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

**ALEJANDRO A BELLO-TENORIO** )  
**Petitioner,** )

Case No. '26CV0616 RBM BLM

v. )

**CHRISTOPHER J. LAROSE,** )  
**WARDEN OF OTAY MESA** )  
**DETENTION CENTER; GREGORY J.** )  
**ARCHAMBEAULT, IMMIGRATION** )  
**AND CUSTOMS ENFORCEMENT** )  
**(ICE) SAN DIEGO FIELD OFFICE** )  
**DIRECTOR; TODD M. LYONS,** )  
**ACTING DIRECTOR OF** )  
**IMMIGRATION AND CUSTOMS** )  
**ENFORCEMENT (ICE/ERO); KRISTI** )  
**NOEM, Secretary of the Department of** )  
**Homeland Security; PAMELA BONDI,** )  
**U.S. Attorney General, in their official** )  
**capacities.** )

**PETITION FOR WRIT OF HABEAS  
CORPUS**

**INTRODUCTION**

1. Petitioner, J (Mr. Bello) is a citizen of Nicaragua who Respondents have detained at several detention centers, currently Otay Mesa Detention Center (AKA Otay Mesa) for a total of three (3) months. His continued detention is unlawful due to Respondent's failure to properly interpret and apply the Immigration and Nationality Act (INA) and subsequent

failure to adhere to an article III Judge's order on *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner brings this action to seek release or a bond hearing in accordance with the law.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, incorporating declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A).
4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.
5. Petitioner is a member of the Bond Denial Class, as he:
  - a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about September 24, 2025];
  - b. entered the United States without inspection in 2022 and was not detained immediately after arrival, *cf. id.*; and
  - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
6. Petitioner's detention on September 24, 2025, is also in violation of Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process and Substantive Due Process.

7. The Court should expeditiously grant this petition.
8. Respondents are bound by the judgment in *Rodriguez Vazquez*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Denial Class member.
9. The Court should accordingly order that within one day, Respondent DHS must release Petitioner.
10. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

#### **JURISDICTION**

11. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency with the Department of Homeland Security (DHS). He is detained at the Otay Mesa Detention Center in San Diego, California and is under the direct control of Respondents and their agents.
12. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).
14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

15. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9),(f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

#### VENUE

16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of California, the judicial district in which the Petitioner is currently in custody.
17. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Arizona.

#### PARTIES

18. Petitioner is a citizen of Nicaragua who most recently arrived in the United States on or about May 2022. He has been in custody of the Department of Homeland Security (DHS) since October 21, 2025. Since that time, his case is currently pending before the Board of Immigration Appeals.
19. Christopher J. Larose the Warden of Otay Mesa Detention Center is Petitioner's Immediate Custodian.
20. Gregory J. Archambeault, the Acting Director of the San Diego District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Archambeault is Petitioner's immediate custodian. He is named in his official capacity.

21. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Gregory J Archambeault and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (OHS) 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.
23. 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.
24. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.
25. 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.

**STATEMENT OF FACTS**

26. Petitioner Alejandro Bello Tenorio was processed by Immigration Enforcement Authorities on October 21, 2025, while in the United States and placed in removal proceedings.
27. For several years, Petitioner diligently appeared hearings and made pertinent applications for relief.
28. On October 21, 2025, Petitioner, his son, and three other co-workers were on their way to work when Florida State Troopers conducted a traffic stop and without any real reason contact DHS officers who arrested Petitioner, his son, and two other passengers.

29. Petitioner was transferred to three facilities in Florida, eventually ending up at Alligator Alcatraz.
30. During the month Petitioner was detained at Alligator Alcatraz Petitioner suffered inhuman circumstances. He would not bathe, he lost 15 lbs, he was treated like an animal along with many other detainees. Petitioner was detained and transferred to a local detention center until he was transferred to Otay Mesa Detention Center.
31. On December 16, 2025, the Petitioner requested a Custody Redetermination by the Executive Office of Immigration Review Otay Mesa, wherein the Judge denied bond alleging a lack jurisdiction under Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025). Although the United States District Court for the Central District of California recently granted class certification in Maldonado Bautista v. Noem, No. 5:25 CV-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025).
32. The Court in Maldonado Bautista, subsequently on December 18, 2025, issued a final judgment on the matter. EOIR has continued to deny bond for class members.
33. Immigration Judges have been instructed to follow Matter of Yajure-Hurtado despite the class action.
34. It also appears that Executive Office for Immigration Review (EOIR) and the Department of Justice may have undocumented instructions to undermine federal habeas relief as indicated by the attached declaration of Attorney Jorge E Artieda. The facts stated in this declaration are echoed throughout the AILA immigration attorney community.

