

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OVIDIO WELCHEZ MARROQUIN,

Petitioner,

v.

J. L. JAMISON, et al.,

Respondents.

Civil Action No. 26-1051

**RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

As the Court is undoubtedly aware, immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*¹ cases:** individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);
- ***Q. Li*² cases:** individuals who entered the United States without inspection, were encountered near the border and detained without a warrant, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases:** individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026).
- **Expedited Removal cases:** individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time,

¹ “*Hurtado*” refers to the Board of Immigration Appeals’ decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025).

² “*Q. Li*” refers to the Board of Immigration Appeals’ decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

recently detained under 8 U.S.C. § 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). And while there are certain legal and factual distinctions among those cases, the fundamental point of departure between the government’s position and the position advanced by petitioners and adopted in over 190 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Although petitioners in these cases are indisputably “applicants for admission,” *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer “seeking admission.” Courts have reasoned that “seeking admission” should be given meaning beyond “applicant for admission” to avoid surplusage and have read the term to require active and ongoing efforts to be admitted at or near the border. *See, e.g., Kashranov v. Jamison*, 2025 WL 3188399, *6–7 (E.D. Pa. 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9.

By contrast, the government contends that “applicants for admission” are necessarily “seeking admission” until they have been admitted or until their removal proceedings are complete. And while the government’s position has been rejected by the vast majority of district courts to have considered it, the lone court of appeals to have squarely considered the argument, the Fifth Circuit Court of Appeals, has agreed with the government. *See Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330, at *1, *4–*6 (5th Cir. Feb. 6, 2026) (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition

independent from ‘seeking admission.’”); *but see Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

This is a “*Hurtado*” case where the government has detained the Petitioner under 8 U.S.C. § 1225(b)(2)(A). The Petitioner, a noncitizen, entered the United States without inspection on an unknown date, though according to the Petition (at ¶ 2), he entered in 1999. On February 18, 2026, he was encountered by immigration officials, placed into standard removal proceedings under 8 U.S.C. § 1229a, and detained under 8 U.S.C. § 1225(b)(2)(A). *See* Exhibit A, Notice to Appeal.³ At the time the habeas petition was filed, Petitioner was detained within the Eastern District of Pennsylvania.

Thus, the case turns principally on the threshold question of statutory interpretation discussed above—whether petitioner is an “applicant for admission” that is “seeking admission” within the meaning of § 1225(b)(2)(A).⁴ The government expands on that argument below in the context of Petitioner, who crossed the border without inspection and was first encountered and detained in the interior (thereby falling within the scope of the BIA’s decision in *Hurtado*), and addresses petitioner’s separate argument alleging a violation of due process.

³ As reflected in the Notice to Appeal and the Form I-213 (Exhibits A and B), Mr. Welchez Marroquin’s official name is Fidel Guerra-Perez, and that is the name used in the immigration documents. The documents note that Petitioner’s alias, Ovidio Welchez Marroquin. Petitioner was previously encountered by immigration officials in 2014, after he was arrested for Driving Under the Influence (DUI) and driving without a license. He was placed into removal proceedings in May 2014, but those proceedings were dismissed in April 2023. He has two subsequent arrests for DUI, in 2018 and 2024, but apparently no convictions. *See* Exhibit B, Form I-213, Record of Deportable/Inadmissible Alien (Feb.18, 2026).

⁴ In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), 1252(g), and the Third Circuit’s decision in *Khalil v. President, United States of America*, --- F.4th ---, 2026 WL 111933 (3d Cir. 2026).

II. ARGUMENT

The Court should deny the petition because: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(a); and (2) Petitioner’s detention does not violate constitutional due process.

A. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2).

1. Petitioner is an “applicant for admission” “seeking admission.”

An individual who “arrives in the United States,” or is “present” in this country but “has not been admitted,” is an “applicant for admission” under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 2026 WL 323330, at *2. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) “serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)”) (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). *See also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* “[a]n alien present in the United States who has not been admitted *or* who arrives in the United States ...”) (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as “applicant[s] for admission,” regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily “seeking admission” within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 2026 WL 323330, at *5 (“[A]n ‘applicant for admission’ is necessarily someone who is ‘seeking admission.’”); *id.* at *4 (“When a person applies for something, they are necessarily seeking it.”). Otherwise, the alien must “withdraw the application for admission and depart immediately from the United States.” 8 U.S.C.

§ 1225(a)(4). An alien continues to be “seeking admission” while in immigration removal proceedings to determine whether he can “be admitted to the United States.” *See* 8 U.S.C. § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an “applicant for admission” be actively “seeking admission” at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).⁵ But, as noted, the Fifth Circuit Court of Appeals, has agreed with the government. *See Buenrostro-Mendez*, 2026 WL 323330, at *1, *4–*6 (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”). The *Buenrostro-Mendez* court concluded, correctly, that an “applicant for admission” is “necessarily someone who is ‘seeking admission.’” *Id.* at *5; *but see Castañon-Nava*, 161 F.4th at 1062.

