Gian-Grasso | Tomczak Immigration Law Group
Kimberly A. Tomczak
PA Bar: 310687
990 Spring Garden Street, Suite 304
Philadelphia, PA 19123
(215) 437-0392
kimberly@gtilg.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREGORIO NICOLAS VASQUEZ, ***Petitioner*,** **v.** **J.L JAMISON,** **in his official capacity as Warden of Federal Detention Center, Philadelphia;** **JOHN E. RIFE,** **in his official capacity as Acting Philadelphia Field Office Director, United States Immigration and Customs Enforcement;** **TODD M. LYONS,** **in his official capacity as Acting Director of Immigration & Customs Enforcement;** **KRISTI NOEM,** **in her official capacity as Secretary, U.S. Department of Homeland Security; and** **PAMELA BONDI,** **in her official capacity as Attorney General, U.S. Department of Justice.** ***Respondents.***	**Case No. 2:26-cv-1704** **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Gregorio Nicolas Vasquez ("Mr. Nicolas Vasquez") is a 40-year-old who petitions for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of his detention by Immigration and Customs Enforcement ("ICE"). Petitioner requests that this Court release him from detention by the Immigration and Customs Enforcement ("ICE") and return him to an Order of Supervision.

Mr. Nicolas Vasquez is a 40-year-old, native and citizen of Mexico. He entered the U.S. on June 25, 2023 with his two minor children and given an Order of Supervision due to a previous expedited removal order. He reported to Immigration under his Order of Supervision for almost 3 years without incident. He has obtained full custody of his two children, who now have approved petitions for special immigrant juvenile status.

On March 13, 2026, ICE detained Mr. Nicolas Vasquez as he was leaving for work, while they were looking for another individual. He therefore seeks immediate release from custody and return to an Order of Supervision because his removal is not reasonably foreseeable and because ICE's revocation of Petitioner's supervised release violated governing regulations and Petitioner's due process rights. Petitioner also seeks to enjoin Respondents from removing Petitioner to a third country without notice and an opportunity to be heard as required by the Constitution and the Immigration and Nationality Act ("INA").

STATEMENT OF FACTS

1. Mr. Nicolas Vasquez is a 40-year-old, native and citizen of Mexico.
2. He entered the U.S. most recently in June 2023 with his two minor children and given an Order of Supervision due to a previous expedited removal order that occurred sometime before April 1, 1997. *See* Exhibit B (Form I-220B). The date of the removal is not included on the Form.

3. He has remained in the United States since June 2023 and has reported to Immigration under his Order of Supervision for almost 3 years.
4. Mr. Nicolas Vasquez has not been arrested anywhere in the world.
5. On March 13, 2026, ICE detained Mr. Nicolas Vasquez as he left for work, while ICE was looking for another individual.
6. As of the date of this habeas corpus filing, Mr. Nicolas Vasquez is being detained at the Federal Detention Center, in Philadelphia, Pennsylvania. *See* Exh. A (ICE Locator).

PARTIES

7. Petitioner Mr. Nicolas Vasquez is a resident of Pennsylvania who normally resides at Philadelphia, PA.
8. Respondent J.L. Jamison is named in his official capacity as the warden of Federal Detention Center, Philadelphia, where Petitioner is presently located, and is therefore the immediate legal custodian of Mr. Nicolas Vasquez. *See* Exh. A (FDC Inmate Locator and ICE Locator).
9. Respondent, John E. Rife is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity, he is responsible for the custody of all noncitizens detained by ICE at FDC, Philadelphia and has authority to release Mr. Nicolas Vasquez or transfer him to a different facility. He is one of Mr. Nicolas Vasquez's immediate custodians and is sued in his official capacity.
10. Respondent, Todd M. Lyons is the Acting Director of ICE. In this capacity he is responsible for decisions related to detaining and removing certain noncitizens.

Director Lyons is a legal custodian of Mr. Nicolas Vasquez and is sued in his official capacity.

