

JENNIFER L. CHURAY

State Bar of Michigan No. P87073

State Bar of Illinois No. 6352278

CHICAGO IMMIGRATION ADVOCATES LAW OFFICES

134 N. LaSalle St.

Suite 1600

Chicago, Illinois 60602

(312) 704-8038

jchuray@cialo.us

Attorney for Petitioner: Efran Ortiz Salvador

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

Efran ORTIZ SALVADOR,

Petitioner,

v.

Warden of D Ray ICE Processing Center in
Folkston, GA; Kristen SULLIVAN, or Acting
Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT
OF HOMELAND SECURITY; Pamela
BONDI, U.S. Attorney General,

Respondents.

CASE NO.:

**MR. ORTIZ SALVADOR'S
PETITIONER FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241**

JENNIFER L. CHURAY

State Bar of Michigan No. P87073

State Bar of Illinois No. 6352278

CHICAGO IMMIGRATION ADVOCATES LAW OFFICES

134 N. LaSalle St.

Suite 1600

Chicago, Illinois 60602

(312) 704-8038

jchuray@cialo.us

Attorney for Petitioner: Efren Ortiz Salvador

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

Efran ORTIZ SALVADOR,

Petitioner,

v.

Warden of D Ray ICE Processing Center in
Folkston, GA; Kristen SULLIVAN, or Acting
Field Office Director of Enforcement and
Removal Operations, Atlanta Field Office;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT
OF HOMELAND SECURITY; Pamela
BONDI, U.S. Attorney General,

Respondents.

CASE NO.:

**MR. ORTIZ SALVADOR'S
PETITIONER FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241**

PETITION FOR HABEAS CORPUS

Petitioner, EFREN ORTIZ SALVADOR, by and through counsel, JENNIFER L.

CHURAY, hereby petition this Honorable Court for Habeas Corpus against the Respondents and

in support thereof, states as follows:

PARTIES

1. The Petitioner, EFREN ORTIZ SALVADOR, is a citizen of Mexico who entered the United States in or around 2004 and has resided here since. He is currently detained at D Ray ICE Processing Center in Folkston, Georgia.

2. The Respondent, WARDEN OF D RAY ICE PROCESSING CENTER, is the warden of D Ray ICE Processing Center and is the physical custody of all detainees at D Ray ICE Processing Center in the legal custody of the Respondent Department of Homeland Security (DHS), namely its agency, Immigration and Customs Enforcement (“ICE”). He or she is sued in his or her official capacity.

3. Upon information and belief, KRISTEN SULLIVAN is the Acting Atlanta Field Office Director of ICE’s Enforcement and Removal Operations (“ERO”). She is responsible for overseeing immigration enforcement, detention, and removal operations in Georgia, North Carolina, and South Carolina. She is sued in her official capacity.

4. The Respondent, KRISTI NOEM is the Secretary of the DHS. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is the agency responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

5. The Respondent, the DEPARTMENT OF HOMELAND SECURITY, is the federal agency responsible for implementing and enforcing the Immigration & Nationality Act (“INA”), including the detention of noncitizens.

6. The Respondent, PAMELA BONDI, is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration

Review ("EOIR") and the immigration court system it operates is a component agency. She is sued in her official capacity.

JURISDICTION AND VENUE

7. This Court has jurisdiction to consider this petition pursuant to Article I, Section 9, clause 2 of the United States Constitution ("Suspension clause") and 28 U.S.C. §§2241, 1331, and 1361, since Mr. Ortiz Salvador is currently in the custody under the color of the authority of the United States and such custody is in violation of the Constitution, laws, and/or treaties of the United States. This Court may grant relief pursuant to Habeas Corpus, 28 U.S.C. § 2241, *et seq.*, the Declaratory Judgment Act, 28 U.S.C. §2201, *et seq.*, and the All Writs Act, 28 U.S.C. §1651.

8. Petitioner's action is based upon traditional district court authority to entertain habeas corpus actions. This Court may grant the requested relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201, and the All Writs Act, 28 U.S.C. § 1651. Nothing in the Immigration and Nationality Act ("INA") deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9), 1252(f)(1), or 1226(e). Congress has preserved judicial review of challenges to immigration detention. *Jennings v. Rodriguez*, 583 U.S. 281, 292 96 (2018).

9. Venue lies with the U.S. District Court for the Southern District of Georgia, the judicial district in which the Petitioner is currently in custody at D Ray ICE Processing Center in Folkston, Georgia. 28 U.S.C. §1391(e).

