

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-01393

WALTER ACUNA CRUZ,

Petitioner,

v.

**DECLARATION OF
DEPORTATION OFFICER
WILLIAM J. ROBINSON**

KRISTI NOEM et al.,

I, William J. Robinson, Deportation Officer, United States Immigration and Customs Enforcement (“ICE”), Department of Homeland Security, for his declaration under 28 U. S. C. § 1746 hereby states as follows:

1. The following declaration is based on a review of the Plaintiff’s alien file, records, and databases maintained by ICE, other documents and physical evidence relevant to the Plaintiff, and information conveyed to me by other law enforcement officials.

2. I am currently employed as a Deportation Officer for the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). I have been employed with ICE since September 8, 2008. I began my career as an Immigration Enforcement Agent. On September 20, 2015, I was promoted to Deportation Officer, my current position.

3. As a Deportation Officer, my assigned duties are to identify, locate, and arrest aliens illegally present in the United States. Additionally, I am charged with the responsibility of overseeing the cases of aliens in removal proceedings. These duties include the review of alien files for sufficiency, the detention and release of aliens in ICE

custody, monitoring the progress of cases through the hearing process, and enforcement of the immigration court's decision, including the execution of removal orders. I am also responsible for presenting criminal immigration cases to the United States Attorney's Office for possible criminal prosecution.

4. Walter Acuna Cruz (Hereinafter referred to as "ACUNA CRUZ") is a citizen and national of Guatemala. ACUNA CRUZ entered the United States at an unknown location on an unknown date without inspection or parole.

5. On June 11, 2023, the Sioux Falls Police Department, Minnehaha County, South Dakota (SD) arrested and charged ACUNA CRUZ for driving under the influence (DUI) (SDCL 32-23-1(1)). On October 18, 2023, the Second Judicial Circuit Court of SD convicted ACUNA CRUZ of DUI (SDCL 32-23-1(1) and SDCL 32-23-2) and sentenced him to 180 days jail, however the sentence was suspended by the court.

6. On April 10, 2024, South Dakota Highway Patrol in Minnehaha County, South Dakota (SD) arrested and charged ACUNA CRUZ for driving under the influence 2nd (DUI) (SDCL 32-23-1(1)), reckless driving (SDCL 32-24-1) and purchase, possession, or consumption of alcoholic beverage under 21 years (SDCL 35-9-2), among other charges. These charges are without disposition.

7. On June 23, 2024, ICE officers encountered ACUNA CRUZ at the Minnehaha County Jail during routine ICE Criminal Apprehension Program (CAP) operations. Officers conducted records checks in Department of Homeland Security (DHS) databases, yielding negative results. Records checks were then conducted through DHS

indices which yielded positive results, showing ACUNA CRUZ to be a citizen and national of Guatemala who entered the United States illegally.

8. On June 24, 2024, a Warrant for Arrest of Alien (I-200) was issued. ICE arrested ACUNA CRUZ after his release from the custody of Minnehaha County Jail. ACUNA CRUZ was transported to the ICE office in Sioux Falls, SD for processing. ICE issued ACUNA CRUZ a Notice to Appear (Form I-862), charging him under § 212(a)(6)(A)(i) of the INA, as amended, for being 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.

9. On June 24, 2025, an Immigration Officer made an initial determination that ACUNA CRUZ is ineligible for bond.

10. On June 25, 2024, ACUNA CRUZ filed his first motion seeking bond redetermination, which was deemed withdrawn by the immigration judge (IJ) at Fort Snelling, MN at a bond hearing held on July 11, 2024.

11. On August 14, 2024, ACUNA CRUZ, through counsel, admitted and conceded all the allegations and charges contained in the Notice to Appear. The Immigration Judge sustained the charges of removability and designated Guatemala as the country of removal.

12. On October 1, 2024, ACUNA CRUZ filed a legal brief in immigration court attaching his personal affidavit and therapy records.

13. On October 7, 2024, ACUNA CRUZ filed his first Motion to Terminate Removal

Proceedings, which was denied by the IJ at Fort Snelling, MN on October 9, 2024.

14. On October 9, 2024, ACUNA CRUZ filed his second Motion to Terminate Removal Proceedings.

15. On October 15, 2024, ACUNA CRUZ filed a Motion to Withdraw and Amend Pleadings, to which DHS filed an opposition on October 17, 2024.

16. On October 18, 2024, DHS filed a brief laying out its position in removal proceedings that opposed ACUNA CRUZ's Motion to Withdraw and Amend Pleadings and Motion to Terminate Removal Proceedings.

17. On October 19, 2024, ACUNA CRUZ renewed his bond redetermination motion.

18. On October 31, 2024, an IJ at Fort Snelling, MN denied ACUNA CRUZ's Motion to Withdraw and Amend Pleadings. The IJ also denied ACUNA CRUZ's renewed bond redetermination motion on the basis that he had not established that he does not pose a danger to persons or property. ACUNA CRUZ reserved appeal.

19. On November 29, 2024, ACUNA CRUZ appealed the IJ's bond denial decision to the Board of Immigration Appeals (BIA).

20. On December 9, 2024, an IJ at Fort Snelling, MN issued a Bond Decision Memorandum explaining the basis for the October 31, 2024, bond denial.

