

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

NAHUM SANTOS-BARAHONA	:	
	:	
<i>Petitioner,</i>	:	
	:	
v.	:	Civil Action No. 26-1776
	:	(Judge Young)
	:	
J.L. JAMISON, ET AL.,	:	
	:	
<i>Respondents.</i>	:	

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

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Dated: April 2, 2026

I. INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA). **This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which is not implicated here.**¹ See e.g., *Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above involved **aliens detained under 8 U.S.C. § 1225(b)(2)(A)** because they are removable and present in the United States without inspection and admission or parole.

Petitioner in this case is subject to mandatory detention under the Laken Riley Act, 8 U.S.C. § 1226(c)(1)(E), given his arrest on February 15, 2026, by the Delaware State Police (Case Number: 2602007832) for the following offenses in connection with a domestic violence incident: (1) possession of a deadly weapon during the commission of a felony, (2) aggravated menacing, (3) strangulation, (4) unlawful imprisonment, (5) assault in the third degree, and (6) three separate counts of endangering

¹ Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. See *Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

the welfare of a child (committed a crime the child witnessed by sight or sound). See Delaware Criminal Justice Information System information for Petitioner, attached as Exhibit A.²

Although mandatory detention pursuant to the Laken Riley Act is not dependent on conviction – on March 12, 2026, Petitioner was convicted on two counts.³ As to the aggravated menacing charge, Petitioner was convicted of a lesser charge of “reckless endangering 2nd degree” and sentenced to 10 months incarceration. And on one of the three counts of endangering the welfare of a child, Petitioner was likewise convicted and sentenced to 10 months incarceration. Based on the extensive police report – describing red marks around her neck, blood running down her face, and a laceration on her lip – Petitioner undoubtably caused serious bodily harm to the victim. See Exhibit A.

As discussed below, because Petitioner’s detention comports with the INA and the Fifth Amendment to the U.S. Constitution, the Court should deny the petition for writ of habeas corpus.

² The Delaware criminal history information also reflects extensive traffic arrests with convictions on: February 25, 2025, November 21, 2024, April 10, 2023, September 11, 2023, July 14, 2023, March 4, 2021, November 9, 2020, July 13, 2018, and August 18, 2017.

³ For the remaining charges, the report lists the disposition as “Nolle Prosequi.”

II. FACTUAL AND PROCEDURAL HISTORY

Petitioner, a native and citizen of Honduras, entered the United States without inspection at an unknown time and place. *See* Exhibits B and C– Notice to Appear and Form I-862, both dated March 16, 2026.

On February 15, 2026, Petitioner was arrested by the Delaware State Police and charged for the following offenses (1) possession of a deadly weapon during the commission of a felony, (2) aggravated menacing, (3) strangulation, (4) unlawful imprisonment, (5) assault in the third degree, and (6) three separate counts of endangering the welfare of a child (committed a crime the child witnessed by sight or sound). *See* Exh. A. As discussed above, Petitioner was convicted of reckless endangerment in the second degree and endangering the welfare of a child; and sentenced to 10 months incarceration. *Id.*

After Petitioner was arrested on February 15, 2026 in connection with this domestic violence assault, ICE interviewed him at the Sussex County Correctional Facility in Delaware. On March 16, 2026, ICE initiated removal proceedings against Petitioner, charging him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) and § 1182(a)(7)(A)(i)(I) given his prior unlawful entry into the United States. *See* Exhibits B and C – NTA and Form I-213.⁴ That NTA was filed with the immigration court on

⁴ The Form I-213, Record of Deportable/Inadmissible Alien is a presumptively reliable government document that memorializes, among other information, the facts and circumstances surrounding an alien’s encounter with DHS or other law enforcement agencies. *See e.g., Matter of Barcenas*, 19 I&N Dec. 609. 611 (BIA 1988) (finding that a Form I-213 is an inherently trustworthy document and admissible as evidence to prove alienage and deportability in removal proceedings); *Matter of J-C-H-F-*, 27 I&N Dec. 211, 212 (BIA 2018) (“Generally, there is a presumption of reliability of Government documents.”).

March 16, 2026, thereby commencing his removal proceedings under 8 U.S.C. § 1229a. See Exhibit B.

III. 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 of 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”).

IV. ARGUMENT

The Court should deny the petition because: (1) Petitioner’s detention is lawful under 8 U.S.C. § 1226(c)(1)(E); (2) Petitioner’s detention is separately lawful under 8 U.S.C. § 1225(b)(2)(A); and (iii) Petitioner’s detention under either statutory provision comports with constitutional due process.