11. Respondent, Kristi Noem is named in her official capacity as the Secretary of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); and is legally responsible for Mr. Nicolas Vasquez's incarceration and removal. She is therefore a custodian of Mr. Nicolas Vasquez and is sued in her official capacity. Respondent Noem's office is located at DHS headquarters in Washington, DC, 20528.

12. Respondent, Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering Mr. Nicolas Vasquez's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Nicolas Vasquez and is sued in her official capacity. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION AND VENUE

13. Respondents incarcerated Mr. Nicolas Vasquez on March 13, 2026 in Philadelphia, Pennsylvania, and he is under the direct control of Respondents and their agents.

14. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA").

15. This court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).

16. Jurisdiction is also proper pursuant to 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend V (Due Process Clause), and U.S. Const. art. I § 9, cl. 2 (Suspension Clause).

17. Mr. Nicolas Vasquez's detention constitutes a "severe restraint[] on his individual liberty" interest such that Mr. Nicolas Vasquez is "subject to restraints not shared by the public generally" and "in custody in violation of the . . . laws . . . of the United States." *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).

18. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

19. Venue properly lies in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(2), (e) and § 2241(d) because this petition is filed while Mr. Nicolas Vasquez is physically present within the district, as he is imprisoned at the Federal Detention Center ("FDC") in Philadelphia, Pennsylvania.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

20. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies.

McCarthy v. Madigan, 503 U.S. 140, 144 (1992) ("Where Congress specifically mandates, exhaustion is required… But where Congress has not clearly required exhaustion, sound judicial discretion governs.") (citation omitted).

21. Finally, even if meaningful administrative remedies were promptly available, Mr. Nicolas Vasquez, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010).

LEGAL FRAMEWORK

22. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." 28 U.S.C. § 2243 (emphasis added).

23. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

24. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting)

("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

25. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during "the removal period," which is defined as the 90-day period beginning on "the latest" of either "[t]he date the order of removal becomes administratively final"; "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court's final order"; or "[i]f the [noncitizen]is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement."

26. Although 8 U.S.C. § 1231(a)(6) permits detention "beyond the removal period" of noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court held that "the statute, read in light of the Constitution's demands, limits [a noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." 533 U.S. at 689. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

27. In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained for longer than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that

noncitizen's due process right to liberty. 533 U.S. at 701. In this circumstance, if the noncitizen "provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.*

28. The Court's ruling in *Zadvydas* is rooted in due process's requirement that there be "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id*. at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

29. The first justification of preventing flight, however, is "by definition . . . weak or nonexistent where removal seems a remote possibility." *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is "no longer practically attainable, detention no longer 'bears [a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second justification of protecting the community, "preventive detention based on dangerousness" is permitted "only when limited to especially dangerous individuals and subject to strong procedural protections." *Zadvydas*, 533 U.S. at 690–91.

30. Thus, under *Zadvydas*, "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." *Id.* at 699–700. If removal is reasonably foreseeable, "the habeas court should consider the risk of the [noncitizen's] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period." *Id.* at 700.

31. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that "Congress previously doubted the constitutionality of detention for more than six months" and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

Revocation of Post-Removal Order Release
Must Comport with the Governing Regulations

32. Two regulations, 8 C.F.R. § 241.4 (2026) and 8 C.F.R. § 241.13 (2026), govern release and re-detention following a final order of removal. Section 241.4 creates a system of custody reviews for noncitizens that ICE detains beyond the 90-day initial removal period. ICE may grant release under § 241.4 if the noncitizen demonstrates that "his or her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such [noncitizen's] removal from the United States." § 241.4(d)(1). Section 241.13 creates "special review procedures" where the noncitizen "has provided good reason to believe there is no significant likelihood of removal . . . in the reasonably foreseeable future." § 241.13(a). These regulations provide that ICE

may re-detain a noncitizen only for specified reasons and following specified procedures, laid out in detail below. *See* §§ 241.4(*l*), 241.13(i).

