

82 (Nov. 25, 2025) requiring that he should be granted a bond hearing. Save for his Petition for Writ of Habeas Corpus, Petitioner's release is not foreseeable given the Immigration Judge's order that the Immigration Court has no jurisdiction to hear the Petitioner's bond motion according to the *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) Accordingly, to vindicate Petitioner's rights, this Court should grant the instant Petition for a Writ of Habeas Corpus. Petitioner's alien identification number is .

2. Petitioner claims that the Immigration Judge failed to follow the court's ruling in *Maldonado Bautista*, wherein it was held that the Board of Immigration Appeals ("BIA") was wrong in its interpretation that anyone who entered the United States without permission is still "arriving" and therefore is an "applicant for admission" under §235(b) of the Immigration and Nationality Act ("INA") requiring mandatory detention. As a result of that incorrect ruling, the District Court in *Maldonado Bautista* held that anyone who entered without permission must be afforded a bond hearing if so requested. The Petitioner filed his bond motion on January 15, 2026 and on January 23, 2026, the Immigration judge refused to hear the merits of the bond motion on the grounds that he lacked jurisdiction pursuant to the decision in *Yajure Hurtado*. See Exhibit A, Order of the Immigration Judge.

3. Absent an order from this Court, Petitioner will remain in

immigration detention indefinitely.

4. Petitioner asks this Court to find that he was unlawfully denied a bond hearing decided on its merits, he is not a flight risk nor a danger to the community and order the release of Petitioner from the Glades County Detention Center. Alternatively, Petitioner asks that this Honorable Court order the Immigration Judge to hear Petitioner's bond motion on its merits.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

6. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, 2243 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

8. Venue is proper because Petitioner is currently detained, and remains in Respondents' custody at Glades County Detention Center in Glades County, Florida, which is within the jurisdiction of this District.

9. For these same reasons, divisional venue is proper under Local Rule 1.04, as the Petitioner is detained in the Glades County Detention Center located in Glades County, Florida.

REQUIREMENTS OF 28 U.S.C. §§ 2243

10. The Court must grant the Petition for Writ of Habeas Corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

12. Petitioner is “in custody” for the purpose of INA § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

13. Petitioner is a national of Mexico. Petitioner is currently detained at Glades County Detention Center. Petitioner is in the custody, and under the direct control, of Respondents and their agents.

14. Respondent Hardin, is the constitutional Sheriff with direct oversight of the Glades County Detention Center. Respondent Hardin has immediate, physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. The Glades County Detention Center is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens.

15. Respondent Lyons is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent has authority over the actions of all other DHS Respondents in this case, and is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs

Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States, and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she is charged with faithfully administering the immigration laws of the United States, has the authority to adjudicate removal cases, and to oversee the Executive Office for Immigration Review (EOIR) which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

STATEMENT OF FACTS

21. Petitioner is a forty-six (46) year old citizen of Mexico. Petitioner is married and has three (3) United States citizen children, and has been an unassuming, contributing member of his hometown community for the past twenty (20) years. Petitioner has no criminal record save for a minor traffic violation some twenty (20) years ago. Petitioner arrived in the United States twenty (20) years ago in an attempt to seek a better life than the one he lived in Mexico, a country stricken by poverty, limited and/or no access to medical care, poor education and extreme violence throughout the country.

22. Petitioner arrived in the United States in or around July 2005 and was not admitted or inspected upon entry.

23. Petitioner has lived in the United States for approximately twenty (20) years, maintains a fixed address and worked and paid taxes.

24. In or around November 2025, Petitioner was apprehended in a routine traffic stop by the Florida Department of Highway Patrol. No state charges were filed as a result of this apprehension. Petitioner was thereafter arrested, and placed into immigration detention by ICE On November 20, 2025, a Notice to Appear was issued alleging that Respondent was deemed removable from the United States. The Notice to Appear is attached as Exhibit B.

25. Petitioner's initial master calendar hearing was on January 12, 2026.

26. Petitioner is detained under 8 U.S.C. §1226(a) and not 8 U.S.C §1225(b) because he was not "arriving" or "seeking admission" when arrested by ICE because he was not a recent entrant.