21. On December 10, 2024, ACUNA CRUZ filed a third Motion to Terminate Removal Proceedings, asserting eligibility for a T nonimmigrant visa and Special Immigrant Juveniles classification. DHS objected to the motion on December 17, 2024. ACUNA CRUZ's third Motion to Terminate Removal Proceedings was orally denied by

an IJ at Fort Snelling, MN on January 8, 2025.

22. On February 13, 2025, the BIA affirmed the IJ's bond denial decision, rendering the October 31, 2024, Bond Decision Memorandum a final agency determination.

23. On February 19, 2025, ACUNA CRUZ filed a fourth Motion to Terminate Removal Proceedings.

24. On February 21, 2025, an IJ at Fort Snelling, MN granted ACUNA CRUZ's fourth Motion to Terminate Removal Proceedings issuing an order discretionarily terminating proceedings without prejudice, which DHS timely appealed to the BIA through a Notice of Appeal dated March 4, 2025.

25. On March 3, 2025, ACUNA CRUZ filed another motion for bond redetermination, which was denied by an IJ at Fort Snelling, MN on March 5, 2025.

26. On March 19, 2025, the BIA issued a briefing order on DHS's appeal of the IJ's order terminating removal proceedings. Pursuant to that order, both parties filed appeal briefs on or before April 9, 2025.

27. On August 4, 2025, the BIA issued an order sustaining the DHS appeal, reinstated the removal proceedings, and remanded the case back to the IJ at Fort Snelling, MN.

28. On September 5, 2025, ACUNA CRUZ filed another motion for bond redetermination, which was denied the IJ at For Snelling, MN on October 2, 2025.

29. On October 14, 2025, the IJ conducted an individual merits hearing on ACUNA CRUZ's I-589 application for asylum and withholding of removal. On October 14, 2025, the IJ issued an oral decision denying ACUNA CRUZ's I-589 application. The IJ

ordered ACUNA CRUZ removed to Guatemala. ACUNA CRUZ did not file an appeal of this decision before his appeal deadline of November 13, 2025. Therefore, ACUNA CRUZ has an administratively final removal order.

30. On November 18, 2025, ACUNA CRUZ filed a Stipulated Joint Motion to Dismiss Appeal with the U.S. Court of Appeals for the Eighth Circuit. The Court of Appeals dismissed ACUNA CRUZ's appeal on November 19, 2025.

31. On November 19, 2025, ACUNA CRUZ filed a Petition For Writ Of Habeas Corpus and an Emergency Temporary Restraining Order (TRO) and Preliminary Injunction (CASE No: 0:25-cv-04376-PJS-DLM).

32. On November 25, 2025, a U.S. District Court Judge denied ACUNA CRUZ's Petition For Writ Of Habeas Corpus and TRO.

33. On November 26, 2025, a U.S. District Court Judge granted ACUNA CRUZ an Emergency Motion to Stay of Removal.

34. On December 22, 2025, a U.S. District Court Judge ordered the existing stay of removal be extended.

35. On November 26, 2025, ACUNA CRUZ filed an Application For A Stay Of Deportation Or Removal, Form I-246.

36. On November 28, 2025, the BIA rejected ACUNA CRUZ's appeal that was filed on November 26, 2025.

37. On November 28, 2025, ACUNA CRUZ filed a motion to reopen removal proceedings and an emergency motion to stay removal with the Executive Office for

Immigration Review (EOIR) at Fort Snelling, MN.

38. On December 1, 2025, an IJ at Fort Snelling denied ACUNA CRUZ's motion to reopen and emergency motion to stay removal.

39. On December 3, 2025, ACUNA CRUZ filed an appeal with the BIA.

40. On December 10, 2025, a U.S. District Court granted an extension on ACUNA CRUZ's emergency motion to extend stay of removal through December 22, 2025.

41. On December 10, 2025, ACUNA CRUZ filed an emergency motion to stay removal with the BIA.

42. On December 19, 2025, ACUNA CRUZ filed a Petition for Writ of Habeas Corpus and Administrative Procedure Act.

43. On December 22, 2025, a U.S. District Court granted an extension on ACUNA CRUZ's emergency motion to extend stay of removal.


44. On February 12, 2026, ACUNA CRUZ filed a Petition for Writ of Habeas Corpus.

45. ACUNA CRUZ has a valid and unexpired passport from Guatemala, the designated country of removal. In my experience as a Deportation Officer, Guatemala accepts its citizens that are ordered removed from the U.S. if the individual can be confirmed to be from Guatemala. This could be through valid or expired passports, cedula, birth certificates or any other identifying documents or biometric data that can be checked in their systems to confirm citizenship.

46. If ACUNA CRUZ's stay of removal should lapse and the order of removal is still valid, ICE will be able to repatriate ACUNA CRUZ expeditiously to Guatemala.

47. ACUNA CRUZ remains in ICE's detention in Freeborn County Jail in Albert Lea, MN pursuant to 8 U.S.C. § 1226(a).

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



William J. Robinson, Deportation Officer
U.S. Immigration and Customs Enforcement

DATED: February 14, 2025