**CLAIMS FOR RELIEF**

**Violation fo the INA:**

**First Claim Request for Relief Pursuant to *Maldonado Bautista***

35. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
36. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
37. The orders granting partial summary judgment in Maldonado Bautista makes holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
38. The order granting class certification in Maldonado Bautista further orders that “[w]hen considering this determination with the MJS Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
39. Respondents are parties to Maldona Bautista and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
40. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners’ statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution  
Procedural Due Process**

41. 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.

42. Petitioner has a vested liberty interest in his release from immigration custody. Due Process does not permit the government to strip him of that liberty without a hearing before a neutral adjudicator. See *Morrissey*, 408 U.S. at 487-488.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.  
Constitution  
Substantive Due Process**

43. The Due Process Clause of the Fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

44. Due Process does not permit the government to strip Petitioner of liberty without it being tethered to one of the two constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger.

45. Civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See *Jones*, 393 F.3d at 934.

46. Additionally, during those nearly four years at liberty, Petitioner has been working and taking care of his wife and son. He has not criminal history and thus poses no danger.

47. The government's arrest of Petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;

- b. Issue a writ of habeas corpus requiring that within one day, Respondents **release Petitioner** and return him to the position he was in prior to his detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez  
 Attorney Name

*Counsel for Petitioner*

Dated: 1.30.26

|          |                                     |           |
|----------|-------------------------------------|-----------|
| <u>1</u> | <u>Notice to Appear</u>             | <u>11</u> |
| <u>2</u> | <u>Form I -213</u>                  | <u>13</u> |
| <u>3</u> | <u>Petitioner’s Declaration</u>     | <u>17</u> |
| <u>4</u> | <u>Bond Denial Order</u>            | <u>20</u> |
| <u>5</u> | <u>Declaration of Jorge Artieda</u> | <u>23</u> |

- b. Issue a writ of habeas corpus requiring that within one day, Respondents **release Petitioner** and return him to the position he was in prior to his detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez  
Attorney Name

*Counsel for Petitioner*

Dated: 1.30.26

|          |                                     |    |
|----------|-------------------------------------|----|
|          |                                     |    |
| <b>1</b> | <b>Notice to Appear</b>             | 11 |
| <b>2</b> | <b>Form I-213</b>                   | 13 |
| <b>3</b> | <b>Petitioner's Declaration</b>     | 20 |
| <b>4</b> | <b>Bond Denial Order</b>            | 20 |
| <b>5</b> | <b>Declaration of Jorge Artieda</b> | 23 |

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Alejandro Bello Tenorio, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 30 day of January 2026.

/s/ Lilia Rodriguez  
Attorney Name

# EXHIBIT 1

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

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No: [REDACTED]

In the Matter of:  
Respondent BELLO-TENORIO, Alejandro Antonio currently residing at:

Port Isabel Detention Center, 27991 Buena Vista Blvd, Los Fresnos, TX 78566

(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 Nicaragua and citizen of Nicaragua;
- 3) You entered the United States at an unknown location on or about 5/23/2022;
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
- 5) 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:

Section 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has 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:

Port Isabel Service Processing Center, 27991 Buena Vista Blvd, Los Fresnos, TX 78566

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

on 6/22/2022 at 9:00 to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

Gretta Ziminsky Supervisory Asylum Officer  
(Signature and Title of Issuing Officer) (Sign in Ink)

Date: 6/15/2022

Houston, TX  
(City and State)

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# EXHIBIT 2

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013

U.S. Department of Homeland Security

Subject ID :

