UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAFAEL MERAN GARCIA *Petitioner-Plaintiff,* v. **JL JAMISON**, in his official capacity as warden of The Philadelphia Federal Detention Center; **BRIAN MCSHANE**, is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations **TODD LYONS**, in his Official Capacity as Acting Director of Immigration and Customs Enforcement; **MARKWAYNE MULLIN**, in her official capacity as: Secretary of the Department of Homeland Security; **DHS,** THE U.S. DEPARTMENT OF HOMELAND SECURITY; **TODD BLANCHE**,: Acting Attorney General of the United States *Respondents-Defendants.*	**Verified Petition for Writ of Habeas Corpus** **Adminstrative File No.: A** [redacted]

INTRODUCTION

1. This case challenges the unlawful detention of RAFAEL MERAN GARCIA , who is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Philadelphia Federal Detention Center. (**"Exhibit "A"**) Petitioner is neither a flight

risk nor a danger to the community. But on or about April 2, 2026 ICE detained him/her without notice or opportunity to be heard, on, upon information and belief, the decision of an individual without authority to do so, without findings required by law, and in violation of agency rules.

2. ICE found that Petitioner was neither a flight risk nor danger to the community when it previously released Petitioner from ICE detention on or about April 19, 2025 pursuant to a request for Bond. (**"Exhibit "B"**) Since then, Petitioner has fully abided by the order's terms, including attending regularly scheduled check-ins with ICE.
3. But at a regularly scheduled check-in with ICE on April 2, 2026 Respondents-Defendants suddenly revoked Petitioner's bond and arrested him. Petitioner has been detained at the Philadelphia Federal Detention Center since then.
4. Respondents-Defendants' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and Nationality Act and implementing regulations, the Administrative Procedure Act,
5. Petitioner brings this action for injunctive, habeas, and declaratory relief ordering Respondents to release him.

PARTIES

6. Petitioner has lived in the United States for approximately fourteen and a half (14 ½) years, arriving on our about December 31, 2011, without inspection. Prior to Petitioner's detention on or about April 2, 2026 he was residing in [redacted]

7. Respondent Brian McShane 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, where the Petitioner was initially detained, and has the authority to order the release Petitioner or transfer him to a different facility. He is one of Petitionerl's immediate custodians and is sued in his official capacity.
8. Respondent Todd Lyons is the Acting Director of ICE. In this capacity he is responsible for enforcing immigration laws, and as such is a legal custodian of Petitioner. He is sued in his official capacity.
9. Respondent Markwayne Mullin is Secretary of Homeland Security. In this capacity he runs the Department of Homeland Security, and is charged pursuant to 8 U.S.C. 1 103(a)(l) with administering and enforcing immigration laws. He is the ultimate legal custodian of Petitioner and is sued in his official capacity.
10. The Department of Homeland Security ("DHS") is the agency of the federal government responsible for enforcing the immigration laws. DHS is also Petitioner's legal custodian.
11. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice. Mr. Blanche shares responsibility for the implementation and enforcement of immigration laws along with Respondent Mullin, Respondent Blanche is a legal custodian of Petitioner He is sued in his official capacity.

12. Respondent JL Jamison is Warden of the Philadelphia Federal Detention Center and as such is the physical and legal custodian of the Petitioner who is currently located at that center. He is sued in his official capacity.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., and Administrative Procedure Act, 5 U.S.C. § 551, et seq.

14. Venue is proper in this district because Respondent-Defendant Warden J.L. Jamison is Petitioner's immediate custodian and under 28 U.S.C. § 1391(e)(1) because Respondents-Defendants are officers of United States agencies, Petitioner currently resides within this District, and there is no real property involved in this action.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

13. Petitioner is 50 years old and came to the United States from the Dominican Republic almost fifteen (15) years ago. Petitioner has resided in the United States continuously since then.

14. The Petitioner was taken into custody pursuant to a criminal conviction in 2025, and was released on bond in April of that year.

