

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

BYRON BARRIOS CABRERA,	:	
	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	NO. 26-cv-1441
	:	
	:	
JL JAMISON, Warden, Philadelphia Federal	:	
Detention Center, et al.,	:	
	:	
Defendants.	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2026, it is hereby ORDERED  
that the Petition for Writ of Habeas Corpus is DENIED.

BY THE COURT:

\_\_\_\_\_  
JEFFREY L. SCHMEHL  
*Judge, United States District Court*



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

BYRON BARRIOS CABRERA,	:	
	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	NO. 26-cv-1441
	:	
	:	
JL JAMISON, Warden, Philadelphia Federal	:	
Detention Center, et al.,	:	
	:	
Defendants.	:	

**RESPONSE IN OPPOSITION TO PETITION  
FOR WRIT OF HABEAS CORPUS**

DAVID METCALF  
United States Attorney

GREGORY B. DAVID  
Assistant United States Attorney  
Chief, Civil Division

ANTHONY ST. JOSEPH  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
Anthony.stjoseph@usdoj.gov

Dated: March 11, 2026





period, the six-month period raised in *Zadvydas* is not implicated in this case. Further, as Petitioner has not attempted to claim a fear of returning to Guatemala and therefore, no further proceedings are available to prevent his (second) removal.

Because Petitioner is subject to a final reinstated removal order and has been detained for a short time period, there is no basis to grant the petition.

## **II. Factual Background**

The Petitioner is a citizen and native of Guatemala who attempted to enter the United States without authorization in 2017. Ex. A – Notice and Order of Expedited Removal. He was unsuccessful and removed from the United States on February 28, 2017. *Id.* Despite having been removed, Petitioner attempted a second time to enter the United States without authorization – but that time he succeeded in evading immigration authorities.

Petitioner’s successful evasion of United States immigration law ended in early March. After learning of his unauthorized presence, ICE took Petitioner into custody pending his second removal from the United States. Ex. B – Record of Deportable/Inadmissible Alien, March 5, 2026. Following his apprehension, on March 5, 2026, ICE reinstated Petitioner’s 2017 removal order. Ex. C – Notice of Intent/Decision to Reinstate Prior Removal Order. Petitioner did not contest the reinstatement, nor did he claim a fear of returning to Guatemala. *Id.* Consequently, Petitioner “shall be detained pending his removal from the United States. *Johnson v. Arteaga-Martinez*, 596 U.S. at 578 (“The statute provides that the Government “shall” detain noncitizens during the statutory removal period. § 1231(a)(2)”).

### III. LEGAL BACKGROUND

#### A. Federal Habeas Jurisdiction

Federal courts have jurisdiction to hear writs of habeas corpus when a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). That jurisdiction extends to noncitizens in immigration detention. *See Demore v. Kim*, 538 U.S. 510, 517 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). A habeas petitioner bears the burden of demonstrating that his detention is unlawful. *Espinoza v. Sabol*, 558 F.3d 83, 89 (1st Cir. 2009).

#### B. Immigration Detention Under Section 1231

Statutes authorizing the arrest and detention of removable noncitizens date to the nation’s founding. *Abel v. United States*, 362 U.S. 217, 233 (1960) (citing Act of June 25, 1798, 1 Stat. 571). Building on that tradition, Congress has enacted a comprehensive scheme that provides for the civil detention of noncitizens pending their removal from the United States. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 845 -46 (2018). The statutory authority to detain a noncitizen varies depending on the underlying charge of removability and whether a determination has been made that a noncitizen should be removed. *Id.* at 845 -46.

The detention and removal of noncitizens, like Petitioner, who are subject to a reinstated removal order is governed by 8 U.S.C. § 1231. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2280 (2021) (“We conclude that § 1231, not § 1226, governs the detention of aliens subject to reinstated orders of removal, meaning those aliens are not entitled to a bond hearing while the pursue withholding of removal.”). Initially, a

