

Ashley Rachel Beard
BAR No. 413747
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

ELSER ALEXANDER ESQUIVEL PEREZ)
)
 Petitioner,)
)
 v.)
)
 The Warden of the Folkston Detention Center;)
 DAN JONES, Assistant Field Office Director of)
 Atlanta Field Office, TODD LYONS, in his)
 Official capacity as Acting Director of)
 U.S. Immigration and Customs Enforcement;)
 KRISTI NOEM, Secretary of the U.S. Department)
 of Homeland Security; and PAM BONDI,)
 Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
 _____)

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS AND
REQUEST FOR
DECLARATORY RELIEF**

INTRODUCTION

1. Petitioner, Elser Alexander Esquivel Perez, brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in physical custody of Respondents at the Folkston Processing Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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 a declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending 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). *Maldonado Bautista*, 2025 WL 3289861, at *11.

4. On December 18, 2025, the U.S. District Court for the Central District of California entered a final judgment in *Maldonado Bautista*. The final judgment declared class members' detention authority and rights and vacated the federal policy that was being used to deny bond hearings nationwide. The final judgment accomplished four core things:

- i. Declared the class is detained under INA § 236(a) (8 U.S.C. § 1226(a))—not INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), meaning the class can be considered for bond eligibility under § 1226(a) and is not subject to mandatory detention under § 1225(b)(2).

- ii. Declared class members are entitled to bond consideration and—if not released by ICE—a custody redetermination (bond) hearing before an immigration judge.
- iii. Vacated DHS’s July 8, 2025 “Interim Guidance Regarding Detention Authority for Applicants for Admission” under the APA as unlawful.
- iv. Entered final judgment on key claims in the Amended Class Complaint and certified them for appeal under Rule 54(b). In other words, the government can appeal, and the litigation may continue—but this judgment is a final, appealable ruling on the central bond-eligibility issue for the class—and therefore binding unless overturned by a higher court.

5. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

6. Petitioner, Elser Alexander Esquivel Perez is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Folkston Processing Center. He was apprehended by immigration authorities on September 18, 2025;
- b. entered the United States on July 9, 2021, when he was 20, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. On July 9, 2021, the DHS placed him in removal proceedings. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) and (a)(7)(A)(i)(I) as someone who entered the United States without being admitted or paroled.

8. The Court should expeditiously grant this petition.

9. Respondents are bound by the judgment in *Maldonado Bautista*, 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 Eligible Class member.

10. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

11. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

12. 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

13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Folkston Processing Center.

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

15. 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.

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 Georgia, the judicial district in which Petitioner currently is detained.

17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Georgia.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

19. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

20. Mr. Elser Alexander Esquivel Perez (“Mr. Esquivel Perez”) is currently detained by Respondents in the Folkston Detention Center.

21. The Warden of Folkston Detention Center is not disclosed online. The person responsible for said institution, where Mr. Esquivel Perez is currently detained under the authority of ICE, has direct control over his physical custody. They are sued in their official capacity.

22. Respondent Dan Jones is the acting Director of ICE’s Atlanta Field Office, which has jurisdiction over ICE detention facilities in Georgia, including Folkston Detention Center, and thus is Mr. Esquivel Perez’s immediate custodian. He is sued in his official capacity.

23. Respondent Todd Lyons is the acting Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Esquivel Perez. He is sued in his official capacity.

24. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of DHS, and the implementation and enforcement of the immigration laws. As such, Mrs. Noem is the ultimate legal custodian of Mr. Esquivel Perez. She is sued in his official capacity.

25. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the BIA and the Immigration Courts. Mrs. Bondi shares responsibility for the implementation and enforcement of the

immigration laws with Respondent Noem. Mrs. Bondi is a legal custodian of Mr. Esquivel Perez. She is sued in his official capacity.


