirmatively surrendered himself to immigration authorities upon entry rather than attempting to evade inspection or apprehension.

35. Petitioner subsequently filed a defensive application for asylum, withholding of removal, and protection under the Convention Against Torture, seeking protection from removal under United States law, and his wife filed related protection-based applications arising from the same procedural posture.

36. On November 10, 2025, Petitioner and his wife appeared for a scheduled ICE check-in, as required. At that appointment, ICE arrested Petitioner and placed him into immigration detention.

37. Petitioner was transferred to and is currently detained at the Otero County Processing Center located in New Mexico.

38. Petitioner requested a custody redetermination,

39. The Immigration Judge denied Petitioner's request for a custody redetermination solely on jurisdictional grounds pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and expressly declined to evaluate the merits of custody, including any assessment of danger to the community or risk of flight.

VIII. NOTICE OF SUPPLEMENTARY AUTHORITY

40. Petitioner respectfully notifies the Court of a dispositive legal development. On December 18, 2025, the U.S. District Court for the Central District of California entered Final Judgment in the nationwide class action *Maldonado Bautista v. Santacruz*, No.5:2025 cv 01873.

41. The final judgment in *Maldonado Bautista* is critical to the instant petition for three reasons:

1. Finality and Preclusion: The Court rejected the Government's argument that the class certification was merely interlocutory. It entered Final Judgment on Counts I-III, certifying the class and declaring the policy unlawful. As a class member, Petitioner's rights are now adjudicated, and the Government is collaterally estopped from relitigating their detention status.
2. Futility and Exhaustion: The Court entered Final Judgment specifically because it found "troubling" evidence that the Department of Justice issued a memorandum instructing Immigration Judges to disregard the federal court's prior orders and "hold the position that Yajure-Hurtado remains good law." This judicial finding confirms that administrative exhaustion is futile, as the agency has prejudged the issue in bad faith.
3. Yajure-Hurtado is "No Longer Tenable": The Court explicitly held that "the core holding of Yajure-Hurtado cannot be squared with the [Court's] Order... Yajure-Hurtado is no longer controlling; the legal conclusion underlying the decision is no longer tenable."

42. Petitioner requests that this Court take judicial notice of this Final Judgment and grant the Writ of Habeas Corpus to enforce these established rights against the local custodian.

IX. CLAIMS FOR RELIEF

COUNT ONE: SUBSTANTIVE DUE PROCESS VIOLATION

43. Petitioner realleges and incorporates by reference paragraphs 1 through 39 above.
44. Petitioner's continued detention violates his rights to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. He has been detained for over two months.
45. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents might have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, since it is not significantly likely that he will

be removed in the reasonably foreseeable future. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), court recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal.

46. Petitioner's continued detention violates his rights under the Due Process Clause of the Fifth Amendment to the United States Constitution, which protects noncitizens, including those subject to civil immigration detention, from arbitrary and indefinite deprivations of liberty.

47. Freedom from physical detention is a core liberty interest protected by the Due Process Clause. Civil detention, while permissible in limited immigration contexts, must be reasonable in duration and directly tied to a legitimate and compelling government interest.

48. Once removal is not reasonably foreseeable, continued detention becomes arbitrary and capricious, and is therefore unconstitutional. The Court interpreted 8 U.S.C. § 1231(a)(6) to limit post-removal-order detention to a presumptively reasonable period of six months. Beyond that, the government must demonstrate that removal is significantly likely to occur in the reasonably foreseeable future.

49. Therefore, Petitioner's continued detention violates the substantive due process protections of the Fifth Amendment, and this Court should grant the writ and order his immediate release, or such other relief as may be just and proper.

COUNT TWO: PROCEDURAL DUE PROCESS VIOLATION

50. Petitioner realleges and incorporates by reference paragraphs 1 through 39 above.

51. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner has a strong interest in avoiding prolonged and indefinite immigration detention without meaningful

review. Yet, since being taken into custody, has been deprived of a timely and meaningful opportunity to challenge his detention.

52. Petitioner has been in immigration detention since November 10, 2025, and remain detained without having received a prompt, individualized hearing at which the government bears the burden of justifying continued detention. As the length of detention increases, the constitutional justification for detention diminishes, and due process demands heightened procedural protections. Prolonged detention without meaningful review becomes punitive rather than administrative, in violation of the Fifth Amendment. Petitioner has complied with his immigration requirements. Respondent has no history of absconding. On the contrary he has significant ties to the United States - consistent residence, immediate family, a reliable sponsor, and so forth all of which demonstrate that he will appear for his future court proceedings. Moreover, Respondent's has applied for asylum.