noncitizen subject to a reinstated removal order is detained during a ninety-day “removal period.” 8 U.S.C. § 1231(a)(1)(A). After the ninety-day removal period ends, DHS retains authority to detain noncitizens with final removal orders, “determined . . . to be a risk to the community or unlikely to comply with the order of removal[.]” 8 U.S.C. § 1231(a)(6). Noncitizens detained pursuant to § 1231(a)(6) are not entitled to bond hearings before an immigration judge. *Johnson v. Arteaga-Martinez*, 142 S. Ct. 1827, 1833 (2022) (“there is no plausible construction of the text of § 1231(a)(6) that requires the Government to provide bond hearings before immigration judges after six months of detention, with the Government bearing the burden of proving by clear and convincing evidence that a detained noncitizen poses a flight risk or a danger to the community.”). Rather, DHS has discretion to release a noncitizen under conditions of supervision. 8 U.S.C. § 1231(a)(3); *see Zadvydas*, 533 U.S. at 688 -89.

The Code of Federal Regulations addresses the release of an alien with a final order of removal. *See, e.g.*, 8 C.F.R. § 241.4 (entitled “Continued detention of inadmissible, criminal and other aliens beyond the removal period”). With few exceptions, Section 241.4(a) generally grants authority to designated ICE officials to release or parole aliens, as well as continue an alien's custody. *Id.* § 241.4(a).

#### **IV. LEGAL STANDARD**

A writ of habeas corpus is an “extraordinary remedy.” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner “carries the burden of proof”); *see also* 28 U.S.C. § 2241.

Judicial review of immigration matters, including detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has “underscore[d] the limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79–82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Demore v. Kim*, 538 U.S. 510, 531 (2003) (“Detention during removal proceedings is a constitutionally permissible part of that process.”); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) (“Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien’s status without running the risk of the alien’s either absconding or engaging in criminal activity before a final decision can be made.”).

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) (“This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power”).

## V. ARGUMENT

### A. Petitioner’s Detention is Lawful and Does not violate Fifth Amendment Procedural Due Process

This Court should deny the petition because Petitioner cannot meet his burden to show that his detention is unlawful. Petitioner is lawfully detained under 8 U.S.C. § 1231(a)(5). Moreover, Petitioner is well within the statutory period for removal, even more the presumptive six-month period established in *Zadvydas*. 8 U.S.C. § 1231(a)(1)(A); *Zadvydas v. Davis*, 533 U.S. at 678. Finally, Petitioner cannot meet his burden to demonstrate that “there is no significant likelihood of removal in the reasonably foreseeable future[.]” *Zadvydas*, 533 U.S. at 701; *see Espinoza*, 558 F.3d at 89 (explaining that a habeas petitioner bears the burden of demonstrating that his detention is unlawful).

The Supreme Court has unambiguously held that detention pending a noncitizen’s removal is a “constitutionally valid aspect of the [removal] process.” *Demore v. Kim*, 538 U.S. 510, 512 (2003); *see Zadvydas*, 533 U.S. at 696, 701 (concluding that a noncitizen is not entitled to habeas relief after the expiration of the

presumptively reasonable six-month period of detention under section 1231(a)(6) unless he can show the detention is “indefinite” or, in other words, that there is “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”). Civil detention during immigration proceedings serves two important interests: (1) ensuring that noncitizens will appear for hearings and comply with final removal orders; and (2) protecting the public from noncitizens who present a danger to the community during the removal process. *Demore*, 538 U.S. at 528; *Zadvydas*, 533 U.S. at 690; see 8 U.S.C. § 1231(a)(6).

The petition should be denied because a) Petitioner is subject to a reinstated removal order; and b) Petitioner has not been in custody for 90 days as mandated by Section 1231(a)(1)(A).

## **VI. CONCLUSION**

For the forgoing reasons, Petitioner is lawfully detained within the statutory removal period and petition for a writ of habeas corpus must be denied.

Respectfully submitted,

DAVID METCALF  
United States Attorney

/s/ Susan R. Becker for GBD  
GREGORY B. DAVID  
Assistant United States Attorney  
Chief, Civil Division

/s/ Anthony St. Joseph  
Anthony St. Joseph  
Assistant United States Attorneys  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
Phone: (215) 861-8267  
Fax: (215) 861-8618  
E-mail: [anthony.stjoseph@usdoj.gov](mailto:anthony.stjoseph@usdoj.gov)

Dated: March 11, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused a true and correct copy of the foregoing unopposed motion for an extension of time to be served via ECF upon counsel of record.