33. Government agencies are required to follow their own regulations. *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 267-68 (1954). Courts have routinely found that, when ICE fails to follow its own regulations in revoking release, detention is unlawful and the petitioner must be released. *See, e.g., Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 166 (W.D.N.Y. 2025) ("In sum, because ICE did not follow its own regulations in deciding to re-detain Ceesay, his due process rights were violated, and he is entitled to release."); *Rombot v. Souza*, 296 F. Supp. 3d 383, 387-89 (D. Mass. 2017) (ordering release because ICE failed to follow the requirements set forth in § 241.4); *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025) (ordering release because ICE violated 8 C.F.R. § 241.13, its own regulations).

a. Required notice and opportunity to respond

34. The regulations require that DHS notify the noncitizen "of the reasons for revocation of his or her release [upon revocation]." 8 C.F.R. §§ 241.13(i)(3), 241.4(*l*)(1). Language in a revocation notice that "summarily asserts that changed circumstances render [the noncitizen's] removal from the U.S. significantly likely in the reasonably foreseeable future" does "not satisfy the Government's obligation to provide the 'reasons' why" the petitioner was re-detained. *Roble v. Bondi*, 803 F. Supp. 3d 766, 771-72 (D. Minn. 2025); *see also Sun v. Noem*, No. 3:25-cv-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025) ("A pro forma notice that gives no information on why

release is being revoked . . . is insufficient"). DHS is also required to conduct an "initial informal interview promptly after" the noncitizen's "return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. §§ 241.13(i)(3), 241.4(*l*)(1). This interview must happen shortly after re-detention. *See, e.g. Dudamel v. Jamison*, 2:26-cv-361, 2026 WL 498612 (E.D.Pa 2026) at *14.

b. <u>Requirements outlining when re-detention is warranted</u>

35. The regulations also require that ICE have a proper basis for re-detention, namely that the individual violated the conditions of their release, 8 C.F.R. §§ 241.13(i)(1), 241.4(*l*)(1), or—where the noncitizen was previously released because removal was not foreseeable—that circumstances have changed such that there is now a "significant likelihood" that the individual can be "removed in the reasonably foreseeable future." § 241.13(i)(2). Notably, under "ICE's own regulations," ICE bears the burden to establish "changed circumstances that make removal significantly likely in the reasonably foreseeable future." *Dudamel v. Jamison*, 2:26-cv-361, 2026 WL 498612 (E.D.Pa 2026); *Sun v. Noem*, No. 3:25-CV-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025) (citing § 241.13(i)(2)); *see also Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025) ("*Respondents* cannot make the showing that circumstances have changed such that there is a significant likelihood [of removal] in the reasonably foreseeable future." (emphasis added)). DHS simply repeating the language of the regulations and making conclusory statements that re-detention is warranted because circumstances have changed such that removal is now reasonably

foreseeable is clearly insufficient. *See, e.g. Nguyen,* 788 F. Supp. 3d at 150-52; *Yang v. Kaiser*, No. 2:25-cv-02205-DAD-AC (HC), 2025 WL 2791778, at *6 (E.D. Cal. Aug. 20, 2025).

c. Requirements regarding who can make the decision to re-detain

36. The regulations also permit only certain officials to revoke a noncitizen's release: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 160-61 (citing 8 C.F.R. § 241.4(*l*)(2) and § 1.2 and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director, or another local ICE official with delegated authority—rather than the ICE Executive Associate Director—intend to revoke release, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(*l*)(2).

Revocation of Post-Removal Order Release
Must Also Comport with Constitutional Due Process

37. Beyond the procedural requirements laid out in 8 C.F.R. §§ 241.13(i) and 241.4(*l*), the Due Process Clause further constrains ICE's ability to re-detain a noncitizen who was previously released from immigration custody after receiving a final order of removal. Procedural due process requires that a noncitizen's detention be accompanied by strong "procedural protections," *Zadvydas v. Davis*, 533 U.S. 678, 691 (2001), such as a hearing before a neutral

adjudicator to determine whether detention is warranted. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner'"). And substantive due process requires that a noncitizen's detention bear a reasonable relationship to the permissible purposes for immigration detention: to prevent flight and to protect the community. *See Zadvydas*, 533 U.S. at 690-91.

a. Procedural due process requirements

38. The initial question in any procedural due process claim is whether a protected liberty interest exists. *See Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989). It is well-established that all people within the U.S., including noncitizens subject to a final order of removal, possess a liberty interest in their physical freedom. *See Zadvydas*, 533 U.S. at 693 ("the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"); *id.* at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process] Clause protects" (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 144 ("This case raises the question of whether a noncitizen subject to a final order of removal and released on an order of supervision is entitled to due process when the government decides—in its discretion—to revoke that release. The Court answers that question simply and forcefully: Yes.").