27. Petitioner filed his Motion and Memorandum of law in support of Respondent's (Petitioner) release on bond or, in the alternative, release on his own recognizance on January 15, 2026. Petitioner's Motion and Memorandum of law in support of Respondent's release on bond or, in the alternative, release on his own recognizance is attached as Exhibit C. A bond hearing was set for January 23, 2026.

28. The Immigration Judge that had conduct of the bond proceedings refused to hear the merits of Petitioner's application on the basis that he lacked jurisdiction pursuant to the BIA's ruling in the matter of Yajure Hurtado, on the grounds that the Respondent entered the United States without inspection and was therefore, pursuant to INA § 235(b), "arriving" and therefore an "applicant for admission."

29. The Petitioner asserts that the Immigration Judge did not hold a bond hearing as required under *Maldonado Bautista* and relied on the wrong

authority to deny a bond hearing given that he was arrested within the U.S. and not right at the border.

30. Petitioner contends that the hearing that was held on January 23, 2026 was not in fact a bond hearing given that the motion was not heard on its merits. Rather, there was no adjudication of whether Petitioner was entitled to bond given the incorrect determination that the Immigration Judge had no jurisdiction over such proceedings. The Immigration Judge's Order neither granted nor denied bond to the Petitioner because there no determination as to whether or not Petitioner was a flight risk or a danger to society.

31. As a result of the Immigration Judge's order that he does not have jurisdiction to hear the Petitioner's Motion for Bond and Memorandum of law in support of respondent's release on bond or, in the alternative, release on his own recognizance, the Petitioner remains in immigration custody indefinitely.

LEGAL FRAMEWORK

32. On November 20, 2025, the Central District of California certified a nationwide class of all noncitizens who entered without inspection and who were not apprehended upon arrival. The Court also granted partial summary judgment to that class on November 25, 2025 declaring that the Board of Immigration Appeals decision in *Yajure Hurtado* wrongly interpreted the Immigration and Nationality Act, and that class members were entitled to bond

hearings, as they were detained under the authority provided by 8 U.S.C. §1226(a) and not 8 U.S.C. §1225(b)(2)(A). See *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

33. The allegations in the above paragraphs are realleged and incorporated herein.

34. Petitioner's Due Process rights have been violated because he is deprived of liberty without the opportunity to challenge his detention.

35. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the United States Constitution.

COUNT TWO

Violation of 8 U.S.C. § 1226(a)

36. The allegations in the above paragraphs are realleged and incorporated herein.

37. Under 8 U.S.C. §1226(a), the Petitioner is not arriving or seeking admission when he was arrested by ICE, and therefore not a recent entrant. Thus, Petitioner is not subject to mandatory detention, and therefore eligible for a bond hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- A. Assume jurisdiction over this matter;
- B. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- C. Declare that Petitioner's detention violates 8 U.S.C. § 1226(a);
- D. Issue a Writ of Habeas Corpus that directs the Respondents to immediately release Petitioner from custody on his own recognizance.

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

I represent Petitioner, EDUARDO PEREZ LOBO VILLALOBOS, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 19th day of February 2026.

CERTIFICATE OF COMPLIANCE

I hereby certify that a true copy of the foregoing Petition for Writ of Habeas Corpus was generated in Calisto MT 14-point font, pursuant to Fla. R. App. P. 9.210.

GFC LAW, PLLC
2700 W. Cypress Creek Road
Suite D-107
Fort Lauderdale, FL 33309
Phone: (954) 635 2251
gary@gfclawfl.com
Counsel for Petitioner

BY: /s/ Gary F. Celetti
Gary F. Celetti
Florida Bar. No. 1017756

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">EDUARDO PEREZ LOBO VILLALOBOS</p> <p>(b) County of Residence of First Listed Plaintiff BROWARD <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p style="text-align: center;">GARY F. CELETTI, JR., GFC LAW, PLLC</p>	<p>DEFENDANTS</p> <p>DAVID HARDIN, SHERIFF OF GLADES COUNTY DETENTION CENTER ET AL</p> <p>County of Residence of First Listed Defendant GLADES COUNTY <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District *(specify)*
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
 8 USC 1226(a)