Thus, Petitioner, who is indisputably an “applicant for admission,” is also “seeking admission” and covered by § 1225(b)(2)(A).

2. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.

Pursuant to 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 (“Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.”).

⁵ The government has filed protective notices of appeal in numerous cases and is awaiting final authorization decisions from the Solicitor General.

In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals (BIA) concluded that the Immigration Court lacked jurisdiction to conduct a bond hearing because § 1225 requires that an alien present in the United States, but never admitted, must be detained for the duration of his removal proceedings. *Id.* The BIA found § 1225 clear and unambiguous: “Based on the plain language of section 235(b)(2)(A) of the [INA], 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.” *Id.* at 226. Indeed, § 1225 applies to aliens who are present in the country—even for years—who have not been admitted. *See id.* (“[T]he statutory text of the INA . . . is instead clear and explicit in requiring mandatory detention of all aliens who are applicants for admission, without regard to how many years the alien has been residing in the United States without lawful status.” (citing 8 U.S.C. § 1225)). To hold otherwise, would lead to an “incongruous result” that rewards aliens who unlawfully enter the United States without inspection and possibly evade apprehension for a number of years. *Id.* at 228.⁶

The BIA rejected the alien’s argument that the mandatory detention scheme under § 1225 rendered the recent amendment to § 1226 under the Laken Riley Act superfluous. *Id.* The BIA explained, “nothing in the statutory text of section 236(c), including the text of the amendments made by the Laken Riley Act, purports to alter or undermine the provisions of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), requiring that aliens who fall within the definition of the statute ‘shall be detained for [removal proceedings].’” *Id.* at 222. According to the BIA, any redundancy between the two statutes does not give license to “rewrite or eviscerate” one of the statutes. *See id.* (quoting *Barton v. Barr*, 590 U.S. 222, 239 (2020)).

⁶ On February 18, 2026, in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al*, No. 25-1873 (C.D. Cal. Feb. 18, 2026), District Court Judge Sykes issued a decision vacating the BIA’s decision in *Hurtado*. We await guidance whether this decision has a nationwide impact. However, in light of this Court’s decisions in seven prior decisions (most recently in *Moran Valle*) rejecting the government’s *Hurtado* analysis, the Court need not decide the impact of the recent *Bautista* decision.

In *Buenrostro-Mendez*, the Fifth Circuit expressly addressed the interplay of § 1225(b)(2) and § 1226(a). The court explained that § 1226(a) “undeniably does work independent from § 1225(b)(2)(A) because “only § 1226(a) applies to admitted aliens who overstay their visas, become deportable on many different grounds, or were admitted erroneously due to fraud or some other error.” *Id.* at 7. As for § 1226(c), the Fifth Circuit explained: “Not only does § 1226(c) sweep in deportable aliens in addition to the inadmissible aliens covered by § 1225(b)(2)(A), *see* 8 U.S.C. § 1226(c)(1)(B)–(C), it also eliminates the option of parole for those to whom it applies.” *Id.* The Fifth Circuit noted that “the Laken Riley Act . . . did have a substantial effect when passed insofar as it required the detention without bond or parole of certain aliens the administration was then treating as bond-eligible.” *Id.*

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). Nothing in either § 1225(b)(2) or § 1226(a) provides that the government must default to detaining an alien pursuant to § 1226(a) if he is subject to detention under § 1225(b)(2) as well.

Petitioner is an applicant for admission seeking admission, and he has not clearly and beyond doubt established that he is entitled to be admitted to the United States. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

B. Petitioner’s detention does not violate constitutional due process.

Congress broadly crafted “applicants for admission” to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.”).

The Supreme Court has repeatedly recognized this profound interest. Petitioner’s mandatory detention pursuant to §1225(b) will only last the duration of his removal proceedings. *Demore*, 538 U.S. at 512 (“[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings”); *see also Jennings*, 583 U.S. at 304. In light of Congress’s interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See generally Demore*, 538 U.S. at 531.

Petitioner’s recent detention pending his removal proceedings does not violate the Due Process Clause. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a “constitutionally permissible part of that process.” *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness of his detention under *German Santos*.