39. Supreme Court precedent also makes clear that individuals whose physical freedom is qualified in some way nonetheless have a liberty interest that "is valuable and must be seen as within the protection" of the Due Process Clause. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (explaining that a parolee is able to live a "relatively normal life" and the termination of parole "inflicts a grievous loss on the parolee and often on others" (internal quotation marks omitted)); *see also Young v. Harper*, 520 U.S. 143, 147-153 (1997) (following *Morrissey* and holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-detention process). Courts in this Circuit have repeatedly applied the *Morrissey* line of cases to the immigration context and held that individuals on conditional release from ICE custody have a protected liberty interest in their continued release.

40. Once it is clear that a protected liberty interest exists, courts then assess what process is due, using the flexible balancing test set forth in *Mathews*, 424 U.S. at 335. Under the *Mathews* test, the Court assesses three factors:

   a. First, the private interest that will be affected by the official action;

   b. Second, the risk of an erroneous deprivation of such interest through the procedures used, the probable value, if any, of additional or substitute procedural safeguards; and

   c. Finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

See Dudamel v. Jamison, 2:26-cv-361, 2026 WL 498612 (E.D.Pa 2026) at *19 (citing Mathews v. Eldridge, 424 U.S. 319, 335) (1976). Here, each of the *Mathews* factors weighs in Petitioner's favor.

d. <u>Substantive due process requirements</u>

41. Substantive due process places limits on civil immigration detention in addition to those imposed by procedural due process. *See Reno v. Flores*, 507 U.S. 292, 302 (1993) (holding that substantive due process "forbids the government to infringe certain 'fundamental' liberty interests *at all,* no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest" (emphasis in original)). Substantive due process prohibits civil detention that is punitive in purpose or in effect. *See Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004). Civil detention that has a non-punitive purpose may nevertheless be unconstitutionally punitive if it is "'excessive in relation to [its non-punitive] purpose,' or is 'employed to achieve objectives that could be accomplished in so many alternative and less harsh methods.'" *Id.* at 934 (internal citations omitted). The only two permissible purposes for civil immigration detention are to prevent flight and to protect the community from danger. *See Zadvydas*, 533 U.S. at 690-91. Thus, where immigration detention is "excessive in relation" to the government's permissible purpose of reducing risk of flight or danger to the community, or any such risk could be adequately mitigated by "alternative and less harsh methods," detention violates substantive due process. *See Jones*, 393 F.3d at 934-35; *Zadvydas*, 533 U.S. at 690-91.

CLAIMS

COUNT ONE

Detention in violation of 8 U.S.C. § 1231(a)(6) and the Fifth Amendment Due Process Clause

42. Petitioner re-alleges and incorporates by reference the paragraphs above.

43. Respondents' detention of Petitioner violates 8 U.S.C. § 1231(a)(6) and Petitioner's rights under the Due Process Clause of the Fifth Amendment of the U.S. Constitution because Petitioner's removal is not reasonably foreseeable.

44. Petitioner has been subjected to a total of almost 3 years of post-order detention, in the form of an Order of Supervision, and is therefore beyond the six-month period of presumptively reasonable post-order detention. *See Zadvydas v Davis*, 533 U.S. 678, 701 (2001). Petitioner has established "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future" and Respondents have not and cannot rebut that showing. *See Zadvydas,* 533 U.S. at 701. There is no evidence that Mexico has or will issue travel documents for Petitioner. It is notable that he was allowed to enter the United States and remain for almost 3 years.