Record of Deportable/Inadmissible Alien

|  |  |  |   |   |  |                              |                |
|--|--|--|---|---|--|------------------------------|----------------|
| Family Name (CAPS)<br><b>BELLO TENORIO, ALEJANDRO</b>  |  | First  | Middle  | Sex<br><b>M</b>   | Hair<br>   | Eyes<br>                     | Complexion<br> |
| Country of Citizenship<br><b>NICARAGUA</b>   | Passport Number and Country of Issue<br> | File Number<br>  |   | Height<br>  | Weight<br>   | Occupation<br><b>UNKNOWN</b> |                |
| U.S. Address<br>   |  |  |   | Scars and Marks   |  |                              |                |
| Date, Place, Time, and Manner of Last Entry<br><b>05/23/2022 Unknown Time, DA-Advance Parole-District Authorized</b>   |  |  | Passenger Boarded at  | F.B.I. Number<br>                                       | <input type="checkbox"/> Single<br><input type="checkbox"/> Divorced <input type="checkbox"/> Married<br><input type="checkbox"/> Widower <input type="checkbox"/> Separated |                              |                |
| Number, Street, City, Province (State) and Country of Permanent Residence<br>  |  |  |   | Method of Location/Apprehension<br>                     |  |                              |                |
| Date of Birth<br>  | Age: <b>40</b>                           | Date of Action<br><b>10/22/2025</b>  | Location Code<br><b>ORL/MIA</b>   | At/Near   | Date/Time<br><b>10/22/2025 04:21</b>   |                              |                |
| City, Province (State) and Country of Birth<br><b>NICARAGUA</b>  | AR <input checked="" type="checkbox"/>   | Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> |   | By<br><b>J. 8125 RIVERA</b>                             |  |                              |                |
| NIV Issuing Post and NIV Number  | Social Security Account Name             |  |   | Status at Entry   | Status When Found  |                              |                |
| Date Visa Issued   | Social Security Number                   |  |   | Length of Time Illegally in U.S.                        |  |                              |                |
| Immigration Record<br><b>NEGATIVE</b>  |  |  | Criminal Record   |   |  |                              |                |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)   |  |  |   | Number and Nationality of Minor Children<br><b>None</b> |  |                              |                |
| Father's Name, Nationality, and Address, if known  |  |  | Mother's Present and Maiden Name, Nationality, and Address, if known  |   |  |                              |                |
| Monies Due/Property in U.S. Not in Immediate Possession<br><b>None Claimed</b>   |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No       | Systems Checks<br><b>See Narrative</b>  | Charge Code Words(s)<br><b>See Narrative</b>            |  |                              |                |
| Name and Address of (Last)(Current) U.S. Employer  |  | Type of Employment<br><b>Unemployed or Retired</b>                                       | Salary  | Employed from/to<br><b>Ilr</b>                          |  |                              |                |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |  |   |   |  |                              |                |
| FIN:   | Left Index fingerprint<br>               |  | Right Index fingerprint<br>   |   |  |                              |                |
| Subject Health Status<br>-----<br>The subject claims good health.  |  |  |   |   |  |                              |                |
| Current Administrative Charges<br>-----<br>10/22/2025 - 212a7a1I - IMMIGRANT WITHOUT AN IMMIGRANT VISA   |  |  |   |   |  |                              |                |
| RECORDS CHECKED ... (CONTINUED ON I-831)   |  |  |   |   |  |                              |                |
| Alien has been advised of communication privileges   |  |  | JONATHAN ALVAREZ<br>Deportation Officer<br>(Signature and Title of Immigration Officer)   |   |  |                              |                |
| Distribution:  |  |  | Received: (Subject and Documents) (Report of Interview)<br>Officer: <b>JONATHAN ALVAREZ</b><br>on: <b>October 22, 2025</b> (Date)<br>Disposition: <b>Other</b><br>Examining Officer: <b>AGUILAR, P 9812</b> |   |  |                              |                |

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

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U.S. Department of Homeland Security

Continuation Page for Form I-213

|  |   |                    |
|--|---|--------------------|
| Alien's Name<br>BELLO TENORIO, ALEJANDRO | File Number<br>[REDACTED]<br>Event No: [REDACTED] | Date<br>10/22/2025 |
|--|---|--------------------|

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.

CRIMINAL HISTORY:

#FBI number [REDACTED] revealed no criminal records on file.

HEALTH & HUMANITARIAN:

Subject stated he is in good health.

CUSTODY DETERMINATION: The subject will be held in ICE custody pending proceedings/removal. The non-citizen will be held in ICE custody on no bond.

MINOR CHILDREN IN THE U.S: No.

VALID TRAVEL DOCUMENT IN FILE: No.