15. The Immigration Court determined that the Petitioner had established that he was neither a flight risk nor public safety threat such that he would be ineligible for bond;

16. The Petitioner currently has pending an application for Non-LPR Cancellation of Removal as parent of United States citizen, proof of which is attached herewith and

marked as **Exhibit C; Also included in Exhibit C is the redacted birth certificate of his minor USC child;**

17. As noted above, since April of 2025 approximately one year, ICE released Petitioner on an order of bond and Petitioner has complied with all conditions of the order, including periodic check-ins with ICE. **No circumstances have changed that make Petitioner a flight risk or danger to the community.**

18. But at a regularly ICE scheduled check-in on April 2, 2026, ICE suddenly revoked Petitioner's bond and arrested him/her before he could pursue his Immigration Case scheduled for October 8, 2027 before the Newark Immigration Court. **(Exhibit "D")**

19. Upon information and belief, the official responsible for revoking Petitioner's bond release did not first refer the case to the ICE Executive Associate Director, did not make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director, and had not been delegated authority to revoke an order of supervision.

20. Upon arrest, ICE transferred petitioner to the Philadelphia Federal Detention Center, where he is currently detained.

21. Upon information and belief, at no time following Petitioner's arrest did ICE explain why it revoked Petitioner's order of supervision or give him an opportunity to respond to those reasons

LEGAL FRAMEWORK

Due Process Governs Decisions to Revoke an Order of Bond

22.. "The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." Id. at 690 (2001).

23. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." Kansas v. Hendricks, 521 U.S. 346, 363 (1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. See Zadvydas v. Davis, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

24. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. Mathews v. Eldridge, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." Id. at 333 (citation modified).

<u>Statute and Regulation Govern Procedures for Revoking a Bond</u>

25. A non-citizen with a bond order is similar to one who has been issued an order of supervision. The regulations governing the revocation of bond can be found at 8 C.F.R. § 1236.1(c)(9) and INA Section 1226(b) which indicate that bond can be revoked at any time if there has been a change of circumstances.

26. In determining whether a bond should be revoked, tbe burden is on the government to establish qualifying circumstances. **Pensamiento v. McDonald, Jr., et al., 315 F.Supp.3d 684 (D.C. Mass. 5/21/2018)(habeas)** ("The Constitution requires placing the burden of proof on the government in [INA sec. 236(a)] hearing.")

The APA Sets Minimum Standards for Final Agency Action

27.The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

28. Final agency actions are those (1) that "mark the consummation of the agency's decision making process" and (2) "by which rights or obligations have been determined, or from which legal consequences will flow." Bennett v. Spear, 520 U.S. 154, 178 (1997) (citation modified).

29. ICE's revocation of an order of supervision is a final agency action subject to this Court's review.

30. The revocation here marked the consummation of ICE's decision-making process regarding Petitioner's custody.

31. The revocation was also an action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain Petitioner in violation of his rights under the Constitution, statute, and regulation.

CLAIMS FOR RELIEF

Count One

Violation of the Fifth Amendment of the U.S. Constitution Substantive Due Process

32. Petitioner realleges all paragraphs above as if fully set forth here.

33. When ICE issued Petitioner an order of bond, it found that he is neither a danger to the community nor a flight risk.

34. When Respondents revoked the order of bond, Petitioner had complied with every condition of the order and ICE had not secured necessary travel documents for removal. **No change in circumstances warranted the order's revocation.**

35. Petitioner's detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

36. Because Respondents had no legitimate, non-punitive objective in revoking Petitioner's order of supervision, Petitioner's detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

Count Two

Violation of the Fifth Amendment of the U.S. Constitution Procedural Due Process

37. Plaintiffs reallege all paragraphs above as if fully set forth here.

38. Mathews v. Eldridge, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

39. The first factor, the private interest at issue, favors Petitioner. "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 [of the Fifth Amendment] protects." Zadvydas v. Davis, 533 U.S. 678, 690.

40. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, statute specifies the limited number of reasons that an order of supervision can be revoked.

Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither dangerous nor a flight risk. Additionally, prolonged detention will make it virtually impossible to for the Petitioner to present his claim for relief of Non LPR Cancellation of Removal given that detained individuals have a statistically lower rate of success than those not detained due to the obvious logistical barriers in presenting their claims.