45. Accordingly, Respondent cannot meet their burden to show that removal is reasonably foreseeable, Petitioner's detention is no longer authorized under § 1231(a)(6), and this Court should order Petitioner's immediate release.

COUNT TWO

Re-detention in violation of the governing regulations

46. Petitioner re-alleges and incorporates by reference the paragraphs above.

47. Respondents' re-detention of Petitioner is governed by 8 C.F.R. § 241.13(i) and violated the requirements of that regulation, as detailed below. If the Court determines that Respondents' re-detention of Petitioner is instead (or additionally) governed by 8 C.F.R. § 241.4(*l*), re-detention also violated that regulation, as detailed below.

48. First, ICE failed to notify Petitioner of "the reasons for revocation" of release and failed to provide Petitioner with an opportunity to respond to those reasons at a prompt, informal interview, in clear violation of the governing regulation. *See* § 241.13(i)(3); *see also* § 241.4(*l*)(1). ICE's failure to provide Petitioner with a prompt interview and an opportunity to respond to ICE's stated reasons for revocation is reason enough to find Petitioner's detention unlawful.

49. Second, ICE has failed to establish that Petitioner has violated their terms of release and re-detention is thus not warranted under § 241.13(i)(1). *See also* § 241.4(*l*)(1). Nor is re-detention warranted under 8 C.F.R. § 241.13(i)(2) because ICE has failed to meet its burden of establishing that circumstances have changed such that there is now a "significant likelihood" that the individual can be "removed in the reasonably foreseeable future." *See* § 241.13(i)(2).

50. Third, assuming the Court finds that 8 C.F.R. § 241.4(*l*) governs here, Petitioner asserts the individual who revoked his release did not have authority to do so.

See 8 C.F.R. § 241.4(*l*)(2). Petitioner's release was not revoked by the ICE Executive Associate Director[1]. Further, the individual who revoked release did not first make the required findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the ICE Executive Associate Director. The fact that Petitioner's release was not revoked by an authorized individual alone is sufficient to warrant release. *See e.g. Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (W.D.N.Y. 2025).

51. Because government agencies are required to follow their own regulations, Respondents re-detention of Petitioner in violation of the governing regulations was unlawful and this Court should order Petitioner's immediate release. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

COUNT THREE

Re-detention in violation of the Fifth Amendment's procedural due process protections

52. Petitioner re-alleges and incorporates by reference the paragraphs above.

53. Respondents' re-detention of Petitioner violates Petitioner's procedural due process rights under the Fifth Amendment's Due Process Clause.

54. Petitioner had a protected liberty interest in their nearly three-year-long supervised released from immigration custody. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *see also Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *7 (E.D. Cal. Aug. 20, 2025) (government concedes that individual with final order of removal had protected liberty interest in

[1] Counsel has not received a copy of any documents relating to revocation of Petitioner's release but will update the court as soon as they are received if it contradicts what counsel believes and asserts herein.

continued conditional release from ICE custody). Thus, the Court should apply the *Mathews* balancing test to determine what process is due.

55. Turning to the first *Mathews* factor, Petitioner has a profound private interest in remaining free from detention. *See Zadvydas*, 533 U.S. at 690. Petitioner's private interest in freedom from ICE custody is particularly weighty given the negative impacts that detention is having on them and their family.

56. As to the second *Mathews* factor, releasing Petitioner from custody until and unless Petitioner is provided with a pre-detention hearing before a neutral adjudicator where the government establishes that Petitioner's re-detention is warranted will greatly decrease the risk of Petitioner being erroneously deprived of liberty. The existing procedural protections associated with re-detention, found in ICE's regulations, are woefully insufficient to reduce the risk of erroneous detention because the regulations allow ICE to make a unilateral decision to revoke release. 8 C.F.R. §§ 241.4(*l*)(2), 241.13(i). On the other hand, a pre-detention hearing would ensure that a neutral adjudicator reviews Petitioner's substantial evidence that they are neither a danger nor a flight risk, thus vastly reducing the risk of erroneous detention.