LEGAL SERVICES:

Subject was provided with the list for legal services.

U.S. Military Service:

Subject stated that he has never served in any branch of the U.S Military.

KSTEP is Negative.

Other Identifying Numbers

ALIEN- [REDACTED]

|                               |                              |
|-------------------------------|------------------------------|
| Signature<br>JONATHAN ALVAREZ | Title<br>Deportation Officer |
|-------------------------------|------------------------------|

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# EXHIBIT 3

**PETITIONERS DECLARATION REGARDING HARM AND DUE PROCESS VIOLATIONS**

1. My name is Alejandra Bello, I am currently an asylum Applicant.
2. I have been in the United States on May 23, 2022. I came to the United States after fleeing my country.
3. In July 2022, DHS released me on a parole.
4. I requested asylum and went to live in Florida with my wife. There I began working with [REDACTED] and I became a foreman at the welding group. I am a 4G welder.
5. I have been a welder since I was in Nicaragua.
6. On my way to work, with four other employees, including my son, we were pulled over by a state trooper in a concealed vehicle. He was Cuban he called two more state trooper. They surrounded our vehicle. There was a Mexican and a Honduran. A Cuban as well. The Cuban, in the same situation as me, was released. I showed my license and work authorization.
7. I asked why and the officer began looking around he found a crack in the front windshield and told me to give him my documents and if I did not have tickets he would give me a warning. The second state trooper came back and told us to get out of the car.
8. A van showed up and it did not have any identifying information. The people in the van, the driver and copilot, were dressed as civilians.
9. We waited in the van till more people showed up. When there was about 12 people detained they took us to Stewart.
10. The officer at Stewart asked how my case was going; I explained to the officer that I have been to Miramar two years ago and that I was instructed I had no issues I could just keep going to court. The officer said he had to process me under this administration.
11. From Stewart I was taken to Fort Meyers, then to Miramar at about 8pm. All they had given us to eat was a water and sandwich.
12. We spent a day at Miramar then we were taken to Aligator Alcatraz. My son and I were put in cages with 35 people.
13. I was there for a month. My son is still there. In one month I could only shower four times.
14. We could not brush our teeth. The water was boiling hot. We were constantly shackled.
15. At night the guards come through the corridors making noise so we can't sleep. It was like we were dogs. The water we had to use is the swamp water. The cooler that they had for us to drink water was in the restroom. There was no commissary. Our clothes smelled. I lost 15 pounds.
16. I had medical issues but I kept quiet because if you reported something, people were taken and we didn't hear from them again.
17. Then one day I was taken out. I was taken to a plane with others we did not know what was happening.
18. We traveled one week through different states all the way to California. We went through Texas, Arizona, Nevada. We picked up people but had to sleep on the floor or on a bus. We could not shower. All the time, during that trip we ate sandwiches and water.
19. In Nevada the plane malfunctioned and lost cabin pressure. The pilot had to go down 10,000 feet in two minutes. My nose bleed, I felt like my head was going to explode.
20. When we landed there were firefighters and ambulances waiting for us. Many of the people on the plane had to go to the hospital.
21. At Otay Mesa they checked my ear drums and they were swollen. I am now getting headaches all the time.
22. As a welder I was earning \$5,500-\$6000 a month. I was my family's primary income.
23. At home it was my wife, my son and myself. They detained both me and my son.
24. I have been detained since October 2025. My wife can no longer afford our apartment.
25. On December 16, 2025 the Otay Mesa Court denied bond in my case. Even though I am not a dangerous person, and I am not a flight risk.

26. Two months before I was detained we lost a baby.
27. My family and I have complied with everything we have been told to do. But this situation has been too much, and there is no reason for it.
28. Please help us. Please help me return to my family.

The above declaration was dictated and transcribed by Ofelia Secada. The above was read back to Alejandro Bello Tenorio in his native language, Spanish.

Alejandro Bello Tenorio



I state the above is true and correct, under penalty of perjury under the laws of the State of California.

