

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JORGEL ALEXANDER AGUDELO SILVA

Petitioner,

v.

MALDONADO, JR., *et al.*,
Respondents.

Civil Action 26-cv-1709
(Merchant, J.)

**DECLARATION OF
DEPORTATION OFFICER
DAVID RODRIGUEZ**

Pursuant to 28 U.S.C. § 1746, I, David Rodriguez, declare under penalty of perjury that the following is true and correct:

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”).
2. I have served in this capacity since January, 2017. As a Deportation Officer, I have access to DHS and ICE records relating to Petitioner Jorgel Alexander Agudelo Silva (“Petitioner”). Petitioner, a native and citizen of Venezuela, has been assigned the following Alien Number: . Additionally, I am familiar with procedures relating to the processing, removal, detention, and parole of aliens. The following representations are based on my review of Petitioner’s DHS and ICE records, consultation with my colleagues, and my personal knowledge.
3. I have reviewed the Petition for Writ of Habeas Corpus filed in the above-captioned action, and I am familiar with the allegations therein. I submit this Declaration in support of Respondents’ response to the Court’s Order to Show Cause.
4. Petitioner entered the United States on October 2, 2022, after crossing in Texas through the southern border at a time and place other than as designated by the Secretary of the Department of Homeland Security. On that day, he was encountered by U.S. Customs and

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Border Protection ("CBP"). CBP determined that Petitioner illegally entered the United States, placed him under arrest, and transported him to the El Paso Border Patrol Sector for processing.

5. On October 3, 2022, CBP paroled Petitioner into the United States pursuant to Immigration and Nationality Act ("INA") § 212(d)(5) (8 U.S.C. § 1252(d)(5)) due to lack of detention capacity at Central Processing Center and issued a Form I-94.

6. On February 28, 2026, ICE Enforcement and Removal Operations' Long Island Fugitive Operations team were conducting surveillance in Valley Stream, New York. During this surveillance, officers observed a vehicle with a license plate registered to Petitioner, whose application for relief was terminated by United States Citizenship and Immigration Services. Officers conducted a vehicle stop and Petitioner provided his New York State Driver License, bearing the name Jorgel Agudelo Silva. A record check confirmed that Petitioner is a citizen and national of Venezuela with no lawful status in the United States. Pursuant to the Form I-200, Petitioner was arrested and detained pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A) pending the resolution of removal proceedings. Petitioner was transported to an ICE facility at the Nassau County Correction Center ("NCCC") located at 100 Carman Avenue, East Meadow, NY for post-arrest processing.

7. That same day, ICE issued Petitioner a Form I-862 Notice to Appear ("NTA"). The NTA charged Petitioner as 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 of the United States of America. The initial master calendar hearing date was March 17, 2026.

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8. Petitioner remained at the NCCC in Nassau County, New York from February 28, 2026 until March 2, 2026, while awaiting long-term bed-space at Metropolitan Detention Center ("MDC") in Brooklyn, New York.

9. On March 2, 2026, Petitioner was moved from NCCC to Delaney Hall Detention Facility ("DHDF") in Newark, New Jersey while awaiting long-term bed space at Metropolitan Detention Center ("MDC") in Brooklyn, New York. EOIR issued a new notice of hearing scheduling the petitioner for a hearing on March 6, 2026.

10. On March 3, 2026, ICE notified the Executive Office for Immigration Review ("EOIR") of Petitioner's transfer to DHDF.

11. On March 6, 2026, EOIR issued a new notice of hearing scheduling the Petitioner for a hearing on March 26, 2026.

12. On March 16, 2026, the Petitioner was transferred to MDC.

13. On March 18, 2026, ICE notified EOIR of Petitioner's transfer to MDC and EOIR issued a new notice of hearing scheduling the petitioner for a hearing on March 24, 2026.

14. On March 24, 2026, Petitioner appeared, pro se, before the New York Immigration Court. Petitioner was advised of his rights and obligations. This matter was reset to April 4, 2026, at the Petitioner's request to allow him time to find an attorney.

15. Petitioner remains detained pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), pending his removal proceedings.

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I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
This 26th day of March, 2026.

DAVID J
RODRIGUEZ

Digitally signed by
DAVID J RODRIGUEZ
Date: 2026.03.26
13:27:11 -04'00'

David Rodriguez
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security