A. Petitioner’s detention is lawful under 8 U.S.C. § 1226(c)(1)(E).

Petitioner’s argument that his detention violates the INA and accompanying regulations is without merit because ICE’s current detention of Petitioner is authorized

and, indeed, mandated by statute. An alien loses his eligibility for release on bond if he committed one of the statutorily enumerated criminal offenses set forth in 8 U.S.C. § 1226(c). *See* 8 U.S.C. § 1226(c)(1)(A)-(E) (explaining that the Attorney General “*shall* take into custody any alien” who falls into one of the enumerated categories) (emphasis added). The Attorney General “may release” these categories of aliens in only one narrow instance: if the Attorney General decides that doing so is necessary for witness-protection purposes and that the alien will not pose a danger or flight risk. *Id.* § 1226(c)(4). Absent this narrow exception, aliens detained under § 1226(c) are ineligible for release on bond or, alternatively, parole under 8 U.S.C. § 1182(d)(5)(A). *Id.*

On January 29, 2025, the President signed into law the Laken Riley Act. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). Among other things, the Act amended 8 U.S.C. § 1226(c) to provide that the Attorney General:

[S]hall take into custody any alien who . . . (i) is inadmissible under paragraph 6(A), 6(C), or (7) of section 1182(a) of this title; and (ii) **is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or **any crime that results in death or serious bodily injury to another person.****

8 U.S.C. § 1226(c)(1)(E)(ii) (emphasis added). Under the plain text of the statute, an arrest or charge for a qualifying crime, even if that charge did not result in a conviction, is sufficient to trigger mandatory detention during the pendency of removal proceedings. *Id.* (listing the qualifying conduct disjunctively with separation by the word “or”). For purposes of detention under § 1226(c)(1)(E)(ii), “the terms ‘burglary,’ ‘theft,’ ‘larceny,’ ‘shoplifting,’ ‘assault of a law enforcement officer,’ and ‘serious bodily injury’ have the meanings given to such terms in the jurisdiction in which the acts occurred.” *Id.* § 1226(c)(2).

Petitioner falls squarely within the mandatory detention provision of § 1226(c)(1)(E)(ii). Petitioner is charged as inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I) following his unlawful entry into the United States at an unknown time and place. Furthermore, he was arrested for and charged with Possession of a Deadly Weapon (a knife) during a Felony, Aggravated Menacing, Strangulation, and Assault in the Third Degree; as discussed above and below and in the criminal records –Petitioner’s February 15 assault resulted in serious bodily injury to the victim. The detailed description of the injuries experienced by the victim, including but not limited to that (1) **the victim had lacerations on her head and lip and blood running down her face, (2) red marks around her neck, consistent with her description of being strangled by the Petitioner and unable to breathe, and (3) that she required transport to the hospital for evaluation** – leave no question that Petitioner caused her serious bodily harm. *See* Exhibit A. Thus, Petitioner’s criminal conduct, which culminated in an arrest and criminal charges, and all of which occurred subsequent to the passage of the Laken Riley Act, subjects him to mandatory detention under § 1226(c)(1)(E)(ii).

B. Petitioner’s detention is lawful under 8 U.S.C. § 1225(b)(2)(A).

Even if Petitioner’s detention was not lawful under § 1226(c)(1)(E)(ii), it is separately lawful under § 1225(b)(2)(A). While § 1225 and § 1226 are distinct detention provisions of the INA, the Fifth Circuit Court of Appeals recently acknowledged that there may be “overlap” between these two provisions. *See Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330, at *7 (5th Cir. Feb. 6, 2026) (“Not only does § 1226(c) sweep in deportable aliens in addition to the inadmissible aliens covered by § 1225(b)(2)(A), it also eliminates the option of parole for those to whom it applies.”).

This “overlap” makes it so that there may be scenarios, like here, where an alien is subject to mandatory detention under § 1226(c) due to his criminal history, as well as mandatory detention under § 1225(b)(2)(A) as an applicant for admission. *Id.* (“It is true that § 1226 applies to aliens in the United States. That it does so, however, does not preclude § 1225 from also applying to such aliens.” Therefore, detention is also proper under § 1225(b)(2)).