CASE AND PROCEDURAL HISTORY

10. Petitioner, Mr. Efren Ortiz Salvador, is a thirty-six-year-old Mexican citizen who last entered the United States in or around 2004 and has resided here since.

11. The Petitioner is married to a U.S. citizen and shares three (3) U.S. citizen children with her. He is a beneficiary of an approved visa petition and has an interview scheduled at the U.S. consulate in Mexico on February 10, 2026. *See* (Exhibit A, I-130 Approval Notice); (Exhibit B, Consular Interview Notice).

12. On November 24, 2025, Petitioner was transferred to ICE custody pursuant to a detainer that was lodged after Petitioner was arrested by the Pitt County Sheriff's Office in North Carolina.¹ *See* (Exhibit C, Form I-213, Record of Deportable Alien). The criminal charge for which he was arrested has been voluntarily dismissed with leave to reinstate by the District Attorney. *See* (Exhibit F, Pitt District Court Case Summary). Upon information and belief, Respondent also received a citation for driving without a license in 2014. Petitioner is not a danger to the community and is not subject to mandatory detention under 8 U.S.C. § 1226(c), INA §236(c).

13. On December 7, 2025, DHS issued Petitioner a Notice to Appear, charging him with inadmissibility under 8 U.S.C. §1182(a)(6)(A)(i) as a non-citizen present in the United States without being admitted or paroled and under §1182(a)(7)(A)(i)(I) as a noncitizen who at the time of application for admission is not in possession of a immigrant visa or valid entry document. *See* (Exhibit D, Notice to Appear).

14. On December 15, 2025, Petitioner filed a motion for bond redetermination, which was denied on December 30, 2025, based upon the agency's assertion of lack of jurisdiction under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* (Exhibit E, Order Denying

¹ Petitioner was arrested by the police following a trespassing incident, which was a non-violent offense. Petitioner was charged with Trespassing - 2nd Degree, under North Carolina General Statute 14-159.13.

Bond). The immigration judge, without conducting a full bond hearing and affording Petitioner's available witnesses to testify or taking the Petitioner's testimony, made an alternative finding, that she would have denied bond based on Respondent being a danger to the community because of the trespassing charge that was pending at the time but has since been dismissed.

15. Petitioner's Master Calendar Hearing is scheduled for January 20, 2026.

COUNT ONE
28 U.S.C. § 2241
Violation of Immigration and Nationality Act, 8 U.S.C. §1126

15. Petitioner alleges and incorporates by reference paragraphs ten through fifteen.

16. The INA at 8 U.S.C. §1126, INA §236 confers authority to the IJ to release a noncitizen on a bond of at least \$1500 or on conditional parole when the non-citizen has not committed certain crimes. 8 U.S.C. § 1126(a).

17. The Respondents will keep Petitioner in detention without release on bond presumably under the authority of the Board case *Matter of Yajure Hurtado* in which the agency revised bond requirements by saying that only those persons who entered legally could seek bond. *See Matter of Yajure Hurtado*, at 225. This is a misinterpretation of the law and contrary to a plain reading of the INA. *See Villa v. Normand*, No. 5:25-CV-89, 2025 WL 3095969, at *10 (S.D. Ga. Nov. 4, 2025), report and recommendation adopted, No. 5:25-CV-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025). It is also inconsistent with the Laken Riley Act. *See Villa*, at *9 ("Respondents' proposed construction of § 1225(b)(2) would render this portion of the Laken Riley Act meaningless, since it would have prescribed mandatory detention for noncitizens already subject to it.").

18. This Court and many other courts across the country have held that *Matter of*

Yajure Hurtado is unpersuasive and, accordingly, noncitizens who are situated similarly to Petitioner should be detained under § 1126(a), not § 1225(b)(2), rendering them eligible to request release on bond. *See e.g., Villa*, at *11; *Rojano Gonzalez v. Sterling*, No. 1:25-CV-6080-MHC, 2025 WL 3145764, at *8 (N.D. Ga. Nov. 3, 2025); *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094, at *5 (M.D. Ga. Nov. 1, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514.at *11 (E.D. Cal. Oct. 9, 2025); *Martinez v. Hyde*, 792 F. Supp. 3d 211, 222 (D. Mass. 2025); *see generally e.g., Marin Garcia v. Noem*, No. 1:25-cv-01271-JMB-RSK (W.D. Mich. Oct. 29, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-01774-SEB-MJD, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Singh v. Lewis*, No. 4:25-cv-96-RGJ (W.D. Kent. Sept. 22, 2025).