III. CONCLUSION

For the foregoing reasons, respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Susan R. Becker
SUSAN R. BECKER
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8310
Susan.Becker@usdoj.gov

Dated: February 23, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 23, 2026

/s/ Susan R. Becker

SUSAN R. BECKER

Assistant United States Attorney

Exhibit A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event No: [REDACTED]

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: FIDEL GUERRA-PEREZ AKA: See Continuation Page Made a Part Hereof currently residing at:

(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 HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 072010000. ELIZABETH DETENTION CENTER

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

on March 2, 2026 at 1:30 pm to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

D. 6876 BROWN - S2DO
(Signature and Title of Issuing Officer)

Date: February 18, 2026

Philadelphia, PA

(City and State)

Notice to Respondent

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

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____
(Signature of Respondent)

(Signature and Title of Immigration Officer)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on February 18, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
- ☐ Attached is a credible fear worksheet.
- ☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

X Audio-Weber _____
(Signature of Respondent if Personally Served)

John (J 13175) Steinmetz -
Deportation Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name GUERRA-PEREZ, FIDEL	File Number [REDACTED] Event No: [REDACTED]	Date 02/18/2026
ALSO KNOWN AS		
Welchez-Marroquin, Ouidio		
THE SERVICE ALLEGES THAT YOU:		
reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or 6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality. ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW: 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature D 6876 BROWN	Title SDDO	

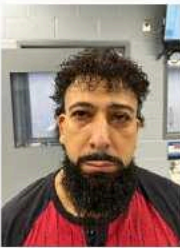
4 of 4 Pages

Exhibit B

U.S. Department of Homeland Security

Subject ID :

Record of Deportable/Inadmissible Alien

Family Name (CAPS) GUERRA-PEREZ, FIDEL		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmpbkn MED
Country of Citizenship HONDURAS	Passport Number and Country of Issue			Height 65	Weight 140	Occupation NOT	
U.S. Address				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, WI-Without Inspection				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence				F.B.I. Number ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth Age: 45				Method of Location/Apprehension NCA			
City, Province (State) and Country of Birth HONDURAS		Date of Action 02/18/2026	Location Code PHI/PHI	At/Near See I-831		Date/Hour 02/18/2026 10:34	
NIV Issuing Post and NIV Number		Social Security Account Name		By F 8437 RAMOS			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record NEGATIVE				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known WELCHEZ-GUERRA, ALFONSO NATIONALITY: HONDURAS		Mother's Present and Maiden Names, Nationality, and Address, if Known MARROQUIN, MARIA ISABEL NATIONALITY: HONDURAS					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☒ Yes ☐ No		Systems Checks		Charge Code Words(s) See Narrative	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment See Narrative		Salary Hr		Employed from/to	
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		Right Index fingerprint			
							
Body Worn Camera (BWC) Information ----- BWC footage was recorded for this enforcement activity. BWC footage was viewed prior to the completion of this report. ----- FAMILY INFORMATION ----- Father:WELCHEZ-GUERRA, ALFONSO is a citizen of HONDURAS. Mother:MARROQUIN, MARIA is a citizen of HONDURAS. Spouse:Subject is not married. ...(CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				JOHN (J 13175) STEINMETZ Deportation Officer _____ (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview) Officer: JOHN (J 13175) STEINMETZ on: February 18, 2026 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: BROWN, D 6876			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GUERRA-PEREZ, FIDEL	File Number [REDACTED] Event No: [REDACTED]	Date 02/18/2026
Child: Subject does not have children or dependents. OTHER ALIASES KNOWN BY: ----- Welchez-Marroquin, Ouidio SUBJECT HEALTH STATUS ----- The subject claims good health. CURRENT ADMINISTRATIVE CHARGES ----- 02/18/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 02/18/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA TYPE OF EMPLOYMENT ----- Occupation Not Reported ARRESTED AT/NEAR ----- 205 HIGH ST, PHOENIXVILLE, PENNSYLVANIA, 194603218, UNITED STATES RECORD OF DEPORTABLE/EXCLUDABLE ALIEN: ----- PREFACE Immigration and Customs Enforcement (ICE) is currently executing at-large operations, targeting immigration violators in the Philadelphia Area of Responsibility. The operational focus is in direct support of Presidential Executive Orders. Operations are executed while ensuring personnel safety and maintaining tactical control operating in a confined, civilian-heavy environment. The operation integrates personnel from the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Internal Revenue Service (IRS), Drug Enforcement Administration (DEA), the US Marshals Service (USMS), with additional support from 287(g) partners in their assigned jurisdictions. The operation aims to enhance public safety and enforce immigration laws. ENCOUNTER: On February 18, 2026 ICE Officers conducted a surveillance operation at the following address: 205 high street in Phoenixville PA 19460 The subject of this operation is Welchez Marroquin Ovidio The subject is a citizen of Honduras. At approximately 9:30am, the subject was seen exiting the targets address and entering into an Orange Toyota tundra MD 7EZ9338. ICE Officers performed a motor vehicle stop shortly after on Railroad street in Phoenixville, PA. Officers approached the subject and identified themselves as officers with US Immigration and Customs Enforcement, by way of badges. ICE Officers confirmed the subject's identity and explained to WELCHEZ MARROQUIN that he has a warrant out for his arrest with US Immigration and Customs Enforcement. A brief field interview was conducted to determine if any unknown humanitarian issues existed that would delay or dissuade ICE from taking the subject into custody. No compelling issues arose that would prevent the subjects arrest. As such, the subject was placed under arrest for violations of the INA and/or USC. The subject was transported to the ERO Philadelphia Field Office for processing. ALIAS: FIDEL GUERRA-PEREZ		
Signature JOHN (J 13175) STEINMETZ		Title Deportation Officer

