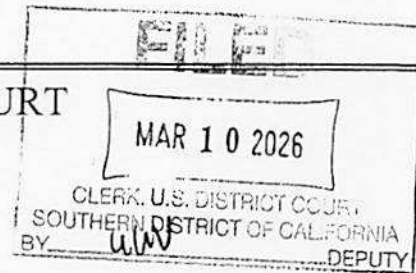


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



Diaz Linares, Eli Osmin
Petitioner

v.

Warden Otay Mesa Detention
Center, Christopher La Rose
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. '26CV1507 RBM AHG
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- (a) Your full name: Diaz Linares, Eli Osmin
(b) Other names you have used: _____
- Place of confinement:
(a) Name of institution: Correction Corp of America
(b) Address: 7488 Calada de la Fuente - San Diego - C.A. - 92154
(c) Your identification number:
- Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
- Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

- What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Otay Mesa Immigration Court
7488 Calzada de la Fuente - San Diego - C.A. 92154

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I am challenging my Prolonged immigration Process

(d) Date of the decision or action: 04/27/25

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

- Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes No


If "Yes," provide:

- (a) Date you were taken into immigration custody: 04/27/25
- (b) Date of the removal or reinstatement order: 12/09/25
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: 01/08/26
- (2) Case number: 
- (3) Result: Pending
- (4) Date of result: Pending
- (5) Issues raised: Appeal against the immigration Judge's decision to remove me to a third country, such as Honduras in my situation

(d) Did you appeal the decision to the United States Court of Appeals?

- Yes No

If "Yes," provide:


- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

- Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court: U.S. Department of Justice executive office for immigration - Board of Appeals
- (c) Date of filing:
- (d) Docket number, case number, or opinion number: 
- (e) Result: Pending
- (f) Date of result: Pending
- (g) Issues raised: Appeal for refuse bail

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I've been detained since 04/27/25, and have been granted a bond release for \$3,000

(a) Supporting facts (Be brief. Do not cite cases or law.):

I tried to pay the \$3,000 but D.H.S. appealed due not having a sponsor but this claim is false due to Marga, being my sponsor also D.H.S. claims that I am a danger to the community because I was arrested by the police and charged with a misdemeanor (theft of property) I paid a 200\$ bond for that charge

(b) Did you present Ground One in all appeals that were available to you?

- Yes
- No

GROUND TWO: Inside the O.M.D.C. I have been deprived of nutrients due to the lack of nutrient in the food served here. Things have even become harder to do such as get out of bed due to the circumstance

(a) Supporting facts (Be brief. Do not cite cases or law.):

The food served here can be found with no type of fruit, no protein, unless you are given a medical or religious diet. Food can be served often on dirty kitchen wear like dirty cups, spoons, and plates. Due to the malnutrition, I have little amounts of energy and often feel depressed and lost.

(b) Did you present Ground Two in all appeals that were available to you?

- Yes
- No

GROUND THREE: I have been providing all legal documents and legal proceeding to ensure I have an accurate asylum case but D.H.S. is deciding to pretermite my case and send me to a third world country

(a) Supporting facts (Be brief. Do not cite cases or law.):

I am citizen of El Salvador and have my two children and mother of my two children here in America. All of them having a legal status in America and sending me to an unknown country like Honduras will create complications. I have been in the U.S. for 4 years, and have been doing all in my will to legally be part of this country

(b) Did you present Ground Three in all appeals that were available to you?

- Yes
- No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Your Honor, I respect fully request to be released from the O.M.D.C. Under Parole, Supervision or bail as I have been denied a release on bail. I would like to be represented by a Public defender, if I qualify for one. If also I can obtain a legal documents that can protect me from an arrest, from D.H.S. an ICE, without a Warrant for my arrest.