19. The Seventh Circuit also recently held that DHS is unlikely to “to succeed on their argument that [individuals arrested without warrants] are subject to mandatory detention under § 1225(b)(A)(2)” rather than § 1126(a). *Castanon-Nava v. U.S. Dep’t of Homeland Sec.*, No. 25-3050, 2025 WL 3552514, at *10 (7th Cir. Dec. 11, 2025).

COUNT TWO
28 U.S.C. § 2241
Violation of Fifth Amendment Right to Due Process

19. Petitioner alleges and incorporates by reference paragraphs ten through fifteen.

20. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. CONST. AMEND. V. “[O]nce an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

21. The Due process Clause of the Fifth Amendment to the Constitution forbids such arbitrary and capricious detention without the opportunity to request bond.

22. Petitioner's detention has been unjustly prolonged due to the actions of DHS and DOJ. Petitioner's detention is not reasonably related to a legitimate government purpose, and he should be released on his own recognizance or on the IJ's conditions.

Respectfully submitted,

Dated: January 28, 2026
Chicago, Illinois

/s/ Jennifer L. Churay
Chicago Immigration Advocates Law Offices
Attorneys for Mr. Efren Ortiz Salvador

JENNIFER L. CHURAY

State Bar of Michigan No. P87073, State Bar of Illinois No. 6352278

CHICAGO IMMIGRATION ADVOCATES LAW OFFICES

134 N. LaSalle St.

Suite 1600


Chicago, Illinois 60602

(312) 704-8000, jchuray@cialo.us


From: Lore Mtz
To: Esperanza Villanueva
Subject: Fwd: Immigrant Visa Interview Appointment
Date: Friday, December 26, 2025 9:48:05 AM

Please let me know that you received this email, thank you.

----- Forwarded message -----

From: <National_Visa_Center@state.gov>
Date: Thu, Dec 25, 2025, 8:59 AM
Subject: Immigrant Visa Interview Appointment
To: <

12/25/2025

Case Number: 

ORTIZ SALVADOR, EFREN :

The National Visa Center (NVC) completed processing your immigrant visa case and scheduled your visa interview. Your appointment information is located at the bottom of this email.

Only family members listed below in the **Additional Applicants** section who intend to immigrate at this time must appear at the embassy or consulate general on the appointment date.

Please read and follow all the Interview Preparation Instructions located on the Department of State's web site at: <https://nvc.state.gov/prep>, including important information about the required medical appointment.

You should review the validity of all required police certificates you submitted to NVC. Applicants must get a new police certificate if:

- They turned 16 years old since their case became documentarily complete. Or
- They previously submitted a police certificate, but it has expired or will expire before their interview appointment.

If you need new police certificates, submit them to your Consular Electronic Application Center (CEAC) account at <https://ceac.state.gov/IV>.

- Police certificates are valid for two years from the date of issuance.
- Submitting new documents to CEAC will not make you wait longer for your immigrant visa appointment to be scheduled.

What To Do if You Cannot Keep the Appointment:

To help increase capacity for immigrant visa applicants at U.S. embassies and consulates, we ask that you cancel or reschedule your immigrant visa interview if you cannot keep your appointment.

- To reschedule your interview appointment, please go to the U.S. embassy or consulate interview preparation instructions at <https://nvc.state.gov/prep>.
- Select your interview location from the list and follow the instructions under **Contact Information** on the right.

Reminders:

- Read and follow all interview instructions located at <https://nvc.state.gov/prep>.
- Bring this letter to your medical examination for the doctor to review.
- Your sponsors (petitioner, household members and joint sponsors) may be required to provide updated or more information for you to present at your interview, such as:
 - Other income
 - Assets
 - Proof of current employment
- You submitted documentation to the National Visa Center through the Consular Electronic Application Center (CEAC). You can continue to upload documents to CEAC up until the date of your visa interview. **You must also present all original documents at the time of interview.**
- If you do not follow all the instructions located on the Department of State's website at <https://nvc.state.gov/prep>, your immigrant visa may be refused at the interview.
- Present this letter when you arrive at the embassy or consulate general.

The National Visa Center has completed processing your immigrant visa case. Any further questions should be made to the U.S. embassy, consulate general, or diplomatic mission listed below. When you communicate with them, always state your name and case number exactly as they appear.

