MUSA-OBREGON LAW P.C.

ATTORNEYS AND COUNSELORS AT LAW

S. MICHAEL MUSA-OBREGON, ESQ.
PETER KAPITONOV, ESQ. * admitted in NY/NJ
KARL J. ASHANTI, ESQ.
SAMI EL CHERIF, ESQ.

MASPETH OFFICE*
55-21 69TH ST., 2nd FL
MASPETH, N.Y. 11378
TEL (718) 803-1000

WHITE PLAINS OFFICE
140 GRAND STREET, STE. 307
WHITE PLAINS, N.Y. 10601
TEL (914) 380-1436

By ECF

February 9, 2026

The Honorable Ramon E Reyes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mas Guachaj v. Genalo, No. 26-cv-598 (RER)

Dear Judge Reyes:

After having an opportunity to investigate the Respondents' assertions, I write on behalf of Petitioner, MAS GUARCHAJ, to respectfully request that the Court schedule a limited evidentiary hearing on a future date. We request that Respondents' produce the Petitioner and the officers who executed and signed the arrest documentation underlying Petitioner's detention, together with the production of contemporaneous video evidence of the encounter.
We note from the outset that Petitioner asserted that he was approached by ICE agents asking him to identify the picture of another wanted person, *see ECF ¶9*, which is inconsistent with the narrative asserted in the Respondents' production.

The Government's jurisdictional and merits defense rests almost entirely on the narrative contained in the Form I-213 dated February 2, 2026. *See ECF 11, I-213, p 2.* That document asserts that the "New York Fugitive Operations Team" conducted a field operation "attempting to locate and arrest MAS GUARCHAJ … pursuant to a Warrant of Removal/Deportation (Form I-205)" and that officers approached him outside 2053 78th Street, Brooklyn, after observing him exit the target address. I-213. It further states that identity was confirmed through questioning and self-admission. I-213.

The I-213 identifies the following arresting agents:
- Deportation Officer **Gilbert J. Beriso** (G05931), who signed the I-213;
- Officer **Guzman** (E12827);
- Officer **Maldonado** (7703);
- Officer **Patino** (05565). I-213

These officers are the only witnesses to the asserted "targeted" operation. Petitioner squarely contests the factual premise of the I-213. He will testify that officers did not approach him pursuant to a pre-existing effort to execute a warrant at his residence. Rather, they stopped him without prior knowledge of his identity, displayed photographs of another individual (believed to be a neighbor), questioned him about that person, photographed him, and only thereafter ran his image through law-enforcement databases.

Petitioner believes that any purported warrant match occurred only after this investigative detention had already begun. He further contends that the operation was not directed at him but consisted of stopping Hispanic individuals in the vicinity and then attempting to identify them post-hoc.

Where the Government's justification for seizure rests on a contested factual narrative, habeas courts possess authority under 28 U.S.C. §§ 2243 and 2246 to "summarily hear and determine the facts" and to receive evidence by oral testimony. This Court is not confined to the four corners of an I-213 when its veracity is directly challenged. The legality of the initial seizure—whether it was executed pursuant to a valid warrant and based on prior knowledge of identity, or instead followed an investigatory stop unsupported by individualized suspicion—is central to the constitutional inquiry under the Fourth and Fifth Amendments.

The Respondents' letter brief states that the petitioner "was arrested during an ICE field operation," but notably does not say anything about a targeted operation where they went specifically to arrest the Petitioner. It also says that "at the time of his arrest, he was served with a warrant for removal, which notified him he was subject to removal." He "was also served with A Warning for Failure to Depart." Clearly, the implication is that the officers possessed a Warrant of Arrest and a Warning for Failure to Depart while arresting him on the street in Brooklyn and served him with those documents, which seems highly unlikely and inconsistent with ICE's everyday practice. Petitioner diametrically contradicts that assertion.

Accordingly, Petitioner respectfully requests that the Court:

1. Order the appearance and testimony of Deportation Officer Gilbert J. Beriso and Officers Guzman, Maldonado, and Patino regarding:
   (a) the purpose of their presence at [redacted] on February 2, 2026, and protocol documents specifying their assignment that day.
   (b) whether they possessed a physical or electronic I-205 warrant at the time of initial contact;
   (c) how they identified Petitioner as the subject of that warrant;
   (d) whether facial recognition or database queries were conducted before or after the stop; and
   (e) whether any other individuals were stopped or questioned during the operation;
2. Permit Petitioner to testify regarding the circumstances of the stop, the photographs shown to him, and the sequence of events preceding database checks;
3. Direct Respondents to produce all body-worn camera footage, vehicle dash-camera footage, surveillance footage, database query logs, facial-recognition query records, and dispatch communications relating to the encounter; and

4. Produce the actual Form I-205 Warrant of Removal/Deportation referenced in the I-213, including metadata reflecting time of access and execution.

Because the Government's asserted authority for detention depends on the factual accuracy of the I-213 narrative, and because Petitioner presents specific, material contradictions to that account, an evidentiary hearing is necessary to resolve disputed issues of fact central to the legality of his seizure and ongoing detention. We also note that Respondents have produced no Declaration from any DHS or ICE officer r explaining the basis of the Pettioner' detention.

We respectfully request that the Court schedule such a hearing at the earliest practicable date.

If the Court is inclined to grant this request, we respectfully ask that this matter be adjourned from tomorrow to another immediate date in the interest of judicial economy, or in the alternative, be converted to a virtual hearing for tomorrow. I am undergoing an illness, which makes it very difficult for me to travel tomorrow.

Respectfully submitted,

/s/ S. Michael Musa-Obregon

S. Michael Musa-Obregon
Musa-Obregon Law, PC
On behalf of Petitioner