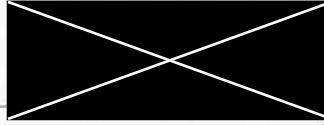
AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/05/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Otay Mesa Detention Center – San Diego

March, 5 / 2026

1. I entered the united states on July 17,2022 trough Texas ,we where I have been living until now.
2. I am in the process of marrying Marya [REDACTED] a permanent resident of the United States America .we were going to get legally married last August 2025.
3. On the evening of April 23rd ,while performing my maintenance duties for [REDACTED] [REDACTED], which consisted of cleaning the garages at [REDACTED] police .I had thrown away a back pack that was lying on the ground .I believed it was trash that a homeless person had left behind ,as is common in areas frequented by homeless individuals.
4. After clarifying the situation with the back pack, the police officer told me that he could have given me a ticket, but he was going to arrested me for not having a Texas ID,since the ID I showed was from my country, and my coworker was released because he had a Texas drivers license.
5. The police department took me tho the county jail where I was processed for a misdemeanor, that same day I was released on \$ 200 bail, as the judge argued that due to the conditions of my arrest it could have been a mistake. Upon leaving the courthouse, I learned that my wife and brother -in-law had come to pay the bail (since, I couldn't inform my wife because they wouldn't let me get my family's phone numbers). They were informed that I would be released that same day, five hours after paying.
6. Even after paying the bail and receiving the bail released. Slip ,I was detained for the rest of Thursday,Friday,Saturday,Sunday on Monday I was handed over to immigration authorities , where I was handed over to immigration Authorities , Where I was transferred to the ICE offices in Dallas Texas then to the Alvarado,TX detention center ,then to Tulsa, Oklahoma, then to Oklahoma City, then to Ans ton, Texas, then back to Alvarado, Texas and finally to Otay Mesa, California.
7. I am currently detained at Otay Mesa Detention Center where I have attended my immigration courts. I have been here for 10 months without being able to get out on bail,parole,or any legal remedy to reunite with my family.
8. My biggest concern is the economic and psychological situation of my family
wife: Marya de los Angeles Alas
Daughter 1: [REDACTED] 8 years old
daughter 2: [REDACTED] 1 years 5 months old
I have been the financial support of my family all these years, and since I've been detained, the economic situation has become much more difficult for them

Eli Osmin Diaz Linares

[REDACTED]
Otay Mesa Detention Center – San Diego
Pod: H Room: 207



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

DIAZ LINARES, ELI OSMIN

To:

Joel D. Vera, Esq.
P. O. Box 227076
Dallas, TX 75222-7076

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

07/29/2025

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 \$ 3,000.00
 - other:

Other:

The following are conditions for release from DHS custody:

1. Respondent must self-quarantine/isolate for the first fourteen (14) days following release from DHS custody and arrival at sponsor's residence;
2. Respondent shall not be released from DHS custody until cleared from medical hold;
3. Residence: Respondent must live with sponsor and obtain DHS approval prior to changing residence;
4. Respondent must not commit any violation of criminal or immigration law, including working without authorization;
5. Alternatives to Detention (ATD) such as electronic monitoring may be imposed at DHS discretion;
6. DHS may file a Motion to Stay, Reopen, Reconsider, or Revoke the Bond Order without opposition from Respondent based on new derogatory information or violation of the bond conditions of release;
7. Failure to Appear Warnings: If you fail to appear for any hearings and there are no

exceptional circumstances which caused your absence, a hearing may be held in your absence, all relief applications submitted by you may be deemed abandoned, and an order of removal may be entered against you;

8. Change of Address Warnings: You must inform the Court of any changes to your address within five (5) working days of moving from your last address. You must do so on a blue Form EOIR-33. The responsibility is your's and your's alone to keep the Court updated with your current address. If you do not receive a notice of hearing because you did not inform the Court of your most recent change of address and you miss your hearing, then you may be ordered removed in your absence for failure to appear as stated above;

9. Application(s) for Relief:

A) In the event that Respondent is released from custody and the Court has set a deadline to file an application for relief in his/her removal proceeding, that deadline remains in effect. Failure to comply with the deadline to file the application for relief may result in the Court deeming the request for relief abandoned, in which case the Respondent will be ordered removed from the United States to the Respondent's country of origin;


B) In the event that Respondent is released from custody and the Court has not set a deadline to file an application for relief in his/her removal proceeding; and if a change of venue is sought from the Court (see #10, below), then Respondent shall include an application for relief along with Respondent's motion for change of venue; and

10. Change of Venue: If you move to a location within another Immigration Court's jurisdiction and you want your case moved to that jurisdiction, you must file a Motion to Change Venue within thirty (30) days of residency and include proof of compliance with #3, above. You must also comply with the application for relief requirements, above. Failure to comply with this change of venue provision may result in denial of such a motion at a later date on the basis of untimeliness and/or for violation of the conditions of release.