53. Petitioner has a substantial liberty interest in avoiding prolonged and potentially indefinite detention. That interest is especially strong where, as here, detention has continued for months without a bond hearing or any other mechanism allowing Petitioner to meaningfully contest whether continued confinement is necessary to serve the government's interests. Since being taken into custody, Petitioner has been deprived of a timely and meaningful opportunity to challenge his detention. He has not received an individualized determination assessing whether he poses a flight risk or a danger to the community, nor has the government been required to justify his continued detention by clear and convincing evidence. The absence of such procedural safeguards violates fundamental principles of due process.

54. There is likewise no evidence that Petitioner poses any danger to the community. He has no criminal history and has not engaged in conduct, suggesting that continued detention is

necessary to protect public safety. Absent such a showing, detention cannot be justified under due process principles. In balancing the private interest affected, the risk of erroneous deprivation of liberty, and the government's asserted interests, due process plainly requires more than the automatic, prolonged detention imposed here. Without a meaningful hearing and without requiring the government to meet its burden, Petitioner's detention violates the Fifth Amendment.

55. Accordingly, Petitioner's continued detention since November 10, 2025, without a timely and meaningful opportunity to challenge the necessity of that detention, constitutes a violation of procedural due process. Habeas relief is therefore warranted to remedy this ongoing constitutional injury, including an order requiring an immediate bond hearing or Petitioner's release under appropriate conditions.

COUNT THREE: EXHAUSTION OF ADMINISTRATIVE REMEDIES

56. This Court has jurisdiction to review habeas petitions filed by immigration detainees who assert that they are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Since exhaustion, as the government recognizes, is not required by statute in this context, its exhaustion argument is measured against the "more permissive" common-law, rather than statutory, exhaustion standard, which "cedes discretion to a [federal] court to decline the exercise of jurisdiction." *Brito v. Garland*, 22 F.4th 240, 255-56 (1st Cir. 2021) (quoting *Anversa v. Partners Healthcare Sys., Inc.*, 835 F.3d 167, 174 (1st Cir. 2016)); see ECF 7, at 6. While the exhaustion doctrine often "serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency," there are "circumstances in which the interests of the individual weigh heavily against requiring administrative exhaustion." *Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 145-46 (1992)). As relevant here, "a court may

consider relaxing the [exhaustion requirement] when unreasonable or indefinite delay threatens unduly to prejudice the subsequent bringing of a judicial action.” *Id.* “And, relatedly, if the situation is such that ‘a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim,’ exhaustion may be excused even though ‘the administrative decision making schedule is otherwise reasonable and definite.’” *Id.* (quoting *McCarthy*, 503 U.S. at 147). Irreparable harm may be established where a petitioner will be incarcerated or detained pending the exhaustion of administrative remedies. *See Brito*, 22 F.4th at 256 (“‘[E]xhaustion might not be required if [the petitioner] were challenging her incarceration . . . or the ongoing deprivation of some other liberty interest.’” (quoting *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986))).

57. As a general matter, a habeas petitioner must exhaust available administrative remedies before seeking relief in federal court. However, exhaustion is not jurisdictional in immigration habeas proceedings and is not required where administrative remedies are unavailable, inadequate, futile, or incapable of providing the relief sought. Petitioner has exhausted all available and meaningful administrative remedies to the extent required by law. Since being taken into immigration custody on August 30, 2025, Petitioner has complied with all immigration requirements, has appeared for all scheduled proceedings, and has actively pursued relief from removal, including the filing of an asylum application.

58. Moreover, no available administrative process affords Petitioner a prompt and meaningful opportunity to challenge the legality of his continued detention under the standards required by due process, including a hearing at which the government bears the burden of proving by clear and convincing evidence that continued detention is justified. As a result, further pursuit of administrative remedies would be futile and would not provide the relief sought.

59. In addition, Petitioner's strong equities further support excusing exhaustion. He has no criminal history, no history of absconding, and maintains significant ties to the United States, including continuous residence and immediate family members lawfully present in the country. He has a reliable sponsor and has demonstrated a consistent willingness to comply with all court and agency requirements. These facts underscore the urgency of judicial review and the inadequacy of administrative remedies.