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

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

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

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner)

desires to remain in the United States, the applicant is necessarily “seeking admission” within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 2026 WL 323330, at *5 (“[A]n ‘applicant for admission’ is necessarily someone who is ‘seeking admission.’”); *id.* at *4 (“When a person applies for something, they are necessarily seeking it.”). Otherwise, the alien must “withdraw the application for admission and depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). An alien continues to be “seeking admission” while in immigration removal proceedings to determine whether he can “be admitted to the United States.” *See id.* § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an “applicant for admission” be actively “seeking admission” at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).⁵ But both the Fifth Circuit and Eighth Circuit Courts of Appeals have agreed with the government. *See Buenrostro-Mendez*, 166 F.4th at 502 (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”); *Avila*, 2026 WL 819258, at *3 (concluding that “the structure of

⁵The government is pursuing appeals in the Third Circuit related to both statutory and constitutional due-process claims. The matters on appeal are *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150 (3d Cir.), which are now consolidated for all purposes. The government’s consolidated opening brief was filed on March 20, 2026. The Third Circuit granted the Government’s motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.

§ 1225(b)(2)(A) does not indicate that ‘seeking admission’ is a separate requirement for detention under the statute”). The *Buenrostro-Mendez* court concluded, correctly, that an “applicant for admission” is “necessarily someone who is ‘seeking admission.’” *Id.* at 503; *Avila*, 2026 WL 819258, at *3 (“‘seeking admission’ . . . means virtually the same thing as ‘applicant for admission’”).

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

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

Pursuant to 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings].” 8 U.S.C.

§ 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 (“Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.”).

In *Q. Li*, the BIA expanded upon the Supreme Court’s holding in *Jennings* and clarified the scope of §1225(b)(2) for applicants for admission, like Petitioner, who are “arriving” in the United States. 29 I&N Dec. 66, 68 (BIA 2025) (citing *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (defining the term “arriving” to apply to aliens “who [are] apprehended” just inside “the southern border, and not at a point of entry, on the same day [they] crossed into the United States”). For aliens in this category, the BIA

affirmed that DHS may either place the alien into expedited removal proceedings under § 1225(b)(1) or full removal proceedings under § 1229a. *Id.* For the latter category—aliens arriving in and seeking admission into the United States who are placed directly into full removal proceedings—the BIA held that § 1225(b)(2)(A) mandates detention “until removal proceedings have concluded.” *Id.* (citing *Jennings*, 583 U.S. at 299).

Thus, the BIA held that an applicant for admission “who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings,” is detained under § 1225(b)(2) and is thus ineligible for any subsequent release on bond. *Id.*; *But see Cordero v. Rose*, No. 26-cv-534, ECF No. 5 at 5–6 (E.D. Pa. Jan. 29, 2026) (Marston, J.) (disagreeing with the United States’ interpretation of *Q. Li* and concluding that petitioner, who entered the United States more than three years ago, was not an applicant for admission that was actively “seeking admission” within the meaning of § 1225(b)(2)); *Cajas-Duchimaza v. McShane*, No. 26-cv-621, ECF No. 6 (Feb. 3, 2026) (similar); *Gurievi v. Rose*, No. 26-736, ECF No. 6 (Feb. 9, 2026).

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

C. Petitioner’s detention comports with constitutional due process.

Petitioner’s argument that his detention violates procedural due process also lacks merit. The Supreme Court has long recognized that “an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign

prerogative.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Further, applicants for admission like Petitioner lack any constitutional due process rights with respect to admission aside from the rights provided by statute: “[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned,” *Shaughnessy v. ex. rel. Mezei*, 345 U.S. 206, 212 (1953), and, “it is not within the province of any court, unless expressly authorized by law, to review [that] determination.” *United States ex. rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950). *See also Dep’t of Homeland Sec. v. Thuraissigiam* 591 U.S. 103, 140 (2020) (“[T]he Due Process Clause provides nothing more.”).

The Supreme Court reaffirmed “[its] century-old rule regarding the due process rights of an alien seeking initial entry” in *Thuraissigiam*, explaining that an individual who illegally crosses the border—like Petitioner—is an applicant for admission and “has only those rights regarding admission that Congress has provided by statute.” 591 U.S. at 139–40. The *Thuraissigiam* Court explained that “[w]hile aliens who have established connections in this country have due process rights in deportation proceedings, the Court held long ago that Congress is entitled to set the conditions for an alien’s lawful entry into this country and that, as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause.” *Id.* at 107.