41. The third factor, the government's interest, also favors Petitioner. When the government ignores law that ensures notice and an opportunity to respond to a person at risk of revocation of an order of bond and does not provide any reasons for the revocation of that bond that would amount to cognizable "changed circumstances,", it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior to revoking an order of bond reduces fiscal and administrative burdens on the government.

42. For these reasons, revoking Petitioner's order of bond without providing notice and a meaningful opportunity to respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

Count Three

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B) Contrary to Law and Constitutional Right

43. Petitioner realleges all paragraphs above as if fully set forth here.

44. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

45. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, any law, and not merely those laws that the agency itself is charged with administering." FCC v. NextWave Pers. Commc'ns Inc., 537 U.S. 293, 300 (2003) (emphasis in original).

46. Respondents' revocation of Petitioner's order of bond was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

47. The revocation was also not in accordance with the INA and implementing regulations governing who may lawfully revoke an order of bond and under what circumstances, as cited and discussed in the Statutory Framework section above.

48. Petitioner's order of bond was not revoked by the ICE Executive Associate Director. The officer who revoked the order did not first make findings that revocation was in the public interest and that circumstances did not reasonably permit referral to the Executive Associate Director.

49. Before revoking the bond, Respondents did not make findings that Petitioner is dangerous or unlikely to comply with a removal order, as required by statute.

50. Even assuming that regulations purporting to offer additional justifications for revocation of an order of bond are not ultra vires, respondents did not comply with them. Respondents could not make findings that Petitioner's conduct indicated release would no longer be appropriate or

that Petitioner violated any condition of release, because s/he had not. Nor could Respondents make findings that the purposes of release had been served or that it was appropriate to enforce a removal order, because the Petitioner is currently in proceedings and there is no order of removal entered;

51. Nor did the Respondents give Petitioner notice of the reasons for revocation and opportunity to be heard.

52.The revocation should be held unlawful and set aside because it was contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

Count Four

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A) Arbitrary and Capricious

53. Petitioner realleges all paragraphs above as if fully set forth here.

54. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

55. Respondents' revocation of Petitioner's order of bond was arbitrary and capricious because it violated statute, regulation, and the Constitution, as described above.

56. An agency decision that "runs counter to the evidence before the agency" is also arbitrary and capricious. Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins., 463 U.S. 29, 43 (1983).

57. Respondents' decision to revoke Petitioner's order of supervision ran counter to the evidence before the agency that Petitioner has been complying with the conditions of his bond. Petitioner has never violated a condition of his/her order of bond and no new facts or changed circumstances suggest s/he would.

58. The revocation also “failed to consider important aspects of the problem” before Respondents, making it arbitrary and capricious for multiple other reasons. Dep’t of Homeland Sec. v. Regents of the Univ. of California, 140 S. Ct. 1891, 1910 (2020).

59. First, Respondents failed to consider the serious constitutional concerns raised by revoking Petitioner’s order of bond without notice and opportunity to respond or providing any legitimate or cognizable basis for the revocation;

60. Second, Respondents failed to consider the increased administrative burden to the agency caused by revoking the order of bond of Petitioner, who is neither a flight risk nor a danger to the community.

61. Third, Respondents failed to consider reasonable alternatives to revoking Petitioner’s order of bond that were before the agency, like adding additional safeguards such as electronic monitoring or other methods of surveillance which would not violate in such a drastic manner the Petitioner’s liberty and freedom of movement. This alternative would vindicate the government’s interests in monitoring the Petitioner, ensuring that he is neither a flight risk nor a security risk, and save it the expense of detention not needed to guarantee Petitioner’s appearance.

62. Fourth, Respondents failed to consider Petitioner’s substantial reliance interest, created by its instruction on Petitioner’s release notification, the agency would give an opportunity fully litigate the benefits for which he has applied, and for which a hearing has already been scheduled in 2027 before the Newark Immigration Court;

63. For these and other reasons, Respondents’ revocation of Petitioner’s order of supervision was arbitrary and capricious and should be held unlawful and set aside.