57. Turning to the third *Mathews* factor, the government's interest in keeping Petitioner in detention without a due process hearing is low, and the burden of providing such a hearing would be minimal. DHS cannot credibly contend that, after allowing Petitioner to live in the community for almost three years, it has an urgent need to detain Petitioner without any pre-detention process. Providing such a hearing will impose a *de minimis*, if any, burden on the government, and

would be far *less* costly and burdensome for the government than keeping Petitioner detained. *See Dudamel v. Jamison*, 2:26-cv-361, 2026 WL 498612 (E.D.Pa 2026) at *19-20 (considering the Government's interest, the Court finds that the burden on the Government to comport with its own regulations—if doing so amounts to a "burden" at all—is nowhere near so weighty as to outweigh the concomitant suppression of Petitioner's liberty.).

58. Given Petitioner's weighty interest in freedom from incarceration, the government's comparatively extremely weak interest in re-detaining Petitioner without a hearing given Petitioner's consistent compliance with reporting requirements since 2023, and the fact that a pre-detention hearing will substantially reduce the risk of erroneous deprivation of liberty, procedural due process requires that Petitioner be released and that the government be enjoined from re-detaining Petitioner absent a pre-detention hearing where the government establishes that detention is warranted.

COUNT FOUR

Re-detention in violation of the Fifth Amendment's substantive due process protections

59. Petitioner re-alleges and incorporates by reference the paragraphs above.

60. Respondents' re-detention of Petitioner violates Petitioner's substantive due process rights under the Fifth Amendment's Due Process Clause.

61. The only two permissible purposes for civil immigration detention are to prevent flight and to protect the community from danger. *See Zadvydas*, 533 U.S. at 69

62. Respondents cannot reasonably assert that Petitioner—who has complied with their conditions of release and had no convictions or arrests during the last nearly three years of life in the community—poses a risk of flight or danger. Even if Petitioner posed some degree of risk of flight or danger, this risk could be sufficiently mitigated by "alternative and less harsh methods," for example, through release on the same reporting requirements that have effectively eliminated any risk of flight or danger over the past nearly three years.

63. Thus, because Petitioner's immigration detention is "excessive in relation" to the government's permissible purpose of reducing risk of flight or danger to the community, substantive due process requires that Petitioner be released from detention. *See Zadvydas*, 533 U.S. at 690-91.

PRAYER FOR RELIEF

WHEREFORE, Mr. Nicolas Vasquez prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents not to move Petitioner from the jurisdiction of the Eastern District of Pennsylvania during the pendency of this Petition;
3. Order Respondents to immediately release Petitioner from custody under the conditions of Petitioner's prior supervised release;
4. Order that Respondents may not re-detain Petitioner unless they:
    a. First establish, at a hearing before a neutral adjudicator, that Petitioner is a flight risk or a danger to the community such that re-detention is warranted, or

b. (1) Obtain a valid travel document, (2) provide the travel document to Petitioner and Petitioner's counsel, (3) offer Petitioner the opportunity to leave the country on their own within two months, and (4) Petitioner fails to leave the country. Under such circumstances, Respondents may re-detain Petitioner, provided they have already made concrete arrangements for Petitioner to be put on a flight to Mexico.

5. Award reasonable costs and attorney's fees under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law;
6. Order the Respondents to return any and all personal property to Petitioner upon his release; and
7. Grant any other and further relief that this Court deems just and proper.

Dated: March 16, 2026

Respectfully submitted:

/s/ Kimberly A. Tomczak

Gian-Grasso | Tomczak
Immigration Law Group
PA Bar: 310687
990 Spring Garden St., Ste. 304
Philadelphia, PA 19123
Ph. (215) 437-0392
Fax: (215) 437-0490
kimberly@gtilg.com

Attorney for Petitioner

LIST OF EXHIBITS

A. ICE detainee locator

B. Form I-220B

VERIFICATION

I, /s/ Kimberly A. Tomczak, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Dated: March 16, 2026

CERTIFICATE OF SERVICE

I, Kimberly A. Tomczak, certify that on March 16, 2026 I electronically filed the attached the foregoing Petition for Habeas Corpus with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system.