60. Because Petitioner has either exhausted all available administrative remedies or such remedies are unavailable, inadequate, or futile under the circumstances, the exhaustion requirement is satisfied or excused. Accordingly, this Court may properly exercise jurisdiction over Petitioner's habeas petition and grant appropriate relief.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this court grant the following relief:

1. Assume Jurisdiction over this matter;
2. Grant Petitioner a writ of habeas corpus directing Respondents to immediately release Petitioner from custody;
3. In the alternative, order Respondents to provide Petitioner with a prompt, constitutionally compliant bond hearing before a neutral adjudicator at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified;
4. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
5. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and

6. Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted on January 26, 2026.

/s/ Rose Love

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Appearing Pro Hac Vice
Attorney for the Petitioner

/s/ Jason Wisecup
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Local Counsel

CERTIFICATE OF SERVICE

I, Rose Love Esq. hereby certify that a copy of the foregoing was mailed First class postage prepaid to the office of the Attorney General at the below mentioned address:

Pamela Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530-0001

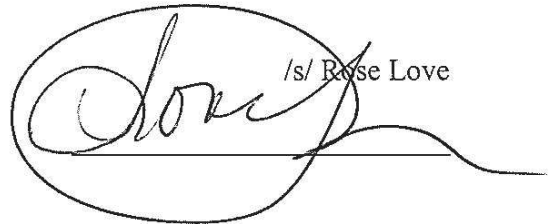
Kristi Noem
Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485

Mary De Anda-Ybarra
Field Officer Director
U.S., Immigration and Customs Enforcement
El Paso Field Office
8915 Montana Avenue
El Paso, Texas 79925

Todd Lyons
Acting Director of U.S. Immigration and Customs Enforcement
c/o Office of the Principal Legal Advisor (OPLA)
500 12th Street SW, Mail Stop 5900 Washington, D.C. 20536-5900

Warden, Facility Administrator
Otero County ICE Processing Center
26 McGregor Range Road
Otero, New Mexico 88081

United States Attorney – Civil Process Clerk
District of New Mexico
U.S Attorney's Office
201 3rd Street N.W Suite 900
Albuquerque, NM 87103

 /s/ Rose Love

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EXHIBIT LIST

Exhibit A- Form I-213

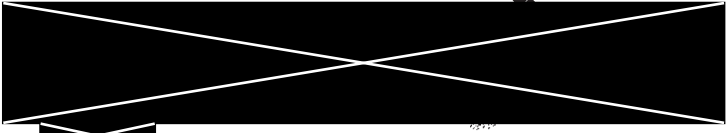
Exhibit B – Notice to Appear (issued February 2023)

Exhibit C – Immigration Judge Order / Written Decision Finding No Jurisdiction to Conduct
Custody or Bond Redetermination

Exhibit D – Proof of Physical Detention at Otero County Processing Center, Otero, New Mexico

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) PATEL, MUKESHKUMAR CHANDULAL		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship INDIA	Passport Number and Country of Issue INDIA	File Number		Height 69	Weight 150	Occupation LABORER	
U.S. Address				Scars and Marks None Indicated			
Date, Place, Time, and Manner of Last Entry 12/03/2023, 0700, 25.93 mile(s) E of TEC, PWA (Afoot)				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence RANTEJ, INDIA				F.B.I. Number			
Date of Birth	Age: 40	Date of Action 12/05/2023	Location Code SDC/BLV	☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
City, Province (State) and Country of Birth RANTEJ, INDIA		AR ☒ Form: (Type and No.) Lifted ☐ Not Lifted ☐		Method of Location/Apprehension PB			
NIV Issuing Post and NIV Number		Social Security Account Name		Av/Near TECATE, CA		Date/Hour 12/03/2023 0738	
Date Visa Issued		Social Security Number		By DARREN J. BIRD		Status at Entry PWA Mexico	
Immigration Record NEGATIVE		Criminal Record None Known		Status When Found TRAVEL/SEEKING		Length of Time Illegally in U.S. AT ENTRY	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☐ Yes ☐ No		Systems Checks See Narrative		Charge Code Words(s) I6A	
Name and Address of (Last) Current U.S. Employer		Type of Employment		Salary		Employed from/to	
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.) FINS #							
							