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GUERRA-PEREZ, FIDEL	File Number [REDACTED] Event No: [REDACTED]	Date 02/18/2026
FAMILY HISTORY: The subject has not asserted any claims to United States Citizenship. No records indicate that the subject has obtained or derived United States Citizenship. No records of current lawful status, or approved benefit application(s) were discovered during this officers' investigation. Per this officers' investigation the subject has no probative claims to United States Citizenship either acquired or derived. The subject has 1 child who is 25 years of age and IS NOT married. IMMIGRATION HISTORY: The subject is not a citizen, national, resident or arriving alien in the United States. The subject is a citizen and national of Honduras by virtue of birth in Honduras. The subject claims to be a citizen of Honduras and national of Honduras. No records of a current lawful status, or approved benefit application were discovered during this officer's investigation. On 05/19/2014 subject was issued a NTA as 212a6Ai On 04/14/2023 proceedings were dismissed THE SUBJECT HAS NOT BEEN ENCOUNTERED AT THE BORDER Numerous checks using databases with the Department of Homeland Security (DHS) and the Department of Justice (DOJ) display that the subject does not have pending applications/forms. **** CHARGES/ALLEGATION: Based on the aforementioned analysis, this officer has concluded that the subject is in violation of the following section(s) of the Immigration and Nationality Act and as such, should be brought before an Immigration Judge (IJ) or a Designated Official to answer such allegations: 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act. CRIMINAL HISTORY: Limited to crimes for which the subjects booking was submitted into NCIC/IAFIS/CJIS Other offenses may exist however no records were submitted with biometrics NCIC was negative for any wants or warrants using (Name, DOB, FBI#) DISPOSITION: GUERRA was arrested on or about May 10, 2014, by Pennsylvania State Police in York, Pa. for DUI and Driving W/O a License. On September 17, 2018, Pacific Enforcement Response Center (PERC) Laguna Niguel, CA received an Immigration Alien Response (IAR) from the ICE Law Enforcement Support Center (LESC) on GUERRA-PEREZ, FIDEL. The subject was arrested in MONTGOMERY COUNTY for DUI OF ALCOHOL OR CONTROL SUBSTANCE. GUERRA was arrested on September 5th, 2025 by East Pikeland TWP PD for a DUI of Alcohol or Controlled Substance. The Pacific Enforcement Response Center received an Immigration Alien Response. The Subject appears to have been released from law enforcement custody before action could be take HEALTH AND HUMANITARIAN: The subject denies any significant medical conditions.		
Signature JOHN (J 13175) STEINMETZ	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GUERRA-PEREZ, FIDEL	File Number [REDACTED] Event No: [REDACTED]	Date 02/18/2026
The subject denies the use of any prescription medications. The subject claims fear. PHONE CALL/ CONSULAR NOTIFICATION: The subject is a citizen and national of Honduras and was offered to speak to the Consulars Office of Honduras. The subject REFUSES communication with the Honduras Consular. FOREIGN TRAVEL DOCUMENTS & IDENTIFICATION: None INTEL: The subject denies membership to gangs and or criminal organizations. The subject denies service to any branch in the United States military and/or any foreign military. DISPOSITION: GUERRA-PEREZ, FIDEL is subject to President Donald Trump's Executive Order, "Protecting the American People Against Invasion," signed on January 20, 2025. Officers processed the subject as a NTA. The subject was served the I-862, I-286, I-200, and 1815 FORMS. The subject will be detained without bond at this time. The subject was advised of their right to counselor notification. The subject was provided with a list of free & low-cost legal services. the subject was offered one free phone call. MISCELLANEOUS NUMBERS: FINS: 1167407136 FBI: 419929AE3 OTHER IDENTIFYING NUMBERS ----- ALIEN-[REDACTED] State Criminal Number/State Bureau Number-[REDACTED] (UNITED STATES)		
Signature JOHN (J 13175) STEINMETZ		Title Deportation Officer

4 of 4 Pages