//

Count Five

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C) In Excess of Statutory Authority

64. Petitioner realleges all paragraphs above as if fully set forth here.

65. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

66. "An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." FEC v. Cruz, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

67. Regulations that purport to give Respondents authority to revoke an order of bond on grounds other than those listed § 1226(b) and 8 CFR 1236.1(c)(9) are ultra vires and in excess of statutory authority because "[r]egulations cannot circumvent the plain text of the statute." You v. Nielsen, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018)

Count Six

Ultra Vires Action

68. Plaintiffs reallege all paragraphs above as if fully set forth here.

69. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner.

70. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

a. Exercise jurisdiction over this matter;

b. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

c. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA and implementing regulations and the APA

d. Order Petitioner's immediate release;

e. Award Petitioner costs and reasonable attorneys' fees; and

f. Order such other relief as this Court may deem just and proper.

Respectfully submitted,

Christo N Flores

Attorney for Petitioner-Plaintiff

DATED:

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

DATED:

Attorney for Petitioner-Plaintiff

CERTIFICATE OF SERVICE

I certify that on this date I filed the foregoing Petition for Habeas Corpus via the court CM/ECF System, thereby making it available for viewing and download for all parties in this case.

Dated: April 6, 2026

Christine M. Flowers, Esquire

Joseph M Rollo and Associates PC

Attorneys for Petitioner

EXHIBIT A

Report

Main Menu

Search Results: 1

RAFAEL NAIMY MERAN GARCIA

Country of Birth : Dominican Republic
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

16

EXHIBIT B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:
MERAN GARCIA, RAFAEL NAIMY

To:
Flowers, Christine Marie
2527 south broad street
Philadelphia, PA 19148

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
04/10/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☑ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☑ released from custody under bond of $ 15,000.00
- ☐ other:

☐ Other:

Immigration Judge: PANOPOULOS, ADAM 04/10/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : MERAN GARCIA, RAFAEL NAIMY | A-Number : [redacted]
Riders:
Date: 04/10/2025 By: VITALI, PATRICIA, Court Staff

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

IMMIGRATION BOND

OMB No. 1653-0022
Expires 8/31/2022

Power of Attorney Number ____
A-File No. or Visa No. [redacted]
Bond Receipt No.

Part A. Obligor Information
Name of Obligor: Flowers, Christine M.

Taxpayer Identification Number (TIN): [redacted]

Street Address of Obligor: [redacted]

City, State and Zip Code:

Name of Agent/Co-Obligor (if any-Surety Bonds only): ____

Address (if different from that of Obligor): ____

Telephone: ____

If this is executed by a surety company the rate of premium is: ____% and the amount of premium is: ____

The name and address of the person who executed a written instrument with the surety company requesting it to post bond is:

B. Information about alien for whom bond is furnished:
Name: Meran Garcia, Rafael Naimy

Alien Registration Number or Visa Number: [redacted]

Current Location: MOSHANNON VALLEY PROCESSING CENTER

Date and country of birth: [redacted] / DOMINICAN REPUBLIC Nationality: DOMINICAN REPUBLIC

Date, port and means of arrival in the United States: ____ / UNKNOWN, Foot

Alien to reside at: [redacted] UNITED STATES

Telephone number at alien's residence: ____

C. In consideration of the facts recited in paragraph or paragraphs herein numbered G1 and captioned BONDS CONDITIONED UPON THE DELIVERY OF AN ALIEN. (and in any rider or riders lettered ____ and captioned ____), the above named obligor and the agent acting on its behalf (if any), upon execution of this bond, agree that they are immediately liable to the United States in the sum of Fifteen Thousand dollars ($ 15000.00) which sum is to be forfeited and paid to the United States upon an administratively final breach determination.The obligor and any co-obligor acknowledge receipt of a copy of the executed bond and any attached rider or riders specified above. The obligor certifies, subject to penalties provided by 18 U.S.C. § 1001, that any cash equivalent deposited is not the proceeds of illicit activity.