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB# 1125-0002
Notice of Appeal from a Decision of an
Immigration Judge

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):
Eli Osmin DIAZ-LINARES 

For Official Use Only

! **WARNING:** Names and "A" Numbers of **everyone** appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at Otay Mesa Immigration Court, Otay Mesa, California (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision in *merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated _____.

I am filing an appeal from the Immigration Judge's decision in *bond proceedings* dated 07/29/2025. (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

12. **Mailing Address of Respondent(s)/Applicant(s)**

Eli Osmin DIAZ-LINARES
(Name)

7488 Calzada de la Fuente
(Street Address)

(Apartment or Room Number)

San Diego, CA 92154
(City, State, Zip Code)

(Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

Joel D. Vera
(Name)

P.O. Box 227076
(Street Address)

(Suite or Room Number)

Dallas, TX 75222
(City, State, Zip Code)

214-943-1177
(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).


13. **PROOF OF SERVICE (You Must Complete This)**

I Antonio Estrada, Assistant Chief Counsel mailed or delivered a copy of this Notice of Appeal
(Name)

on 08/08/2025 to Eli Osmin DIAZ-LINARES /Joel D. Vera
(Date) (Opposing Party)

at 7488 Calzada de la Fuente, San Diego, CA 92154/ P.O. Box 227076, Dallas, TX 75222
(Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

SIGN HERE  **X ANTONIO ESTRADA** Digitally signed by ANTONIO ESTRADA Date: 2025.08.08 13:23:52 -07'00'

Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.


WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.
- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT
7488 Calzada de la Fuente
San Diego, California 92154

File No.: ) Date: December 9, 2025
In the Matter of)
Eli Osmin DIAZ LINARES,) IN REMOVAL PROCEEDINGS
Respondent.)

ON BEHALF OF
THE RESPONDENT:

Jose Torres, Esquire
Moonveil Legal, PC
7546 Parkway Drive, Unit 1U
La Mesa, California 91942

ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY:

Christine, Rutherford, Assistant Chief Counsel
P.O. Box 438150
San Diego, California 92143

MOTION: DHS's Motion to Pretermit

DECISION AND ORDER OF THE IMMIGRATION JUDGE

The Department of Homeland Security ("DHS") filed a motion to pretermit the Respondent's Form I-589, Application for Asylum and for Withholding of Removal, based on the safe-third-country-agreement bar of INA § 208(a)(2)(A). This bar precludes an alien from applying for asylum if "the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection...." *Id.* By regulation, the bar also precludes a grant of withholding of removal under INA § 241(b)(3) and protection under the regulations implementing U.S. obligations under Article 3 of the Convention Against Torture. *See* 8 C.F.R. § 1240.11(g)(4) (U.S.-Canada Safe Third Country Agreement and Additional Protocol) and (h)(4) (all other safe third country agreements).

Here, the DHS argues that Respondent is subject to the Asylum Cooperative Agreement ("ACA") with Honduras. *See Agreement Between the Government of the United States of America and the Government of the Republic of Honduras for Cooperation in the Examination of Protection Requests*, 90 Fed. Reg. 30076 (July 8, 2025) (hereinafter "ACA with Honduras"). The Court must consider applicability of such an agreement before it reaches the merits of a respondent's Form I-589. *See Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 291, 296 (BIA 2025). After an alien is provided reasonable notice of the DHS's intent to remove him or her to the safe third country, the alien bears the burden to prove by a preponderance of the evidence that the bar does not apply because he or she will more likely than not be persecuted or tortured in that country. *See id.* at 295 (citing 8 C.F.R. §§

1240.8(d), 1240.11(h)(2)(iii); *Matter of H-A-A-V-*, 29 I&N Dec. 233, 234 (BIA 2025)). Given the “threshold” nature of the safe third country agreement bar, an Immigration Judge’s assessment of the alien’s fear of being removed to that country will “generally be ... abbreviated” where there is no “substantial connection” between it and the alien. *Id.* at 296. If the alien meets his or her burden, then the Court will adjudicate the merits of the Form I-589; otherwise, removal will be ordered to the safe third country or countries. *Id.* at 296-97.