Ofelia Secada

Legal Assistant

The Law Office of Erika Rodriguez

1450 Frazee Rd. Ste 303

San Diego CA 92108

Phone: 619-289-8090

# EXHIBIT 4



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OTAY MESA IMMIGRATION COURT

Respondent Name:

BELLO-TENORIO, ALEJANDRO  
ANTONIO

To:

Rodriguez, Lilia  
Attorney at Law  
1450 Frazee Rd., Ste 303  
San Diego, CA 92108

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/19/2025

**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. The Immigration Judge lacks authority to hear the respondent's request for a bond. Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

The record reflects that the Respondent last entered the U.S., on or about May 23, 2022, without admission or inspection. See, Exhibit #5, Respondent's I-213, Record of Deportable Aline and Notice to Appear (NTA).

- Granted. It is ordered that Respondent be:
  - released from custody on his own recognizance.
  - released from custody under bond of \$
  - other:
  
- Other:



Immigration Judge: Penalosa Jr., Jose 12/19/2025

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

Appeal Due:01/20/2026

**Certificate of Service**

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Respondent Name : BELLO-TENORIO, ALEJANDRO ANTONIO | A-Number : 

Riders:

Date: 12/19/2025 By: Martin, Jennifer, Court Staff

# EXHIBIT 5

## **DECLARATION OF JORGE E. ARTIEDA**

I, Jorge E. Artieda, declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

### **I. PROFESSIONAL BACKGROUND AND QUALIFICATIONS**

1. I am an attorney licensed to practice law in the Commonwealth of Virginia and am admitted to practice before the United States District Courts for the Eastern and Western Districts of Virginia.

2. I have over two decades of experience in immigration law and federal law enforcement, including:

- a. Service as a prosecutor in New York City;
- b. Service as legal counsel to Immigration and Customs Enforcement (ICE) Headquarters in Washington, D.C.;
- c. Service as Assistant Chief Counsel for ICE in Virginia;
- d. Service as a Special Assistant United States Attorney in Virginia; and
- e. For the past decade, private practice as an immigration attorney specializing in detention and removal defense, including routine representation of detained individuals in bond proceedings before Immigration Judges in the Eastern District of Virginia.

3. I am proud of my years of service as a government attorney. My time working within the City of New York, Immigration and Customs Enforcement, and as a federal prosecutor was among the most meaningful work of my career. I remain grateful for the opportunity to have served the public in those capacities and continue to hold deep respect for the dedicated public servants who work within these institutions to faithfully administer our immigration laws.

4. Based on this extensive experience on both sides of immigration enforcement and litigation, I am intimately familiar with the standards, practices, and norms governing bond determinations in immigration proceedings in this district.

### **II. PURPOSE OF THIS DECLARATION**

5. I submit this declaration to provide the Court with direct, firsthand observations of a dramatic and systematic change in bond hearing outcomes that have occurred over the past three weeks in immigration proceedings in Virginia and Maryland, particularly before Immigration Judges assigned to the detained docket.

6. This declaration is based on: (a) my personal observations of bond hearings I have attended; (b) my review of written bond decisions issued to clients; (c) communications with numerous immigration attorneys practicing in this district; and (d) my professional knowledge of historical bond practices in this jurisdiction spanning more than a decade.

7. I authorize any attorney representing detained individuals in habeas corpus proceedings or emergency motions for immediate release to use and file this declaration in support of their clients' cases.

### **III. THE SEISMIC SHIFT: SYSTEMATIC DENIAL OF BOND IN POST-HABEAS CASES**

8. Beginning in or around the first week of January 2026, I began observing what can only be described as a seismic shift in bond hearing outcomes for individuals who had been granted federal habeas relief and ordered § 1226(a) bond hearings by this Court and other judges in the Eastern District of Virginia.

9. Prior to this shift, while bond amounts had increased in recent months, bond was *routinely granted* in post-habeas cases where individuals demonstrated: (a) lack of significant criminal history; (b) strong family ties in the United States; (c) lengthy residence in the country; (d) viable claims for relief from removal; and (e) community support including stable housing and employment prospects.

10. Beginning approximately three weeks ago, this pattern *abruptly and uniformly ceased*. In numerous cases I have personally observed or learned about from colleagues, Immigration Judges have denied bond in circumstances that, weeks earlier, would have resulted in bond being set.

11. In my professional observation, the consistency, timing, and uniformity of these denials cannot be readily explained by coincidence, changes in individual case facts, or independent judicial decision-making. The pattern appears systematic and suggests coordinated institutional direction.