“When an alien arrives at a port of entry—for example, an international airport—the alien is on U.S. soil, but the alien is not considered to have entered the country.” *Id.* at 139. The same “threshold” rule applies to individuals who are apprehended after trying “to enter the country illegally” since by statute, such individuals are also defined as applicants for admission. *Id.* at 139–40. And all applicants for admission, “even those paroled elsewhere in the country for years pending removal,” “have no entitlement to

procedural rights other than those afforded by statute.” *Id.* at 107, 139. And the statute provides no more procedural protections than allowing an applicant for admission to seek relief from removal if he fears return to his home country, and to seek parole from the agency. *Id.* During that process, however, applicants for admission may be detained without a bond hearing pending admission or removal without running afoul of the Constitution. *Demore v. Kim*, 538 U.S. 510, 531 (2003)

Petitioner’s recent detention under § 1226(c)(1)(E) during the pendency of his removal proceedings does not violate Due Process. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). The Third Circuit Court of Appeals has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness or length of his detention under *German Santos*. Therefore, the Court should find that Petitioner’s detention is constitutional and deny the petition for writ of habeas corpus.

V. CONCLUSION

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

Respectfully submitted,

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Dated: April 2, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

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

Dated: April 2, 2026

/s/ Susan R. Becker
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ANTHONY ST. JOSEPH
Assistant United States Attorneys

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

NAHUM SANTOS-BARAHONA	:	
	:	
<i>Petitioner,</i>	:	
	:	
v.	:	Civil Action No. 26-1776
	:	(Judge Younge)
	:	
J.L. JAMISON, ET AL.,	:	
	:	
<i>Respondents.</i>	:	

EXHIBIT LIST

Exhibit A: Delaware Criminal Justice Information System information for Petitioner

Exhibit B: Form I-862, Notice to Appear, dated March 16, 2026

Exhibit C: Form I-213, Record of Deportable/Inadmissible Alien, dated March 16, 2026

Exhibit B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED] 1998

Event No: [REDACTED]

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: NAHUM SANTOS-BARAHONA

currently residing at:

555 Geo Dr Philipsburg, PENNSYLVANIA 168668139

(814) 768-1200

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near an unknown location, on or about an unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer. OR At that time you arrived at a time or place other than as designated by the Attorney General.

See Continuation Page Made a Part Hereof

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

See Continuation Page Made a Part Hereof

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

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

625 EVANS ST, RM 148A, ELIZABETH, NEW JERSEY 07201. MOSHANNON VAL CORREC FACILITY

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

on March 30, 2026 at 9:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

T-9818 BROCKSON - (A) SDDO

(Signature and Title of Issuing Officer)

Date: March 16, 2026

Dover, Delaware

(City and State)

Notice to Respondent

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

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

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

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

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

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

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

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

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

Request for Prompt Hearing

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

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 16, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

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

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

REFUSED TO SIGN

(Signature of Respondent if Personally Served)

C. J. [Signature]
C-6510 [Stamp] Deportation
Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:

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

Purpose:

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

Routine Uses:

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

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

Disclosure:

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

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name SANTOS-BARAHONA, NAHUM	File Number [REDACTED] Event No: [REDACTED]	Date 03/16/2026
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THE SERVICE ALLEGES THAT YOU:

5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature T-9818 BROCKSON 	Title (A) SDDO
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4 of 4 Pages



U.S. Immigration
and Customs
Enforcement

DETAINEE TRANSFER NOTIFICATION

This Form To Be Completed and Given To The Detainee

DETAINEE NAME: SANTOS Barahona, Nahum A# [REDACTED]

NATIONALITY: Honduras

TRANSFER INFORMATION

NAME OF NEW FACILITY: FDC Philadelphia

ADDRESS OF NEW FACILITY: 700 Arch Street
Philadelphia, PA 19106

TELEPHONE NUMBER 215-521-4000
OF NEW FACILITY:

I hereby acknowledge that I have received the transfer information. I have also been notified that it is my responsibility to notify family members or others, if so desire.