D. Signed this 21 day of April/2025
(Month/Year)

Christine M. Flowers
(Signature of Obligor) (Signature of Agent/Co-Obligor (if any))

E. Bond approved and accepted at PHILADELPHIA, PENNSYLVANIA on 04/21/2025
(City and State) (Date)

B SLOAN
(Field Office Director Printed Name)

BRENDA M SLOAN Digitally signed by BRENDA M SLOAN Date: 2025.04.21 10:25:51 -04'00'
(Field Office Director Signature)

F.
Surety Company ____ EIN ____
Agent-Bonding Company ____ EIN ____
Obligors-Cash Equivalents Flowers,Christine M. Taxpayer Identification Number (TIN) [redacted]

31 U.S.C.A. § 7701(c)(1). The head of each Federal agency requires each person doing business with that agency to furnish to that agency such person's taxpayer identifying number. It is ICE's intent to use such numbers for purposes of collecting and reporting information on any delinquent accounts arising out of such person's relationship with the Government. The obligor, surety, or agent must furnish its Taxpayer Identification Number (TIN) to ICE. Failure to furnish the TIN may result in a refusal of the bond.

19

IMMIGRATION BOND

OMB No. 1653-0022
Expires 8/31/2022

Power of Attorney Number [redacted]
A-File No. or Visa No.
Bond Receipt No.

G.

(1) BOND CONDITIONED UPON THE DELIVERY OF AN ALIEN. In consideration of the granting of the application of the above alien for release from custody, the obligor and any co-obligor hereby furnish such bond with the following conditions if: (1) the alien is released from custody and if the obligor and any co-obligor shall cause the alien to be produced or to produce himself/herself to an immigration officer or an immigration judge of the United States, as specified in the "Notice to Obligor to Deliver Alien," Form I-340, issued by ICE, upon each and every written request until removal proceedings in his/her case are finally terminated; (2) the said alien is accepted by ICE for detention or removal; or (3) the bond is otherwise cancelled, this obligation shall terminate. If, however, the obligor or any co-obligor fails to surrender the alien in response to a demand while the bond remains in effect, the full amount of the bond (see Paragraph C above) becomes due and payable upon an administratively final breach determination. The obligor and any co-obligor further agree that no order issued by or under the authority of the Attorney General or Secretary of Homeland Security such that the issuance or execution of any order of removal is or may be deferred shall be in any manner construed to impair or render void this obligation or any part thereof.

(2) BOND CONDITIONED UPON THE VOLUNTARY DEPARTURE OF AN ALIEN. In consideration of the granting by the Attorney General of an application of the above alien to depart voluntarily from the United States, the obligor hereby furnishes a bond with the following conditions if: (1) the obligor and any co-obligor ensure that the alien departs the United States on or before the date specified in the order granting voluntary departure, and provides probative documentation of the departure within 30 days of the date specified in the order granting voluntary departure; or (2) the alien is actually accepted by DHS for detention or removal, this obligation shall terminate. Otherwise the amount of the bond specified in Paragraph C above shall become due and payable upon an administratively final breach determination.

(3) ORDER OF SUPERVISION BOND. In consideration of the granting of the release of the above alien pursuant to a post-removal-period order of supervision, the obligor and any co-obligor hereby furnish this guaranty with the condition that: if the alien fully performs all of the conditions of the order of supervision and surrenders for removal, then this obligation shall terminate; but if the alien fails to fully perform any of the conditions of the order of supervision, or the alien fails to surrender for removal, the full amount of this bond shall become due and payable by the obligor and any co-obligor upon an administratively final breach determination.

(4) MAINTENANCE OF STATUS AND DEPARTURE BOND. As a condition of the granting of a nonimmigrant visa to the above alien and/or the granting of the application for admission to the United States of the above alien as a nonimmigrant, the obligor hereby furnishes a bond with the following conditions: If the alien is admitted to the United States for a temporary period as a nonimmigrant and complies with all the conditions of each specific nonimmigrant status which s/he is accorded while classified in such status, including the condition that the alien should not accept unauthorized employment, and departs from the United States on or before the date to which s/he is initially authorized to remain in the United States, then this obligation shall be void. If the alien is granted or has timely and properly filed an application for an extension of temporary admission or a change in nonimmigrant status, and if the alien complies with all the conditions of each specific nonimmigrant status which s/he is accorded while classified in such status, including the condition that the alien should not accept unauthorized employment, and departs from the United States on or before the extended date to which s/he is authorized to remain in the United States, then this obligation shall be void. The obligation shall become due and payable if the alien: (a) violates any condition of her/his status; (b) files an untimely application for change of status or extension of his/her lawful admission; or (c) remains in the United States after expiration of the temporary period of admission or, if the alien timely and properly files an application for change of status or extension of her/his lawful temporary stay, the alien does not depart the United States within 10 days after denial of such request.