PROCEDURAL HISTORY

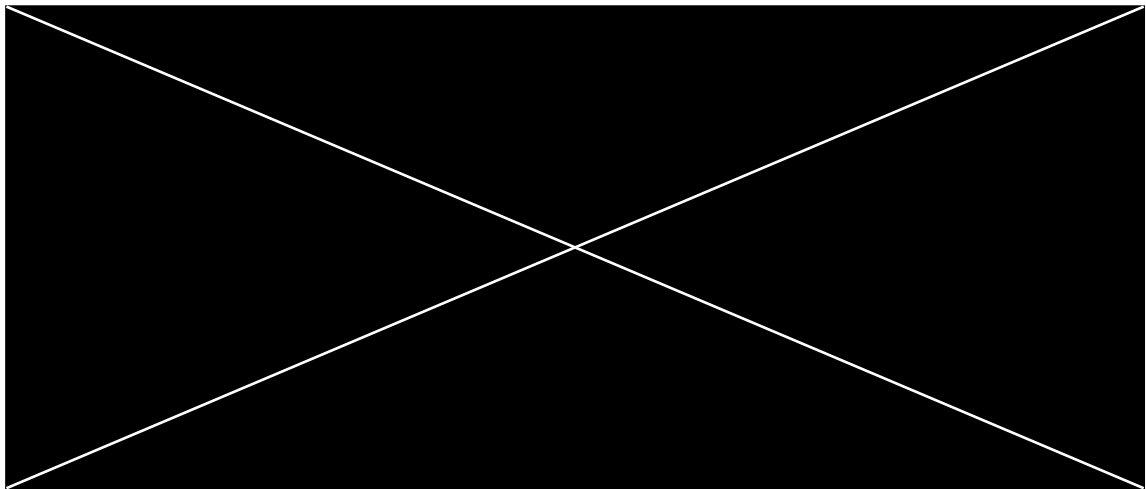
26. Petitioner, Elser Alexander Esquivel Perez ([REDACTED]), originally from Guatemala, has been imprisoned in U.S. Immigration and Customs Enforcement (“ICE”) custody since September 18, 2025. He was placed in removal proceedings after the U.S. Department of Homeland Security (“DHS”) issued a Form I-862, Notice to Appear (“NTA”), when he first arrived in the U.S., on July 9, 2021.
27. On August 18, 2022, Mr. Esquivel Perez filed for I-589, Application for Asylum and Withholding of Removal, under the Torture Convention and his Membership in a particular social group. More specifically, Mr. Esquivel Perez is seeking protection from the threats and discrimination he suffered in his hometown, in Guatemala, due to [REDACTED]
[REDACTED]
28. On March 23, 2025, Mr. Esquivel Perez was detained in Jasper County, which resulted in his detention until he was transferred into ICE’s custody almost six months later. However, the charges against him were dismissed, as the defendant was found not guilty on September 17, 2025. He, therefore, has no criminal history.
29. On December 9, 2025, the Petitioner’s case was set down for an Individual Hearing on January 27, 2026 at 1:00 p.m. before the Lumpkin Immigration Court, in Lumpkin, GA.
30. On December 31, 2025, DHS filed a Motion to Pretermitt.
31. On January 20, 2026, the Petitioner filed evidence supporting his pending Form I-589 and a witness list.

32. On January 27, 2026, the Petitioner filed two reply motions to DHS' Motion to Pretermit. On the same date, the case was reset for a Master Calendar Hearing on February 19, 2026, at 8:30 AM for DHS to review and respond to the reply motions.
33. On December 5, 2025, a Motion for Custody Redetermination Hearing was filed on Mr. Esquivel Perez's behalf, and the case was set down for a hearing on December 18, 2025, at 10:00 a.m. before the Lumpkin Immigration Court. However, counsel withdrew the request on December 15, 2025 after receiving notice of decisions from the same court, citing a lack of jurisdiction.
34. On December 18, 2025, counsel filed a subsequent Motion for Custody Redetermination Hearing, and the matter was set down for a hearing on December 30, 2025, at 9:30 a.m. before the Lumpkin Immigration Court. On December 30, 2025, the Immigration Judge denied Mr. Esquivel Perez's bond because:
- “Lack of jurisdiction: See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
35. On December 30, 2025, a Parole request was filed before the Deportation officer, showing that he has no intention of fleeing from federal authorities if he is released from detention before the resolution of his Custody proceedings. He is dependent on his mother due to his disability, has no history of flight, has a family and fixed address, and is not a threat to national security. However, as of today, no decision has been made on this request, despite repeated follow-ups by this attorney.
36. Mr. Esquivel Perez poses no danger to the community and no risk of flight. He has no criminal records in the United States, Guatemala or anywhere else.

37. Additionally, his good character and amicable personality are praised by friends and members of the community. He has not had access to higher education or special education. However, he has worked in multiple construction jobs. *Id.* People who know him support his application as he is a humble and friendly person. They acknowledge that he needs his mother's support in daily life tasks and that being incarcerated affects him deeply.
38. Furthermore, Mr. Esquivel Perez discovered a tumor in his head. After he went to work with a friend and fell, he ended up cutting himself on the neck. As a result of the bleeding, he was taken to the hospital to have it stitched up. The doctor at this time detected a brain tumor and told him to keep checking it. By being detained, the Petitioner has been unable to continue monitoring or treating the tumor.
39. His continued detention serves no legitimate governmental interest and instead inflicts extreme and unnecessary hardship on himself and his family while undermining fundamental due process protections. Habeas relief is therefore warranted.
40. Mr. Esquivel Perez challenges his prolonged detention as a violation of the Immigration and Nationality Act and the Due Process Clause of the U.S. Constitution. He respectfully requests that this Court order Respondents to show cause why the writ should not be granted within three days and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243, and grant him a Writ of Habeas Corpus, ordering Respondents to release him or provide him with an individualized bond hearing before an Immigration Judge.

STATEMENT OF FACTS

41. Petitioner, Elser Alexander Esquivel Perez, is a twenty-five (25) year old native and citizen of Guatemala, who entered the United States in 2021, when he was twenty (20). Mr. Esquivel Perez fled Guatemala due to the extreme hardship he endured most of his life. He was born in the countryside of Guatemala, in Camotán, and as 



42. After arriving in the United States, Mr. Esquivel Perez has lived a quiet, hardworking, and peaceful life. He has consistently demonstrated himself to be a responsible family man. He was able to find work through his mother, who has assisted him with communicating with other people in the community. Despite the limitations, the Petitioner is a persevering man, and his detention has represented a great burden on him. Being isolated from the external world and the few people who understand him has been harming Mr. Esquivel Perez mentally and emotionally.