Under the ACA with Honduras, Honduras has generally committed to consider the protection requests of any third-country national who arrives at a U.S. port-of-entry (POE) or crosses the border between POEs. 90 Fed. Reg. at 30085 (removing an earlier temporal restriction in the initial agreement via an exchange of diplomatic notes). In addition to Honduran nationals or stateless last habitual residents, the agreement excludes “unaccompanied minors” and certain criminals and Interpol fugitives. *Id.* at 30079-30080 (Arts. 4 and 5). Moreover, by operation of regulation, the agreement may only be applied to third-country nationals who arrived at or entered the United States on or after November 19, 2019, the date the interim rule codifying the bar was published. *See Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. at 293-94 (citing preamble of Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act, 84 Fed. Reg. 63994, 63995-96 (Nov. 19, 2019) (ratified Sept. 2, 2025)).

The Court makes the following findings in this case. First, the Court finds that the DHS has provided reasonable notice to the Respondent of its intent to effectuate removal to Honduras under the agreement. On October 24, 2025, the DHS advised the Respondent in writing that it intended to utilize the ACA with Honduras. The Court reset the case to November 20, 2025, to allow Respondent the time and opportunity to respond. No merits hearing has yet been set by the Court. Second, the Court finds that the DHS has properly raised applicability of the agreement because the Respondent arrived at a port of entry or entered or attempted to enter the United States between ports of entry after November 19, 2019, did not enter on a visa or other admission document, and is not an unaccompanied minor, criminal, fugitive, or Honduran citizen or national. *See* 90 Fed. Reg. at 30078-80; Resp’t’s Written Pleadings (Aug. 10, 2025). Third, given the lack of substantial connection between the Respondent and Honduras, and the minimal evidence offered concerning any likelihood of mistreatment in the event of removal there, the Court finds that the Respondent has failed to prove by a preponderance of the evidence that he will more likely than not be persecuted or tortured in Honduras. 8 C.F.R. § 1240.11(h)(2)(iii). The Respondent submitted documentary evidence about Honduras but did not demonstrate that this evidence supports an individualized fear of persecution or torture in Honduras. The Respondent did not testify that he had been to Honduras or that he is aware that someone in Honduras means him harm. General country conditions evidence about Honduras is insufficient for the Respondent to meet his burden to show that the ACA with Honduras does not apply. *See Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. at 296 (explaining that evaluating a respondent’s claim of future persecution or torture in the third country to which he has no connection is “abbreviated.”). Therefore, the Court is unpersuaded by the Respondent’s argument that the safe third country statutory bar under INA § 208(a)(2)(A) does not apply.

As the respondent has been found removable from the United States and made no other applications for relief, the Court orders him removed from the United States to Honduras.

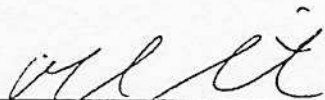
ORDERS



IT IS ORDERED that the DHS's motion to prepermit be **GRANTED**

IT IS FURTHER ORDERED that Respondent be removed to **HONDURAS**

Dated: 12/9/25



Mark Sameit
Immigration Judge

APPEAL: Any notice of appeal will be due to the Board of Immigration Appeals within 30 days from today or no later than January 8, 2026.



Joel David Vera
P. O. BOX 227076
Dallas, Texas 75222
EOIR ID NO.: TK675032
214-943-1177 Office
214-943-5554 Fax
214-557-8645 Cell
txmb@msn.com E-mail

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
LOS FRESNOS, TEXAS

In the Matter of:

Eli Osmin DIAZ-LINARES

IN REMOVAL PROCEEDINGS

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§
§
§

CASE NUMBER: 

DETAINED DOCKET

Immigration Judge Margaret R. MacGregor

Master Hearing: June 27, 2025

RESPONDENT

Eli Osmin DIAZ-LINARES's

BOND REDETERMINATION