		Left Index Print		Right Index Print			
ARREST COORDINATES: ----- Latitude: 32.610818 Longitude: -116.209572							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: FIRA							
Alien has been advised of communication privileges		12/05/2023 CHRISTOPHER W RAYMOND Date: 2023.12.05 01:07:29 -08:00 0274646495.CBP		CHRISTOPHER W RAYMOND Date: 2023.12.05 01:07:26 -08:00 0274646495.CBP CHRISTOPHER RAYMOND BORDER PATROL AGENT			
Distribution: FILE SDC		Received: (Subject and Documents) (Report of Interview) Officer: CHRISTOPHER RAYMOND on: December 05, 2023 at 0034 (time) Disposition: Notice to Appear Released (I-862) Examining Officer:					

Form I-213 (Rev. 08/01/07) Y

BOIR - 1 of 4

Exh. 2 - Adm.

14

Exhibit A 1-4

U.S. Department of Homeland Security

Continuation Page for Form

I213

Alien's Name PATEL, MUKESHKUMAR CHANDULAL	File Number 	Date 12/03/2023
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ADDRESS USED ON I-862:

 Address Type: VALID - RESIDENTIAL
 Address: 

FATHER NAME AND ADDRESS:

 Nationality: INDIA PATEL, CHANDULAL
 RANTEJ, INDIA

MOTHER NAME AND ADDRESS:

 Nationality: INDIA PATEL, AMBABEN
 RANTEJ, INDIA

CUSTODY REDETERMINATION:

 OREC

RECORDS CHECKED:

 CIS Negative
 ABIS Negative
 EARM Negative
 IAFIS Negative
 NCIC Negative
 NGI Negative
 TECS Negative

Other Family/Associates Not in Event:

 Father, PATEL, CHANDULAL, INDIA
 Mother, PATEL, AMBABEN, INDIA

NARRATIVE:

 IMMIGRATION HISTORY: No Prior immigration history.
 CRIMINAL HISTORY: No prior criminal history.

ENCOUNTER:
 A Border Patrol agent encountered this subject in the San Diego Border Patrol Sector's area of responsibility (AOR). It was determined that this subject had unlawfully entered the

Signature CHRISTOPHER RAYMOND	CHRISTOPHER W. RAYMOND Date: 2023.12.05 01:07:33 -08:00 0274646495.CBP	Title BORDER PATROL AGENT
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EOIR - 4 of 4

4 of 4 Pages

19

Exhibit A

U.S. Department of Homeland Security

Continuation Page for Form

I213

Alien's Name PATEL, MUKESHKUMAR CHANDULAL	File Number 	Date 12/03/2023
United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States. After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for processing using the E3/IDENT and IAFIS Systems. IMMIGRATION/CRIMINAL VIOLATION: The subject claims to be a citizen and national of India without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry. The subject stated that both parents are citizens of India and no other country. CONSULAR NOTIFICATION: The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36(1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time. DISPOSITION: The subject provided a valid / verified U.S. address and phone number. The subject is being processed as NTA/OR due to lack of bed space. The subject was served with DHS forms I-220A, I-862, I-286, and given a copy of agency form G-56, a list of free legal services, and the "Notice to Appear Tear Sheet." The subject was informed, per agency for I-220A, that they must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review and / or surrender for removal from the United States if so ordered. The subject was given a copy of form EOIR-33 and instructed that if their address and/or telephone number changes while awaiting or going through immigration proceedings, they are to file this form with the Department of Homeland Security within five (5) working days of that change. The subject does not appear to be a threat to national security, border security, or public safety. The subject was released from the custody of the Department of Homeland Security (DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was authorized through proper channels in accordance with San Diego Sector protocols. The subject indicated that they speak the Gujarati language, and a "free text interpreter" was used to communicate with the subject. The processing of this NTA/OR was conducted virtually by Border Patrol Agent C. Raymond at		
Signature CHRISTOPHER W. RAYMOND Date: 2023.12.05 01:07:36 -08:00 CHRISTOPHER RAYMOND 274646495.CBP		Title BORDER PATROL AGENT

3 of 4 Pages

18

Exhibit A

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name PATEL, MUKESHKUMAR CHANDULAL	File Number 	Date 12/03/2023
the Murrieta Border Patrol Station. The subject and witness Border Patrol Agents were present at the San Diego Area Detention/ Transit Staging Area in San Diego, California.		
Signature CHRISTOPHER W. RAYMOND Date: 2023.12.05 01:07:40 -08:00 CHRISTOPHER RAYMOND 274646495.CBP		Title BORDER PATROL AGENT