43. Mr. Esquivel Perez's Form I-589 is still pending. Due to a lack of jurisdiction, he has been unable to hold a Custody Redetermination Hearing and has yet to receive a response to his Parole Request.

44. Consequently, Mr. Esquivel Perez is still detained in Folkston Detention Center, where he has been locked up for the past 5 (five) months. His continued detention is neither necessary nor justified, particularly considering that he is a person with disabilities, which makes him more vulnerable. Courts routinely recognize that continued detention is unjustified where a noncitizen presents a viable path to relief and detention no longer serves a legitimate governmental purpose.
45. Moreover, Mr. Esquivel Perez presents no danger to the community and poses no flight risk. He has lived in the United States for almost 5 (five) years, with no criminal record, maintained lawful employment, and has deep family and community ties. He depends on his family for daily assistance, medical care, and emotional support, plus he would suffer severe hardship if returned to Guatemala. These ties strongly incentivize compliance with all future immigration proceedings and weigh heavily in favor of release.
46. The government's interest in detention is particularly weak in this case. Detention is intended to ensure appearance at proceedings or protect public safety, neither of which is implicated here. Continued detention instead serves only to exacerbate the severe hardship for his family and to undermine fundamental due process protections. Where detention no longer bears a reasonable relationship with its purported purposes, it becomes punitive and constitutionally impermissible.
47. The Petitioner has a Master Hearing scheduled for February 19, 2026, at 8:30 am.
48. Under these circumstances, continued detention is arbitrary and excessive. Release under appropriate conditions would fully satisfy any legitimate governmental interest while preventing the ongoing and irreparable harm to Mr. Esquivel Perez.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

50. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

51. The final in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

52. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

53. Respondents are parties to *Maldonado Bautista* and bound by the Court’s final order, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

54. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays 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;
- 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 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.

Dated: February 9, 2026

Respectfully submitted,

/s/ Ashley Beard

Ashley Beard, Esq.
The Beard Law Group.
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Bluffton, SC 29910
(843) 707-7272
ashley@beard-law.com

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1. Copy of EROP.

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

DOB: [REDACTED]

Event No: [REDACTED]

Respondent:

ELSER ALEXANDER ESQUIVEL-PEREZ

currently residing at:

209 W HACKBERRY AVE MCALLEN, TEXAS, 78501-2550

+1 (956)-328-6300

(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 GUATEMALA and a citizen of GUATEMALA ;
3. 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;

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)(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.

- 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:

2009 West Jefferson Avenue, Suite 300 Harlingen TX US 78550

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

on a date to be set at a time to be to show why you should not be removed from the United States based on the charge(s) set forth above.

charge(s) set forth above.

EDWARD SANCHEZ

ACTING PATROL AGENT IN CHARGE

Signature and Title of Issuing Officer (Sign in ink)

Date: July 09, 2021

Weslaco, Texas

(City and State)

JUL 10 2021
 11:05 AM
 ICE
 JUSTICE

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Allen 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) (Sign in ink)

BORDER PATROL AGENT

Date: 07/09/2021

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 09, 2021, 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.

(Signature of Respondent if Personally Served) (Sign in ink)

JASON BURRELL, BORDER PATROL AGENT

(Signature and Title of officer) (Sign in ink)

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/doi-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.

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2009 W. JEFFERSON AVE, STE 300
HARLINGEN, TX 78550

RE: ESQUIVEL-PEREZ, ELSER ALEXANDER

FILE: 

DATE: Sep 10, 2021

TO:

ESQUIVEL-PEREZ, ELSER ALEXANDER



Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jan 17, 2023 at 09:00 A.M. at:

2009 W. JEFFERSON AVE, Courtroom #2
HARLINGEN, TX 78550

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b) (5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT HARLINGEN, TX THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE ELECTRONIC SERVICE
TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP DHS
DATE: 09/10/2021 BY: COURT STAFF MARISOL V3
Attachments: EOIR-33 APPEAL PACKET Legal Services List

USDOJ-EOIR-IMMIG. COURT
HARLINGEN, TEXAS

SEP 17 2021

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2009 W. JEFFERSON AVE, STE 300
HARLINGEN, TX 78550

RETURNED MAIL

RE: ESQUIVEL-PEREZ, ELSER ALEXANDER

FILE: 

DATE: Sep 10, 2021

TO:

ESQUIVEL PEREZ, ELSER ALEXANDER


Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jan 17, 2023 at 09:00 A.M. at:

2009 W. JEFFERSON AVE, Courtroom #2
HARLINGEN, TX 78550

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TO: [M] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [P] DHS
DATE: 09/10/2021 BY: COURT STAFF MARISOL
Attachments: [M]EOIR-33 [M]APPEAL PACKET [M]Legal Services List

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