Dated: March 11, 2026


/s/ Anthony St. Joseph  
ANTHONY ST. JOSEPH  
Assistant United States Attorney

# Exhibit A

U.S. DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO ALIEN ORDERED REMOVED/DEPARTURE VERIFICATION**

Event No:   
 SIGMA Eve 

FINS: 1 

A-File No:   
 Date: 02/28/2017

Alien's name: Byron Giovanni BARRIOS CABRERA

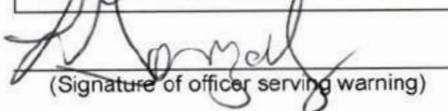
You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States

- For a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- For a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of being ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- For a period of 20 years from the date of your departure from the United States as a consequence of being found inadmissible and being previously excluded, deported, or removed from the United States.
- At any time because in addition to being found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your removal has been effected, you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or U.S. Department of Homeland Security office. Refer to the above file number when requesting forms or information.

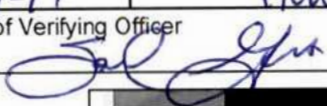
**WARNING FOR ALL REMOVED ALIENS:** It is a crime under Title 8 United States Code, Section 1326, for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Depending on the circumstances of the removal, conviction for this crime can result in imprisonment of a period of from 2 to 20 years and/or a fine up to \$250,000.

**SPECIAL NOTICE TO SEX OFFENDERS:** Federal Law requires a convicted sex offender, including an alien who has been removed from or otherwise departed the United States and subsequently returns, to register in each jurisdiction in the United States in which he or she resides, is employed, or is a student. Violation of this requirement can result in prosecution and imprisonment for up to 10 years under Title 18 United States Code, Section 2250.

 GONZALEZ, Lonnie HOUSTON, TEXAS  
 U.S. CBP OFFICER (Title of officer) (Location of DHS Office)  
 (Signature of officer serving warning)

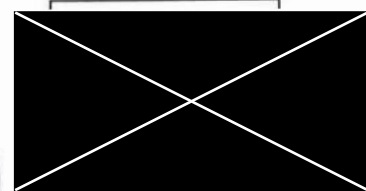
**Verification of Removal**

(Complete this section for file copy only)

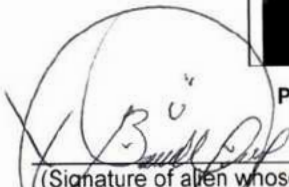
Departure Date <u>2-28-17</u>	Port of Departure <u>Houston, TX</u>	Manner of Departure <u>UA1902</u>
Signature of Verifying Officer 		Title of Officer <u>CBPO S. Antunovic</u>

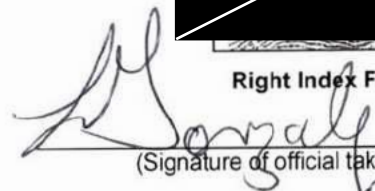


Photograph of Alien



Right Index Finger

  
 (Signature of alien whose fingerprint and photograph appear above)

  
 (Signature of official taking fingerprint)

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number



File No: \_\_\_\_\_

SIGMA Event:

Date: February 28, 2017

In the Matter of: BYRON GIOVANNI BARRIOS CABRERA

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a)  (6)(C)(i);  (6)(C)(ii);  (7)(A)(i)(I);  (7)(A)(i)(II);  (7)(B)(i)(I); and/or  (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1) You are not a citizen or national of the United States;
  - 2) You are a native of Guatemala and a citizen of Guatemala;
  - 3) On or about February 28, 2017, you arrived at the George Bush Intercontinental Airport in Houston, Texas and applied for admission to the United States;
  - 4) 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, to wit: You previously engaged in unauthorized employment in the United States.
- ...(CONTINUED ON I-831)

LONNIE GONZALEZ  
U.S. CBP OFFICER

Name and title of immigration officer (Print)

Signature of immigration officer

ORDER OF REMOVAL  
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

LONNIE GONZALEZ  
U.S. CBP OFFICER

Name and title of immigration officer (Print)

Signature of immigration officer

SILVIO EL TAKACH  
Chief CBP Officer

Name and title of supervisor (Print)