### **IV. THE REASSIGNMENT OF IMMIGRATION JUDGES CHOI AND DONOSO-STEVENSON**

12. What I believe to be compelling evidence of possible institutional coordination occurred in early January 2026, when two Immigration Judges who had been assigned to the Annandale detained docket for years—Immigration Judge Raphael Choi and Immigration Judge Karen Donoso-Stevens—were abruptly reassigned to the non-detained docket.

13. Prior to their reassignment from the detained docket, these judges were conducting what appeared to be meaningful individualized bond assessments in

post-habeas cases. They were granting bond in appropriate cases and, critically, had begun questioning—*on the record*—the government's blanket detention positions and the Department of Justice's insistence on maintaining detention under circumstances that appeared not to justify continued custody.

**14.** The timing and circumstances of their reassignment are, in my view, extraordinary. Judges who appeared to be fulfilling their duty to conduct individualized bond assessments and who were openly questioning government positions were removed from the very docket where such assessments are most critical.

**15.** Since their reassignment, the Immigration Judges who replaced them on the detained docket have, based on my observations, *systematically denied bond* in post-habeas cases. This pattern suggests that the reassignment may not have been administrative happenstance but rather a deliberate effort to ensure predetermined outcomes—continued detention—regardless of individual circumstances.

#### **V. PRETEXTUAL AND LEGALLY INSUFFICIENT RATIONALES FOR DENYING BOND**

**16.** Over the past three weeks, Immigration Judges have, in my observation, relied on a remarkably narrow and predictable set of rationales to deny bond—rationales that appear to bear little relationship to genuine individualized risk assessment and that would not have been deemed sufficient to justify denial just weeks earlier.

**17.** These rationales, which I believe to be pretextual, include but are not limited to:

- a. Treating the absence of a financial sponsor as dispositive of flight risk, even when other equities (family ties, length of residence, employment history, community support) overwhelmingly favor release;
- b. Finding that a sponsor who is not a *financial* sponsor is insufficient, despite no legal requirement that sponsors provide financial guarantees;
- c. Treating the fact that an individual did not seek relief from removal until after being detained as evidence of lack of intent to comply with immigration proceedings;
- d. Finding that applications for relief under INA § 240A(b) (cancellation of removal) are "speculative" and therefore do not mitigate flight risk, despite the fact that all immigration relief applications involve some degree of uncertainty and merit assessment;

- e. Characterizing unlawful entry into the United States—*by itself*—as establishing flight risk, a rationale that would render bond impossible for the vast majority of detained individuals;
- f. Treating the accumulation of unlawful presence (which is a civil violation, not a crime) as evidence of danger or disregard for the law;
- g. Finding that unauthorized employment—a status violation shared by millions of undocumented immigrants—constitutes a significant negative factor warranting denial of bond;
- h. Treating minor discrepancies in addresses listed on various documents as evidence of "deceitfulness," even when such discrepancies are readily explained and do not reflect any intent to mislead;
- i. Questioning the accuracy of tax returns and suggesting "underreporting" based on subjective assessments of lifestyle (such as photographs showing children at Disneyland or a respondent in a vehicle), without any actual evidence of fraud or misrepresentation;
- j. Imposing on respondents the burden of proving that they *will* appear for future court proceedings—an impossible burden that requires proving a negative—even though many respondents have never failed to appear for any prior proceeding because *they have never been required to appear* until being placed in removal proceedings; and
- k. Dismissing applications for cancellation of removal as "pro forma" when they have not been fully completed or developed, even though detained individuals often lack access to the resources and legal support necessary to perfect such applications while in custody.

**18.** In my professional assessment, these rationales do not appear to be grounded in legitimate risk assessment. They appear to be pretexts designed to ensure denial of bond regardless of the individual facts of each case.

**19.** The rationales being employed to deny bond appear to depart significantly from the standards articulated in BIA precedent governing bond determinations.

**20.** The rationales I have observed over the past three weeks—treating unlawful entry alone as establishing flight risk, dismissing relief applications as inherently "speculative," requiring financial sponsorship as a prerequisite, and treating any immigration violation as dispositive—appear to represent a departure from these precedential standards. BIA case law requires that Immigration Judges consider the *specific circumstances* of each case and weigh multiple factors in reaching bond

determinations. The systematic application of categorical exclusions based on status violations common to the detained population does not appear consistent with the individualized, fact-specific analysis that BIA precedent mandates.