Brief description of cause:
 WRIT of Habeas Corpus

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE: 02/19/2026 SIGNATURE OF ATTORNEY OF RECORD: /s/ Gary F. Celetti, Jr., Esquire

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

EXHIBIT A



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
MIAMI KROME IMMIGRATION COURT**

Respondent Name:

PEREZ LOBO VILLALOBOS,
EDUARDO

To:

Beswick Robinson, Wendy
2700 W Cypress Creek Road
Suite D107
Fort Lauderdale, FL 33309

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/23/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

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

Other:
 The court lacks authority to redetermine Respondent's custody status because the Respondent is present in the United States without admission and is subject to mandatory detention pursuant to section 235(b)(2)(A) of the INA. Matter of Yajure Hurtado, ID #4125.



Immigration Judge: ALEXANDER, SCOTT 01/23/2026

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

Appeal Due: 02/23/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : PEREZ LOBO VILLALOBOS, EDUARDO | A-Number : 

Riders:

Date: 01/23/2026 By: ALEXANDER, SCOTT, Immigration Judge

EXHIBIT B

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]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: EDUARDO PEREZ LOBO VILLALOBOS

currently residing at:

[REDACTED] Moore Haven FL 33421

(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 MEXICO and a citizen of MEXICO ;
 3. You arrived in the United States at or near EL PASO, TX , on or about July 27, 2005 ;
 4. You were not then admitted or paroled after inspection by an Immigration Officer.
- OR
- At that time you arrived at a time or place other than as designated by the Attorney General.
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;

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 the undersigned Judge of the United States Department of Justice at:

Detention and Removal
3900 N. Powerline Road
Dania Beach, Florida 33073

on 1/06/2026 at 8:00 AM to show why you should not be removed from the United States based on the

charge(s) set forth above.

[Signature] Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer)

Date: November 20, 2025

DANIA BEACH, FL
(City and State)

EOIR - 1 of 4

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.

Upon information and belief, the language that the alien understands is SPANISH

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.

Refused to Sign

Before:

ANTHONY C SIMONE
Date: 2025.11.20 06:12:40 -05:00

CBP

Border Patrol Agent

(Signature and Title of Immigration Officer)

(Signature of Respondent)

Date: 11/20/2025

Certificate of Service

This Notice To Appear was served on the respondent by me on November 20, 2025, 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.

Refused to Sign

(Signature of Respondent if Personally Served)

ANTHONY C SIMONE
Date: 2025.11.20 06:12:47 -05:00

CBP

Border Patrol Agent

(Signature and Title of officer)

EOIR - 2 of 4

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/oip/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.

U.S. Department of Homeland Security

Continuation Page for Form 1862

Alien's Name EDUARDO PEREZ LOBO VILLALOBOS	File Number 	Date November 20, 2025
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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 	Title Acting/Patrol Agent in Charge
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EXHIBIT C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
MIAMI, FLORIDA

In the Matter of)
)
)
Eduardo Perez Lobo Villalobos)
)
Respondent)
)
)
In removal proceedings)
_____)

File No.: 

**MOTION AND MEMORANDUM OF LAW IN SUPPORT OF RESPONDENT’S
RELEASE ON BOND OR, IN THE ALTERNATIVE, RELEASE ON HIS OWN
RECOGNIZANCE**

Respondent, Eduardo Perez Lobo Villalobos (hereinafter “Mr. Villalobos”), by and through the undersigned counsel, respectfully moves this Immigration Court to release him from immigration detention on a bond of \$1,500 or, in the alternative, on his own recognizance. As grounds for this motion, Respondent avers to the following:

BACKGROUND/FACTUAL HISTORY

1. Mr. Villalobos is a native and citizen of Mexico. Mr. Villalobos entered the United States in or around July 2005 after crossing the U.S./Mexico border in 2005.
2. U.S. Immigration and Customs Enforcement (“ICE”) placed Mr. Villalobos in removal proceedings in or around November 2025.
3. The Immigration Court has jurisdiction to release Mr. Villalobos on bond pursuant to INA § 236(a) [8 U.S.C 1226 (a)(2)] because the Respondent is currently detained by the

Department of Homeland Security at the Florida Glades Detention Center. Mr. Villalobos did not come into the custody of ICE following a criminal arrest, but rather, was placed into immigration detention and removal proceedings after he was apprehended in a routine traffic stop by the Florida Department of Highway Patrol. Mr. Villalobos has not been charged in connection with the routine traffic stop.