EOIR - 4 of 4

4 of 4 Pages

19

Exhibit A
1/1/1

Allegations: Admits All; | Charges: Concedes All;
Designated Country: INDIA |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID [REDACTED]

FINS [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent:

MUKESHKUMAR CHANDULAL PATEL

currently residing at:

[REDACTED]
(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 INDIA and a citizen of INDIA ;
3. You arrived in the United States at or near TECATE, CA , on or about December 3, 2023 ;
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:

55 E MONROE, SUITE 1500 CHICAGO IL 60603

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

on April 22, 2027 at 09:00 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Acting/Patrol Agent in Charge

GARY M RICHARDS
Date: 2023.12.05 09:153 -08:00
0170252976.CBP

(Signature and Title of Issuing Officer)

Date: December 05, 2023

San Diego, California

(City and State)

EOIR - 1 of 3

Allegations: Admits All; Charges: Concedes All;
Designated Country: INDIA

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/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 December 05, 2023, 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 GUJARATI 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 of Respondent if Personally Served)

CHRISTOPHER RAYMOND, BORDER
PATROL AGENT

(Signature and Title of officer)

CHRISTOPHER W. RAYMOND
Date: 2023.12.05 08:11 -08:00
0274646495 CBP



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

Respondent Name:

PATEL, MUKESHKUMAR CHANDULAL

To:

Love, Rose Laren
925 Battery Ave
Atlanta, GA 30080

A-Number:



Riders:

In Custody Redetermination Proceedings

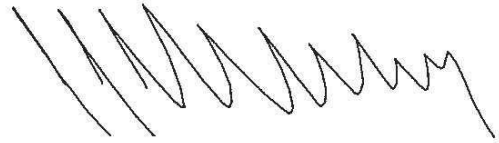
Date:

12/05/2025

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
Lack of Jurisdiction.
In the alternative the Court would also deny bond for the Respondent being a flight risk as stated on the record.
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:



Immigration Judge: James Miller Jr 12/05/2025

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

Appeal Due: 01/05/2026

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 : PATEL, MUKESHKUMAR CHANDULAL | A-Number : 

Riders:

Date: 12/05/2025 By: SIGALA, XOCHITL, Court Staff

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

NOTICE TO EOIR: ALIEN ADDRESS

Date: 11/19/2025

To: Enter Name of BIA or Immigration Court I-830 OFFICE OF IMMIGRATION JUDGE

Enter BIA or Immigration Court Three Letter Code@usdoj.gov EPD

From: Enter Name of ICE Office Albuquerque, New Mexico ERO-Sub Office

Enter Street Address of ICE Office 5441 Watson Dr. SE

Enter City, State and Zip Code of ICE Office Albuquerque, New Mexico 87106

Respondent: Enter Respondent's Name PATEL, MUKESHKUMAR CHANDULAL

Alien File No: Enter Respondent's Alien Number

This is to notify you that this respondent is:

☐ Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

Enter Name of Institution where Respondent is being detained

Enter Street Address of Institution where Respondent is being detained

Enter City, State and Zip code of Institution where Respondent is being detained

Enter Respondent's Inmate Number

His/her anticipated release date is Enter Respondent's Anticipated Release Date.

☐ Detained by ICE on Enter Date Respondent was Detained by ICE at:

Enter Name of ICE Detention Facility where Respondent is being detained

Enter Street Address of ICE Detention Facility where Respondent is being detained

Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained

☒ Detained by ICE and transferred on Enter Date Respondent was transferred to: 11/19/2025

Enter Name of ICE Detention Facility where Respondent has been transferred CIBOLA COUNTY CORRECTIONAL CENTER

Enter Street Address of ICE Detention Facility where Respondent has been transferred 2000 CIBOLA LOOP

Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred MILAN, NEW MEXICO 87021

☐ Released from ICE custody on the following condition(s):

- ☐ Order of Supervision or Own Recognizance (Form I-220A)
- ☐ Bond in the amount of Enter Dollar Amount of Respondent's Bond
- ☐ Removed, Deported, or Excluded
- ☐ Other

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:

Enter Respondent's Street Address

Enter Respondent's City, State and Zip Code

Enter Respondent's Telephone Number (including area code)

☐ I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title SAMUEL ROMERO Deportation Officer