**VI. OBSERVATIONS FROM JANUARY 14 and JANUARY 28, 2026, DETENTION DOCKET**

**21.** On January 14 and January 28, 2026, I personally observed bond hearings before Immigration Judge Gardey at the Annandale Immigration Court. What I witnessed confirmed the systematic pattern of denial that has emerged over the past three weeks.

**22.** Multiple cases that would have resulted in bond being set just weeks earlier were denied. The denials were based on the same rationales I have described above: lack of financial sponsors, unauthorized work, the "speculative" nature of relief applications, and immigration violations that are endemic to the detained population.

**23.** In each instance I observed, the Immigration Judge appeared to apply factors that, if consistently applied, would make bond impossible for virtually any detained individual in removal proceedings. There did not appear to be meaningful individualized assessment. The hearings appeared to be perfunctory exercises designed to create a veneer of due process while ensuring predetermined outcomes.

**24.** The cases I observed on the above dates, involved individuals with no criminal history, or only minor criminal history unrelated to violence or flight. These individuals had family members present in court, stable housing, employment prospects, and pending applications for relief. Under the standards that prevailed in this district for years—and indeed, as recently as three weeks ago—these individuals would have been granted bond.

**VII. CORROBORATION FROM THE IMMIGRATION LEGAL COMMUNITY**

**25.** My observations are not isolated. In recent weeks, I have communicated with numerous immigration attorneys practicing all over the United States who handle detention cases. These conversations have confirmed that the pattern I have observed is widespread and consistent.

**26.** Colleagues have reported the same experience: clients who were granted federal habeas relief and ordered § 1226(a) bond hearings are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier.

**27.** These attorneys have described bond hearings as appearing to be "pro forma" exercises where the outcome seems predetermined. Meaningful individualized

review appears to have been replaced by boilerplate language and cookie-cutter denials.

**28.** The consistency of these reports across multiple practitioners, representing different clients before different Immigration Judges, suggests that this is not a matter of individual judicial discretion or case-specific circumstances. It appears to be a coordinated institutional effort.

### **VIII. PROFESSIONAL ASSESSMENT AND CONCLUSION**

**29.** Based on my two decades of experience in immigration law, including my service within the ICE, the pattern of events over the past three weeks—the abrupt reassignment of judges who were granting bond and questioning government positions, the immediate and uniform shift to systematic denial of bond, and the reliance on a narrow set of rationales across multiple judges and cases—suggests what appears to be a coordinated effort by the Executive Office for Immigration Review (EOIR) and the Department of Justice to undermine federal habeas relief.

**30.** In my professional judgment, this apparent coordination is the most plausible explanation for what I and my colleagues have observed. Independent adjudication does not typically produce this level of uniformity in outcome and reasoning across multiple judges and cases in such a compressed timeframe.

**31.** The bond hearings being provided to individuals who have been granted federal habeas relief do not appear to be genuine adjudications. They appear to be illusory remedies—proceedings designed to create the appearance of due process while ensuring that individuals remain detained indefinitely.

**32.** What I have witnessed over the past three weeks appears to be a systematic effort to nullify the constitutional protections that federal courts have recognized and enforced through habeas corpus. It appears to be a deliberate campaign to render meaningless the bond hearings that this Court and others have ordered.

**33.** I am profoundly concerned by what I have witnessed. As an attorney who has dedicated my career to the fair administration of immigration law—having served both as a government attorney enforcing those laws and as a private practitioner defending individuals subject to them—I find what appears to be a coordinated effort to undermine judicial authority and deny due process to be deeply troubling and inconsistent with the values I learned and embraced during my years of public service.

**34.** The individuals affected by this systematic denial of bond are not abstractions. They are human beings with families, with children, with jobs, with lives in this country. They have been found by federal courts to be entitled to bond hearings.

They are now being denied those hearings in any meaningful sense, held in detention not because they pose a danger or a flight risk, but because, in my observation, the Executive Branch appears to have decided to circumvent federal court orders through institutional means.

**35.** I submit this declaration in the hope that it will assist courts in understanding the reality of what appears to be occurring in immigration proceedings in this district and in ensuring that the constitutional right to habeas corpus is not rendered meaningless.

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

Executed this 28th day of January 2026, in Arlington, Virginia.



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