**STATEMENT IN SUPPORT OF REQUEST FOR BOND AND CUSTODY
REDETERMINATION**

A. Introduction and Statement of Law

This Court has the authority to order Mr. Villalobos released on conditional parole or to set a bond of \$1500 in this matter. ¹ Mr. Villalobos circumstances warrant release pursuant to a low bond because he is not a flight risk and he is not a danger to society. The BIA explained that “[a]n alien generally is and should not be detained or required to post bond except on a finding that he is a threat to the national security, or that he is a poor bail risk.”²

“Immigration Judges may look to a number of factors in determining whether an alien merits release from bond, as well as the amount of bond that is appropriate” including but not limited to: (1) whether the alien has a fixed address in the United States; (2) the alien’s length of residence in the United States; (3) the alien’s family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien’s employment history; (5) the alien’s record of appearance in Court; (6) the alien’s criminal record, including the extensiveness of criminal activity, the recency of the such activity, and the seriousness of the offenses; (7) the alien’s history of immigration violations (8) any attempts by

¹ See INA § 236(a)(2)(A)(B) (“the Attorney General...may release the alien on bond of at least \$1500 ...”)

² Matter of Patel, 15 I&N Dec. 666 (BIA 1976)

the alien to flee prosecution of otherwise escape from authorities; and (9) the alien's manner of entry to the United States.³

1. This Court has the Authority to Release Mr. Villalobos on Conditional Parole or Bond

Section 236 (a)(2) of the INA states that "*the Attorney General...may release the alien on: (A) bond...or (B) conditional parole.*" Thus, the plain language of the INA makes clear that an Immigration Judge has the authority to order an alien released on conditional parole, without the requirement of a payment of bond, and that conditional parole is a release mechanism distinct from the issuance of bond.⁴

The Board of Immigration Appeals has clarified that release on conditional parole can be based solely on a determination that the person does not present a danger to society, is not a threat to national security and does not pose a flight risk; no showing of additional humanitarian reasons is required.⁵

B. Alternatively, this Court has the Authority to Issue a Bond of \$1500 in this Matter

The record reflects that Mr. Villalobos warrants release on conditional parole or a low bond because he is not a flight risk, he is not a danger to the community, and he is *prima facie* eligible for relief in the form of Cancellation of Removal and Adjustment of Status for Certain Non-Permanent Residents.⁶

³ In re Guerra, 241 I.& N. Dec. at 40; Matter of Andrade, 19 I. & N. Dec. at 490

⁴ Matter of Castillo-Padilla, 25 I & N Dec. 257, 259 (BIA 2010).

⁵ See Matter of Guerra, 24 I & N Dec. 37, 39-40 (BIA 2006); Matter of Adeniji, 22 I & N Dec. 1102, 1111-13 (BIA 1999).

⁶ See 8 C.F.R. § 1003.19(h); C.F.R. § 1003.19(d) ("The determination of the Immigration Judge as to custody status or bond may be based upon any information that is available to the Immigration Judge or that is presented to him or her by the alien or the Service.").

1. Mr. Villalobos is not a Flight Risk

Mr. Villalobos has lived continuously in the United States since July 2005. Mr. Villalobos has no prior immigration record or history of non-appearance at immigration court proceedings. Mr. Villalobos and his wife have three (3) United States citizen children, ages fifteen (15) and thirteen (13) and seven (7).⁷ Mr. Villalobos also has two (2) adult children whom he has raised with his wife since birth. Mr. Villalobos is an integral part of his community and his family in the United States and has been for the past twenty (20) years. To support and provide for his wife and children, prior to his detention by ICE, Respondent worked seven (7) days a week as a self-employed contractor.⁸ In his time off, Mr. Villalobos shared childrearing duties with his wife. In Mr. Villalobos' absence, the Villalobos family has lost its primary breadwinner, as he was the sole source of income. Mr. Villalobos's wife struggles to pay for their children's expenses and most basic necessities and raise their three (3) minor children alone. As will be outlined in greater detail in the Respondent's separately filed Application for Cancellation of Removal and Adjustment of Status for Certain Non-Permanent Residents, the Respondent's US citizen minor son suffers from serious heart issues⁹ requiring costly medical treatment and medication¹⁰. If released on bond, Mr. Villalobos will comply with all court requirements and will do so with the benefit of a stable support network of family members and friends, including U.S. citizens and individuals in lawful status.¹¹