Signature of supervisor, if available

Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on February 28, 2017  
(Date)

LONNIE GONZALEZ  
U.S. CBP OFFICER

Signature of immigration officer

U.S. Department of Homeland Security

Continuation Page for Form I-860

Alien's Name <b>BYRON GIOVANNI BARRIOS CABRERA</b>	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date February 28, 2017
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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)(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  LONNIE GONZALEZ	Title U.S. CBP OFFICER
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# Exhibit B

U.S. Department of Homeland Security

**Notice of Intent/Decision to Reinstate Prior Order**

File No.                       
 Event No:                       
 Date: March 5, 2026

Name: BYRON GIOVANNI BARRIOS CABRERA

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 241.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of Removal entered against you. This intent is based on the following determinations:  
(Deportation / exclusion / removal)

- You are an alien subject to a prior order of deportation / exclusion / removal entered on February 28, 2017 at George Bush Intercontinental Airport in Houston, Texas  
(Date) (Location)
- You have been identified as an alien who:
  - was removed on February 28, 2017 pursuant to an order of deportation / exclusion / removal.  
(Date)
  - departed voluntarily on                      pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).  
(Date)
- You illegally reentered the United States on or about Unknown Date at or near Unknown Place  
(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You **do not** have a right to a hearing before an immigration judge.

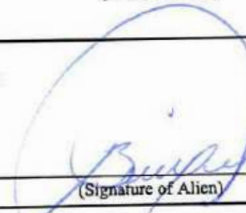
The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the SPANISH language.

HERNANDEZ, C 05551  
(Printed or typed name of official)

  
(Signature of officer)  
**Deportation Officer**  
(Title of officer)

**Acknowledgment and Response**

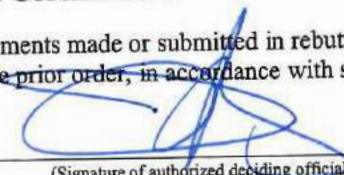
I  do  do not wish to make a statement contesting this determination.  
03-05-2026  
(Date)

  
(Signature of Alien)

**Decision, Order, and Officer's Certification**

Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

March 5, 2026 PHILADELPHIA, PA  
(Date) (Location)  
BROWN, D 6876  
(Printed or typed name of official)



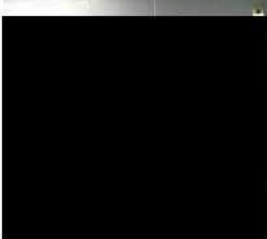
  
(Signature of authorized deciding official)  
**SDDO**  
(Title)

# Exhibit C

U.S. Department of Homeland Security

Subject ID : 

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>BARRIOS CABRERA, BYRON GIOVANNI</b>		First	Middle	Sex <b>M</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	Cmpbn <b>MBR</b>
Country of Citizenship <b>GUATEMALA</b>	Passport Number and Country of Issue 			Height <b>64</b>	Weight <b>145</b>	Occupation <b>UNR</b>	
U.S. Address <b>555 GEO DR PHILIPSBURG, PENNSYLVANIA, 16866, UNITED STATES</b>				Scars and Marks			
Date, Place, Time, and Manner of Last Entry <b>Unknown Date Unknown Time, WI-Without Inspection</b>			Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence							
Date of Birth <b>█/█/1980</b> Age: <b>45</b>	Date of Action <b>03/05/2026</b>	Location Code <b>PHI/PHI</b>					
City, Province (State) and Country of Birth <b>GUATEMALA, GUATEMALA</b>	AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>					
NIV Issuing Post and NIV Number <b>GUATEMALA CITY, GUATEMALA H2338905</b>	Social Security Account Name <b>NONE NONE</b>						
Date Visa Issued	Social Security Number <b>000-00-0000</b>						
Immigration Record <b>NEGATIVE</b>				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) <b>GONZALEZ SANTIZO DE BARRIOS, AGDALIA DEL ROSARIO NATIONALITY: GUATEMALA</b>					Number and Nationality of Minor Children <b>None</b>		
Father's Name, Nationality, and Address, if Known <b>BARRIOS MATEOS, JORGE NOLBERTO NATIONALITY: GUATEMALA</b>			Mother's Present and Maiden Names, Nationality, and Address, if Known <b>CABRERA DIAZ, OSWALDA REINA NATIONALITY: GUATEMALA</b>				
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>	Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>	Charge Code Word(s) <b>See Narrative</b>				
Name and Address of (Last)(Current) U.S. Employer	Type of Employment <b>Unemployed or Retired</b>	Salary	Employed from/to <b>Hr</b>				
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.) <b>FIN:       Left Index fingerprint      Right Index fingerprint</b>							
							