Dated: March 16, 2026

Respectfully submitted:

/s/ Kimberly A. Tomczak

Gian-Grasso | Tomczak
Immigration Law Group
PA Bar: 310687
990 Spring Garden St., Ste. 304
Philadelphia, PA 19123
Ph. (215) 437-0392
Fax: (215) 437-0490
kimberly@gtilg.com

Attorney for Petitioner

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.)*

I. (a) PLAINTIFFS

Gregorio Nicolas Vasquez

(b) County of Residence of First Listed Plaintiff: Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Kimberly Tomczak, GT Immigration Law Group
990 Spring Garden St, Ste 304, Phila PA 19123
215-437-0392

DEFENDANTS

J.L. Jamison, Michael T. Rose, Todd M. Lyons, Kristi Noem, Pamela Bondi

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [ ] 1 U.S. Government Plaintiff
- [ ] 3 Federal Question *(U.S. Government Not a Party)*
- [X] 2 U.S. Government Defendant
- [ ] 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- [ ] 365 Personal Injury - Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

CIVIL RIGHTS
- [ ] 440 Other Civil Rights
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 445 Amer. w/Disabilities - Employment
- [ ] 446 Amer. w/Disabilities - Other
- [ ] 448 Education

PRISONER PETITIONS

Habeas Corpus:
- [X] 463 Alien Detainee
- [ ] 510 Motions to Vacate Sentence
- [ ] 530 General
- [ ] 535 Death Penalty

Other:
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition
- [ ] 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

IMMIGRATION
- [ ] 462 Naturalization Application
- [ ] 465 Other Immigration Actions

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 835 Patent - Abbreviated New Drug Application
- [ ] 840 Trademark
- [ ] 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- [ ] 375 False Claims Act
- [ ] 376 Qui Tam (31 USC 3729(a))
- [ ] 400 State Reapportionment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 480 Consumer Credit (15 USC 1681 or 1692)
- [ ] 485 Telephone Consumer Protection Act
- [ ] 490 Cable/Sat TV
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Acts
- [ ] 893 Environmental Matters
- [ ] 895 Freedom of Information Act
- [ ] 896 Arbitration
- [ ] 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- [ ] 950 Constitutionality of State Statutes

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

- [X] 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)***:
28 U.S.C. § 2241

Brief description of cause: Petitioner is unlawfully detained

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 [X] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE: 03/16/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked**.** (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

RELATED CASE IF ANY: Case Number:__________ Judge:__________

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☒ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☐ 16. All Other Federal Question Cases. *(Please specify)*:__________

B. *Diversity Jurisdiction Cases:*

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (*Please specify*):__________
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*__________

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☒ **does not** have implications beyond the parties before the court and ☐ **does** / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

U.S. Immigration and Customs Enforcement

Report Cri

Main Menu

Search Results: 1

GREGORIO NICOLAS-VASQUEZ

Country of Birth : Mexico
A-Number: [redacted]
Status : In ICE Custody
State: PA
Current Detention Facility: Philadelphia Federal Detention Center

** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Privacy - Terms

Bureau of Prisons Inmate Locator

DHS.gov USA.gov OIG Open Gov FOIA Metrics No Fear Act Site Map Site Policies & Plug-Ins

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION

File No.: [redacted]

Name: NICOLAS VASQUEZ, GREGORIO

Date: Jun 27, 2023

On ____________ , you were ordered:
(Date of Final Order)

- [x] Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- [ ] Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- [x] That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- [x] That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- [x] That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- [ ] That you do not travel outside ____________ (Specify geographic limits, if any) for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.
- [x] That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- [x] That you report in person on July 11, 2023, 10:00 AM (Date/Time) to this agency office at:

  1015 Chestnut Street Mezzanine Level, Philadelphia, PA 19107
  (Reporting Address)

- [x] That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- [x] Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

  If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.
- [x] See attached sheet containing other specified conditions (Continue on separate sheet if required)

J. Cowart 6576
(Signature of ICE Official)

J Cowart, SDDO
(Print Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Nathan Switzer
(Signature of ICE Official Serving Order)

(Signature of Alien)

Jun 27, 2023
(Date)