20

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

IMMIGRATION BOND

OMB No. 1653-0022
Expires 8/31/2022

INSTRUCTIONS

(READ INSTRUCTIONS CAREFULLY)

This bond is posted as security for performance and fulfillment of the bonded alien's obligations to the government. An acceptable surety company or an entity or individual who deposits a certified check, a cashier's check or a money order ("cash equivalent") may execute the bond as surety. The surety is the obligor; the bonded alien is the principal; and U.S. Immigration and Customs Enforcement (ICE) is the beneficiary of all bonds it authorizes. The obligor guarantees the performance of the conditions of the bond. The bond's guaranty is secured by the amount of the bond. An acceptable surety company is one that appears on the current Treasury Department Circular 570 as a company holding the requisite certificate of authority to act as a surety on Federal bonds. An agent of an acceptable surety company (a co-obligor) may execute the bond only if the agent attaches to the bond a currently valid power of attorney showing the authority of the agent to act for the surety company or has provided to ICE a power of attorney to be used as part of the eBONDS system. Any agent of an acceptable surety company is a co-obligor on this bond, and he/she shall sign as a co-obligor in paragraph D. Failure of an agent to sign as co-obligor shall result in rejection of the bond. A co-obligor shall be jointly and severally liable with the surety company for any breach of this bond (i.e., the liability of a co-obligor is in addition to, not instead of, that of the obligor).

ICE may refuse to accept any bond to the extent permitted by law. Obligors and co-obligors (if any) shall state their full name and address in Paragraph A. If the obligor's or co-obligor's address changes after posting this bond, the obligor shall promptly submit an Obligor Change of Address (Form I-333) to ICE with the obligor's new address. An obligor or co-obligor shall sign the bond where indicated in Paragraph D. Either the obligor or co-obligor, or both, may be corporate entities. In addition, an obligor who deposits a cash equivalent to secure the bond authorizes ICE to deposit the funds in an account held by the Department of the Treasury (Treasury). By depositing a cash equivalent and executing this agreement, the obligor certifies, subject to penalties provided by 18 U.S.C. § 1001, that the deposit is not the proceeds of any illicit activity. Provided that is true, if the bond is cancelled upon issuance of Form I-391, "Notice - Immigration Bond Cancelled," ICE will refund the cash deposit and applicable interest to the obligor at the address on file.

PRIVACY ACT NOTICE

Authority: The collection of this information is authorized by the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1183, 1226, 1229c, and 1363); and 31 U.S.C. 7701(c)(1). The collection of the Taxpayer Identification Number (TIN) is authorized by Internal Revenue Code (26 U.S.C. 6109) and Executive Order 9397. In some cases, the TIN may be an individual's Social Security Number.

Purpose: ICE collects this information to provide for the posting, maintenance, cancellation, and breach of an immigration surety bond, and for associated financial management activities, including collection of unpaid monies, reimbursement of the bond principal, and the calculation, payment, and reporting of interest.

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 DHS/ICE-011 - Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records Notice, DHS/ICE-004 Bond Management Information System of Records Notice (BMIS SORN), and DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records (A-FILE SORN), which can be viewed at **https://www.dhs.gov/topic/privacy**.

For all others, as appropriate under United States law and U.S. Department of Homeland Security (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 as appropriate for collection, enforcement, investigatory, litigation, or other purposes.

Disclosure: Furnishing this information is voluntary; however, an immigration bond cannot be issued unless you provide the information requested on this form. For bonds secured by a cash equivalent, the obligor's TIN (EIN, ITIN or SSN) is necessary to pay interest through Treasury and to comply with Internal Revenue Service requirements to report interest payments. Your TIN will also be used for the purposes of collecting and reporting information on any delinquent accounts arising out of your relationship with the Government.