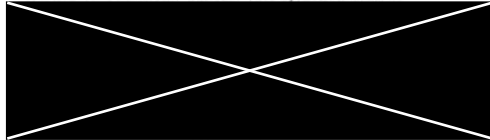
Immigrant Visa Interview Details:

Interview Date/Time: FEBRUARY 10, 2026 at 07:00 AM

Interview Location: CD JUAREZ, MEXICO

NVC Case Number: 

Principal Applicant: ORTIZ SALVADOR, EFREN



Preference Category: IR1-Spouse of United States Citizen

A #: 

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ATLANTA – W. PEACHTREE STREET IMMIGRATION COURT**

In the Matter of:)
)
ORTIZ SALVADOR, Efrén)
)
In Custody Redetermination Proceedings)
)

File No: 

**THE DEPARTMENT OF HOMELAND SECURITY'S
NOTICE OF FILING**

COMES NOW, the Department of Homeland Security (DHS), by and through its undersigned Assistant Chief Counsel and moves to submit the following documents, in support of DHS's position.

DATE: December 29, 2025

Respectfully Submitted,

WILLIAM W BINNICKER Digitally signed by WILLIAM W BINNICKER
Date: 2025.12.29 08:08:01 -05'00'

WILLIAM BINNICKER
Assistant Chief Counsel
U.S. Department of Homeland Security
U.S. Immigrations and Customs Enforcement
Office of the Principal Legal Advisor

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]
Event No: [REDACTED]

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

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]

In the Matter of:

Respondent: EFREN ORTIZ SALVADOR AKA: SALVADOR, See Continuation Page Made a Part Hereof currently residing at:
[REDACTED] [REDACTED]
(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 an unknown place, on an unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer;
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 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:

3262 HIGHWAY 252, FOLKSTON, GEORGIA 31537. D. RAY JAMES DETENTION FACILIT
(Complete Address of Immigration Court, including Room Number, if any)

on December 29, 2025 at 8:30 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

T. KUMMET - SDDO
(Signature and Title of Issuing Officer)

Date: December 7, 2025 Folkston, GA
(City and State)

EOIR - 1 of 4

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 7, 2025, 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.

X. Efran O.A. z Salvador
(Signature of Respondent if Personally Served)

E. 9496 PENSACK - Deportation Officer
(Signature and Title of officer)

EOIR - 2 OF 4

Privacy Act Statement

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.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name ORTIZ SALVADOR, EFREN	File Number [REDACTED]	Date 12/07/2025
---------------------------------------	---------------------------	--------------------

ALSO KNOWN AS

EFREN ORTIZ


THE SERVICE ALLEGES THAT YOU:

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 T. 8186 KUMMET		Title SDDO
-----------------------------	---	---------------



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE IMMIGRATION COURT

Respondent Name:

ORTIZ SALVADOR, EFREN

To:

Varghese, Christine
134 N. Lasalle St
Suite 1600
Chicago, IL 60602

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/30/2025

- Unable to forward - no address provided.
- Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

- Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

- Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.
- Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.
- Other:

Date:



Immigration Judge: BELL, JENNIFER 12/30/2025

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 : ORTIZ SALVADOR, EFREN | A-Number : 

Riders:

Date: 12/30/2025 By: Conyers, Mikayla, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE
IMMIGRATION COURT

Respondent Name:

ORTIZ SALVADOR, EFREN

To:

Varghese, Christine
134 N. Lasalle St
Suite 1600
Chicago, IL 60602

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/30/2025

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

The Court lacks jurisdiction to adjudicate the request for bond redetermination. The court in *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), granted class certification and partial summary judgment for the plaintiffs in that case, but did not issue a class-wide declaratory judgment. Until and unless the *Bautista* court issues a class-wide declaratory judgment or injunction, the *Bautista* court's opinion and partial grant of summary judgment does not constitute a judgment. See, e.g., Fed. R. Civ. P. 54(b) (second sentence). As such, they do not have preclusive effect with respect to other cases. Therefore, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) controls. Under that precedent, the Court finds it lacks jurisdiction to adjudicate the bond redetermination request and therefore makes no ruling on the request itself.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:

In the alternative, the Court would not have granted Respondent bond. He demonstrated he is not a flight risk, but the Court is concerned with pending criminal charges and the resolution of those charges. The Court finds that R is a potential danger to community as alternative findings.



Immigration Judge: BELL, JENNIFER 12/30/2025

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


Appeal Due: 01/29/2026

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 : ORTIZ SALVADOR, EFREN | A-Number : 

Riders:

Date: 12/30/2025 By: Conyers, Mikayla, Court Staff