Detainee Signature: [REDACTED] **REFUSED TO SIGN** A# [REDACTED] Date: 03/16/2026

Officer Signature: [Signature] Date: 03/16/2026



U.S. Immigration
and Customs
Enforcement

DETAINEE TRANSFER NOTIFICATION

This Form To Be Completed and Given To The Detainee

DETAINEE NAME: SANTOS Barahona, Nahum A# [REDACTED]

NATIONALITY: Honduras

TRANSFER INFORMATION

NAME OF NEW FACILITY: Moshannon Valley Processing Center

ADDRESS OF NEW FACILITY: 555 Geo Drive
Philipsburg, PA 16866

TELEPHONE NUMBER 814-768-1200
OF NEW FACILITY:

I hereby acknowledge that I have received the transfer information. I have also been notified that it is my responsibility to notify family members or others, if so desire.

Detainee Signature: X **REFUSED TO SIGN** A# [REDACTED] Date: 03/16/2026

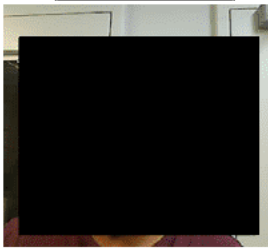
Officer Signature: C. J. [Signature] Date: 03/16/2026

Exhibit C

U.S. Department of Homeland Security

Subject ID :

Record of Deportable/Inadmissible Alien

Family Name (CAPS) SANTOS BARAHONA, NAHUM NMN		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmpbkn MBR
Country of Citizenship HONDURAS	Passport Number and Country of Issue	File Number		Height 69	Weight 180	Occupation UNR	
U.S. Address [REDACTED], DELAWARE, 19973, UNITED STATES				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, UNK, WI-Without Inspection				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence DULCE NOMBRE DE CULMI, OLANCHO, HONDURAS				F.B.I. Number [REDACTED]			
Date of Birth [REDACTED]/1998		Age: 27		Date of Action 03/16/2026		Location Code DVD/PHI	
City, Province (State) and Country of Birth Dulce Nombre de Culmi, HONDURAS		AR ☒ Form: (Type and No.)		Lifted ☐ Not Lifted ☐		Method of Location/Apprehension CA	
NIV Issuing Post and NIV Number		Social Security Account Name		At/Near See I-831		Date/Hour 03/16/2026 07:51	
Date Visa Issued		Social Security Number		By C+6510 GAYLORD		Status at Entry	
				Status When Found		Length of Time Illegally in U.S.	
Immigration Record NEGATIVE				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) ARIAS MORA, ANDREINA NATIONALITY: DOMINICAN REPUBLIC ADDRESS: [REDACTED] DELAWARE, 19973, UNITED STATES				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known SANTOS, NICOLAS NATIONALITY: HONDURAS ADDRESS: Dulce Nombre de Culmi, OLANCHO, HONDURAS				Mother's Present and Maiden Names, Nationality, and Address, if Known BARAHONA, DIYNA EMERITA NATIONALITY: HONDURAS ADDRESS: Dulce Nombre de Culmi, OLANCHO, HONDURAS			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? ☒ Yes ☐ No		Systems Checks See Narrative	
Name and Address of (Last)(Current) U.S. Employer				Type of Employment Unemployed or Retired		Charge Code Word(s) See Narrative	
				Salary		Employed from/to	
				Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: [REDACTED]		Left Index fingerprint			Right Index fingerprint		
							
FAMILY INFORMATION Father: SANTOS, NICOLAS is a citizen of HONDURAS, , his immigration status is No Status. Mother: BARAHONA, DIYNA is a citizen of HONDURAS, , her immigration status is No Status. Spouse: ARIAS MORA, ANDREINA has A# [REDACTED], is a citizen of DOMINICAN REPUBLIC, and their immigration status is Legal Permanent Resident. Child: Subject does not have children or dependents.							
SUBJECT HEALTH STATUS ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				C+6510 GAYLORD Deportation Officer (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
Stats				Officer: C+6510 GAYLORD			
File				on: March 16, 2026 (time)			
				Disposition: Warrant of Arrest/Notice to Appear			
				Examining Officer: BROCKSON, T-9818			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SANTOS BARAHONA, NAHUM NMN	File Number [REDACTED] Event No: [REDACTED]	Date 03/16/2026
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The subject claims good health.

CURRENT ADMINISTRATIVE CHARGES

02/20/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 02/20/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

CIS checked on 03/16/2026 with Negative result. TECS checked on 03/16/2026 with Negative result. NCIC checked on 03/16/2026 with Positive result. CLAIM checked on 03/16/2026 with Negative result. EARM checked on 03/16/2026 with Negative result. IAFIS checked on 03/16/2026 with Negative result.