<p><b>Body Worn Camera (BWC) Information</b></p> <p>-----</p> <p>BWC footage was recorded for this enforcement activity.</p> <p><b>FAMILY INFORMATION</b></p> <p>-----</p> <p>Father: BARRIOS MATEOS, JORGE NOLBERTO is a citizen of GUATEMALA.          Mother: CABRERA DIAZ, OSWALDA REINA is a citizen of GUATEMALA.          Spouse: GONZALEZ SANTIZO DE BARRIOS, AGDALIA DEL ROSARIO is a citizen of GUATEMALA.          Child: Subject does not have children or dependents. ...(CONTINUED ON I-831)</p>							
Alien has been advised of communication privileges _____ (Date/Initials)				<b>C 05551 HERNANDEZ</b> Deportation Officer _____ (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: <b>C 05551 HERNANDEZ</b>			
				on: <b>March 5, 2026</b> _____ (time)			
				Disposition: <b>REINSTATEMENT OF DEPORT ORDER I-871</b>			
				Examining Officer: <b>BROWN, D 6876</b>			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name BARRIOS CABRERA, BYRON GIOVANNI	File Number [REDACTED] Event No: [REDACTED]	Date 03/05/2026
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SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT CRIMINAL CHARGES

03/05/2026 - 8 USC 1326 - RE-ENTRY OF REMOVED ALIENS

CURRENT ADMINISTRATIVE CHARGES

03/05/2026 - 212a9Ai - ALIEN PREVIOUSLY REMOVED ONCE, AS AN ARRIVING ALIEN (NOT AGGRAVATED FELONS)

RECORDS CHECKED

CIS checked on 03/05/2026 with Positive result. EARM checked on 03/05/2026 with Positive result. IAFIS checked on 03/05/2026 with Positive result. NCIC checked on 03/05/2026 with Positive result. TECS checked on 03/05/2026 with Positive result.

ARRESTING AGENTS

C 05551 HERNANDEZC 5333 OWENM 11057 ADAMS

ARRESTED AT/NEAR

[REDACTED] 194647222, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

Encounter:

On 03/05/2026, ICE/ERO Fugitive Operations Officers and Special Agents who are assigned to the unit, conducted a fugitive enforcement operation near [REDACTED] where an ICE target, Barrios Cabrera, Byron (hereafter referred to as Barrios Cabrera), resided. During the operation Officers/Agents were identified by ICE/IRS badges, vest and insignia.

At approximately 0550 hours, Officers and agents observed a male who had similar physical characteristics of Barrios Cabrera come out of target address [REDACTED] 19464, and go towards a [REDACTED] and get into the driver seat of the vehicle. Officers and agents conducted a vehicle stop outside the targets address on country road, Pottstown PA. Officers and agents gave Barrios Cabrera commands to place the car in park and get out of the vehicle, to which he did comply. Officers and agents apprehended Barrios Cabrera and placed him in hand restraints. A brief field interview was conducted on the suspected and he was positively identified as Barrios Cabrera, a citizen and national of Guatemala, who is unlawfully present in the United States. Another brief field interview was conducted to determine if any unknown humanitarian issues existed that would delay or dissuade ICE from taking Barrios Cabrera into custody. No compelling issues arose that would prevent the arrest of Barrios Cabrera. Barrios Cabrera was apprehended and placed in hand restraints, searched, and placed into custody. Barrios Cabrera was placed into a service vehicle and transported to the Philadelphia Field Office for processing without further incident.