Public Reporting Burden. Under the Paperwork Reduction Act (PRA), an agency may not sponsor an information collection and a person is not required to respond to a collection of information unless the form displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is 30 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Bond Management Unit, 188 Harvest Ln., Williston, VT 05495-7554. **(Do not mail your completed application to this address.)**

GENERAL TERMS AND CONDITIONS

The express language of the bond shall take precedence over any inconsistent policies or statements. Federal law shall apply to the interpretation of the bond, and its terms shall be strictly construed.

Cancellation of a bond issued as a delivery bond shall occur upon any of the following events, provided that the event occurs prior to the date of a breach: ICE taking the alien back into its custody; deportation/exclusion/removal of the bonded alien; grant of permanent residence to the bonded alien; termination of deportation/removal proceedings (but not administrative closure or stay of such proceedings); death of the bonded alien; voluntary departure by the bonded alien pursuant to a grant of voluntary departure by the immigration court or Board of Immigration Appeals as evidenced by probative documentation (valid proof) thereof; or other circumstances as provided by statute or regulation. Cancellation for these reasons is automatic, and any subsequent appearance demand, or attempt to breach the bond, is null and void. A delivery bond may not be breached when the bonded alien is in local, state, or federal custody, or when the alien is not within the United States, on the date the obligor is to produce the alien; the bond stays in effect unless ICE later takes the bonded alien into its custody directly from local, state, or federal authorities, in which case the bond will be cancelled.

ICE shall notify the obligor or the co-obligor of a demand to produce the alien, the breach or cancellation of a bond, and any demand for payment of a breached bond. Notice sent to either the obligor or co-obligor is sufficient to trigger the duties and obligations under this bond. Any obligation or duty imposed on an obligor by this bond applies equally to all co-obligors.

ICE shall send notice of a breach of the bond to the obligor or co-obligor on Form I-323, Notice - Immigration Bond Breached, at the address of record. DHS regulations provide that, upon notification of a breach, the obligor has 30 days in which to file an administrative appeal or motion for reconsideration of the breach. Any obligor who contests a declaration of breach shall file an administrative appeal seeking review of the declaration of breach. A declaration of breach shall be administratively final if not timely appealed. Judicial review of any final administrative declaration of bond breach is pursuant to the Administrative Procedure Act, 5 U.S.C. § 701, et seq.

Demands for amounts due under the terms of this bond will be sent to the obligor or co-obligor after a declaration of breach becomes administratively final. For bonds posted by acceptable surety companies, if the surety company or agent does not make payment within 120 days of the demand for payment, DHS may notify Treasury of such nonpayment. If payment is not made within 30 days of the date of the demand for payment, interest, penalty, and administrative fees as provided by the Debt Collection Act, 31 U.S.C. § 3701, et seq., and the Federal Claims Collection Standards, 31 C.F.R. §§ 900-904, will accrue from the date of the first demand.

EXHIBIT D

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEWARK IMMIGRATION COURT

LEAD FILE: [redacted]
IN REMOVAL PROCEEDINGS
DATE: Dec 8, 2025
EAD Clock:

TO: Joseph m Rollo and associates
Flowers, Christine Marie
2527 south broad street
Philadelphia, PA 19148

RE: [redacted] MERAN GARCIA, RAFAEL NAIMY

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Date: Oct 8, 2027
Time: 10:30 A.M. ET
Court Address: 970 BROAD STREET, ROOM 1200, NEWARK, NJ 07102

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at https://respondentaccess.eoir.justice.gov/en/ or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at https://www.justice.gov/eoir/eoir-immigration-court-listing.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call **1-800-898-7180** (toll-free) or **304-625-2050**.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [ ] Noncitizen | [ ] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 12/08/25 BY: COURT STAFF DM
Attachments: [ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਔਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੰਨੇ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পেজের কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

32

CERTIFICATE OF SERVICE

I certify that on this date I filed the foregoing Petition for Habeas Corpus via the court CM/ECF System, thereby making it available for viewing and download for all parties in this case.

Dated: April 6, 2026

Christine M. Flowers, Esquire

Joseph M Rollo and Associates PC

Attorneys for Petitioner

15