ARRESTED AT/NEAR

[REDACTED], UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

Subject's alienage and deportability established through the following means:

- 1) Check of ICE related indices
- 2) Subject's statements provided during personal interview

Arrest Data:
Subject (SANTOS- Barahona, Nahum A#TBD) was encountered on or about February 16, 2026, during routine ICE/ERO CAP interviews at the Sussex Correctional Institution located in Georgetown, Delaware. The subject was arrested by the Delaware State Police Troop 5 for Possession of a deadly weapon and other related charges.

Subject was questioned regarding his alienage and Immigration status, in the English language. Subject freely admitted that he is a native and citizen of Honduras by virtue of birth. Subject claims to have entered the United States on or about an unknown date at or near an unknown location, on foot without inspection, admission, or parole from an Immigration Official. A query of ICE related indices did not provide any matches to the Subject's claimed information. The form I-247 (Immigration Detainer-Notice of Action) was lodged on the Subject with the Delaware Department of Corrections, Central Records Department. Subject will be remanded into ICE/ERO custody upon his release from the Sussex Correctional Institution.

Identification:
Subject's fingerprints were scanned into the joint DHS Automated Biometric Identification System\FBI Automated Fingerprint Identification System (IDENT \ IAFIS) Fingerprint Identification Systems for identification. The automated reply from IDENT \ IAFIS revealed the following match:

SANTOS-Barahona, Nahum
D.O.B.: [REDACTED]/1998
Honduras
FBI: [REDACTED]
SID: [REDACTED]

Immigration History:
A query of ICE related indices indicates that the Subject has not been previously

Signature C+6510 GAYLORD	Title Deportation Officer
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SANTOS BARAHONA, NAHUM NMN	File Number [REDACTED] Event No: [REDACTED]	Date 03/16/2026
encountered by the U.S. Immigration and Naturalization Service, or its successor the U.S. Department of Homeland Security. Charge: Subject is in violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. Demographics and other factors: Subject claims to be married to Andreina Arias and has 3 USC children with her. Subject claims to have no other family ties in the United States. Subject does not have an immigration attorney on file. Subject has not served in the United States military. Subject does not have equity in the United States. Subject has never attended school in the United States. Subject does not have any immigration applications pending. Subject claims to be in good medical condition and taking no medication. Subject will be given a 3-minute phone call as per ICE policy. Consular notification is not mandatory. Subject does not have a fear of returning to Honduras CRIMINAL HISTORY: 2/15/2026 Delaware State Police Troop 5 CASE: 2602007832 POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY Disposition: 3/12/2026-Nolle Prosequi AGGRAVATED MENACING Disposition: 3/12/2026-The Subject was convicted of the lesser charge of Reckless endangering 2nd degree and sentenced to 10 months incarceration STRANGULATION Disposition: 3/12/2026-Nolle Prosequi UNLAWFUL IMPRISONMENT Disposition: 3/12/2026-Nolle Prosequi ASSAULT 3RD DEGREE-Intentionally or Recklessly cause physical injury to another. Disposition: 3/12/2026-Nolle Prosequi ENDANGERING THE WELFARE OF ACHILD- Committed crime child witnessed by sight or sound Disposition: 3/12/2026- The Subject was convicted and sentenced to 10 months incarceration. ENDANGERING THE WELFARE OF ACHILD- Committed crime child witnessed by sight or sound Disposition: 3/12/2026-Nolle Prosequi ENDANGERING THE WELFARE OF ACHILD- Committed crime child witnessed by sight or sound Disposition: 3/12/2026-Nolle Prosequi The Subject also has traffic arrests with convictions on: 2/25/2025, 11/21/2024, 4/10/2023, 9/11/2023, 7/14/2023, 3/5/2021, 11/09/2020, 7/13/2018, and 8/18/2017.		
Signature C+6510 GAYLORD	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SANTOS BARAHONA, NAHUM NMN	File Number [REDACTED] Event No: [REDACTED]	Date 03/16/2026
PROCESSING DISPOSITION: Subject will be taken into ICE/ERO custody, issued a Notice to Appear and be placed in removal proceedings after his release from the Delaware Department of Corrections. OTHER IDENTIFYING NUMBERS ----- ALIEN-[REDACTED] State Criminal Number/State Bureau Number-[REDACTED] (UNITED STATES)		
Signature C+6510 GAYLORD	Title Deportation Officer	

4 of 4 Pages