PERSONAL BIOGRAPHY:

Upon arrival at the ERO Philadelphia Field Office, a record of sworn statement was

Signature C 05551 HERNANDEZ	Title Deportation Officer
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Alien's Name BARRIOS CABRERA, BYRON GIOVANNI	File Number [REDACTED] Event No: [REDACTED]	Date 03/05/2026
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completed. The following information is a collection of information ascertained from Barrios Cabrera:

Barrios Cabrera makes no claims to US citizenship. Barrios Cabrera claims that they are a citizen and national of Guatemala, by virtue of birth in the same. Barrios Cabrera claims that they were previously removed from the United States on or about February 28, 2017. Barrios Cabrera claims to be married and to have 3 adult children, residing in the United States. Barrios Cabrera claims that they have never served or trained with the United States armed forces. Barrios Cabrera claims to be in good overall medical condition and not under the care of any healthcare practitioner. Barrios Cabrera claims to have no fear of returning to their country for any political or religious purposes. Barrios Cabrera claims that they are not a member of any criminal or terrorist organizations.

**IMMIGRATION HISTORY:**

\*\*Barrios Cabrera is not a citizen, national, resident or arriving alien in the United States.

\*\*Barrios Cabrera is a citizen and national of GUATEMALA by virtue of birth in GUATEMALA. \*\*No records of a current lawful status, or approved benefit application were discovered during this officers investigation.

\*\*Per this officer's investigation, Barrios Cabrera has no probative claims to US Citizenship acquired or derived.

\*\*ICE records show that on February 28, 2017, Barrios Cabrera entered the United States by way of air at George Bush Intercontinental Airport in Houston, Texas onboard United Airlines Flight 1901 from Guatemala, seeking admission as a visitor for pleasure. Barrios Cabrera was issued an Expedited Removal Order by CBP officers pursuant to section 212(a)(7)(A)(i)(I).

\*\*ICE records show that on February 28, 2017, Barrios Cabrera was ordered removed Pursuant to section 212(a)(7)(A)(i)(I).

\*\*ICE records show that on February 28, 2017, Barrios Cabrera was removed from the United States to GUATEMALA on the next available United Airlines flight heading to Guatemala.

\*\*This officers investigation produced no authorization to reenter the United States following Barrios Cabrer's last removal.

**CHARGES/ALLEGATION:**

Based on the aforementioned analysis, this officer has concluded that Barrios Cabrera is in violation of the following section(s) of the Immigration & Nationality Act and as such, should be brought before an Immigration Judge or a Designated Official to answer to these allegations:

Section 212(a)(9)(A)(i) of the Immigration and Nationality Act, as amended, in that you have been previously ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon your prior arrival in the United States, and you again seek admission within five years of the date of such removal, without obtaining prior consent to reapply for admission from the Attorney General before re-embarkation at a place outside the United States or seeking admission from foreign contiguous territory.

\*\*Title 8 United States Code Section 1326 Reentry After Deportation/Removal.

**CRIMINAL HISTORY**

\*\*\*Limited to CRIMES for which Barrios Cabrer's booking was submitted to NCIC/IAFIS/CJIS\*\*\*

\*\*\*\*Other offenses may exist however no records were submitted with biometrics\*\*\*\*

\*\*\*\*\*NCIC was negative for any wants or warrants using Barrios Cabrera, DOB: [REDACTED],

FBI# [REDACTED]

FBI: [REDACTED]

**DISPOSITION:**

\*Barrios Cabrera was advised of their right to counselor notification.

\*Barrios Cabrera was provided with a list of free & low-cost legal services.

Signature C 05551 HERNANDEZ	Title Deportation Officer
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Alien's Name BARRIOS CABRERA, BYRON GIOVANNI	File Number [REDACTED] Event No: [REDACTED]	Date 03/05/2026
<p>*Barrios Cabrera was offered one free phone call.          *Barrios Cabrera was served a Notice of Reinstatement of Removal Order and Warning for Reentry.          *Barrios Cabrera will be detained without bond.          *Barrios Cabrera was served The Class Action Bautista Notice in English and Spanish on 3/5/2026 at 10:00am.</p> <p>OTHER IDENTIFYING NUMBERS          -----          ALIEN-[REDACTED]          Issuing Post/Location: [REDACTED]          ..COMMENT: GUATEMALA CITY, GUATEMALA</p>		
Signature C 05551 HERNANDEZ	Title Deportation Officer	

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