⁷ Exhibit A: Birth Certificates of Respondent's US citizen children

⁸ Respondent will be providing proof of his employment in his Cancellation of Removal for Certain Non-Permanent Residents application. Due to his current detention, he is unable to produce the information to support this particular point without much difficulty.

⁹ Exhibit B: Medical Report of Dr. Rachel Dal Fabbro, detailing the medical diagnosis of Respondent's U.S. citizen son.

¹⁰ Respondent's family is in the process of acquiring further medical documentation and proof of Respondent's US citizen son, P.'s medical diagnosis which requires Respondent's presence in the country, and which will be put forth to satisfy the "exceptional and extremely unusual hardship" to the US citizen child statutory requirement under INA 240(A)(b).

¹¹ Exhibit C: Sponsor letter from Mr. Sean Baltagi (inclusive of US passport biographical page & three (3) months' worth of utility bills)

2. Mr. Villalobos is not a Danger to Society

Mr. Villalobos is not a danger to the community. Respondent's sole criminal legal violation stems from driving without a license in violation of *Florida Statutes* § 322.03(1), some nineteen (19) years ago. Respondent was adjudicated guilty and an order for the suspension of his driver's license was entered in the matter.¹²

3. Mr. Villalobos is Eligible for Cancellation of Removal and Adjustment of Status for Certain Non-Permanent Residents

Mr. Villalobos is in the process of filing an Application for Cancellation of Removal and Adjustment of Status for Certain Non-Permanent Residents given that he meets the statutory requirements and has established a prima facie case. He argues that his removal would cause exceptional and extremely unusual hardship to his U.S. citizen child who suffers from a degenerative heart condition, making him eligible for a favorable exercise of discretion on his application.¹³ Respondent's U.S. citizen child requires the presence of both of his parents to navigate the extremely challenging circumstances, physical, emotional and mental, of his medical condition. His removal in these circumstances, would cause exceptional and extremely unusual hardship to his U.S. child. Additionally, the practical reality is that Mr. Villalobos, through his self-employment, satisfies his U.S. citizen son's medical financial needs. The access to the medical treatment provided to Mr. Villalobos' U.S. citizen son in the United States is not available and/or comparable to that in Mexico, Mr. Villalobos' home country.

Mr. Villalobos has resided in Florida since 2005¹⁴, and therefore “*has been physically present in the United States for a period of not less than ten (10) years.*” As stated earlier, Mr.

¹² Exhibit D: Palm Beach County Case Docket summary showing Respondent's conviction for driving without a license.

¹³ INA §240(A)(b)

¹⁴ Id.

Villalobos has no criminal history save for a nineteen (19) year old charge of driving without a license. Mr. Villalobos is a dedicated father who provides financial and emotional support to this family. Further details will be outlined in the Respondent's Application for Cancellation of Removal and Adjustment of Status for Certain Non-Permanent Residents which will be filed separately.

C. Conclusion

Conditional parole is warranted in this matter. Alternatively, Mr. Villalobos should be granted minimum or low bond. He does not pose a flight risk and will not fail to appear before the Court when required to do so. Mr. Villalobos presents no threat to the safety or security of the community and has established a strong *prima facie* case for relief from removal. Given the above considerations, Respondent should be released on the lowest possible bond, or in the alternative, he should be released on his own recognizance.

WHEREFORE, Mr. Villalobos respectfully requests that this Honorable Court release him on conditional parole or at the lowest possible bond.

Respectfully submitted,

01.14.2026
Date

/s/ Gary F. Celetti, Jr.
Gary F. Celetti, Jr., Esq.
Florida Bar No. 101756

01.14.2026
Date

/s/ Wendy Beswick
Wendy A.L. Beswick, Esq.
Florida Bar No. 1017930