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4
5 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
6 **SAN DIEGO**


7 Joel MENDEZ-VASQUEZ
Petitioner,
8 v.
9 Attorney General of the United States,
Department of Justice;
10 Markwayne Mullin, Secretary of
11 Homeland Security;
12 Todd Lyons, Senior Official
Performing the Duties of the Director
13 of U.S. Immigration and Customs
Enforcement;
14 Patrick Divver, Field Office Director of
15 the San Diego Immigration and
Customs Enforcement Office;
16 Jorge Velarde, Assistant Field Office
17 Director of the Immigration and
Customs Enforcement, Otay Mesa
18 Detention Center;
19 Christopher J. LaRose; Senior Warden,
Otay Mesa Detention Center;
20 Respondents.
21

Case No. '26CV2243 RSH MSB

Agency No. 

**PETITION FOR WRIT OF
HABEAS CORPUS BY A
PERSON IN FEDERAL
CUSTODY UNDER
28 U.S.C. § 2241 AND ORDER TO
SHOW CAUSE**

INTRODUCTION

1
2 1. Petitioner, Joel Mendez-Vasquez  (hereinafter “Petitioner” or
3 “Mr. Mendez-Vasquez”), a 36-year-old Mexican national, has been detained at the
4 Otay Mesa Detention Center, in violation of his due process rights, since his
5 placement in removal proceedings on February 26, 2026. Ex. A, Declaration of
6 Attorney Cabrera, ¶ 4.

7 2. Mr. Mendez-Vasquez’s sole entry to the United States was in February 2005,
8 when he was 15 years old, at or near Calexico, California, without inspection,
9 admission, or apprehension by U.S. immigration authorities. *Id.* ¶ 4; *see also* Ex.
10 B, Notice to Appear (“NTA”). He has remained living in the United States since
11 without departure. Ex. A, ¶ 4. He has no adult¹ criminal record or any aggravating
12 circumstance that should prevent his eligibility for an immigration judge to
13 conduct a bond hearing, according to the Immigration and Nationality Act
14 (“INA”). *Id.* ¶ 7.

15 3. On November 20, 2025, a district court granted partial summary judgment on
16 behalf of individuals similar to Petitioner who entered the United States without
17 inspection and admission and are eligible for a bond hearing under longstanding
18 reading of 8 U.S.C. § 1226(a) and on November 25, 2025, certified a nationwide
19 class and extended declaratory judgment to the certified class. *Maldonado*

20
21 ¹ According to Mr. Mendez-Vasquez, he had some trouble as a juvenile but learned his lesson given he lacks any adult criminal record known to Counsel.

1 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025
2 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary
3 judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No.
4 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
5 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide
6 Bond Eligible Class, incorporating and extending declaratory judgment from
7 Order Granting Petitioners' Motion for Partial Summary Judgment) (hereinafter
8 generally "*Maldonado Bautista*"). The declaratory judgment held that the Bond
9 Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be
10 denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado*
11 *Bautista*, 2025 WL 3289861, at *11.

12 4. On December 18, 2025, the district court issued a final order in the matter. *Lazaro*
13 *Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.
14 Dec. 18, 2025).

15 5. Petitioner, Mr. Mendez-Vasquez, is a member of the Bond Eligible Class, as he:
16 a. does not have lawful status in the United States and is currently
17 detained at the Otay Mesa Detention Center. He was apprehended
18 by immigration authorities on or about February 26, 2026;
19 b. entered the United States without inspection over 21 years ago and
20 was not apprehended upon arrival, *cf. id.*; and

1 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

2 6. Contrary to law, the Executive Office for Immigration Review (“EOIR”), and its
3 sub-agency the immigration court, and supported by the Department of Homeland
4 Security’s legal counsel, blatantly refused to find jurisdiction over bond
5 proceedings for persons similarly situated as Petitioner, citing to *Matter of Yajure*
6 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), and completely disregarding the final
7 judgment in *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-
8 SSS-BFM (C.D. Cal. Dec. 18, 2025). Ex. A, ¶ 11.

9 7. On February 18, 2026, the Honorable Judge Sunshine S. Sykes granted the
10 petitioners’ motion to enforce the judgment given the EOIR’s blatant disregard to
11 the final order issued on December 18, 2025. *Lazaro Maldonado Bautista v.*
12 *Ernesto Santacruz Jr*, 5:25-cv-01873, (C.D. Cal. Feb. 18, 2026).

13 8. On March 6, 2026, the U.S. Court of Appeals for the Ninth Circuit (“Ninth
14 Circuit”) granted a stay on the final decision in *Maldonado Bautista*, temporarily
15 halting the enforcement of *Maldonado Bautista* outside of the Central District of
16 California until further briefing and oral arguments on the motion are finalized.
17 *Maldonado Bautista v. DHS*, No. 26-1044 (9th Cir. Mar. 6, 2026).

18 9. Therefore, Petitioner files this petition. Petitioner asks this Court to find that his
19 continued detention is unlawful without an opportunity for a bond hearing given
20 Petitioner is entitled to consideration for release on bond under 8 U.S.C.

21

1 § 1226(a); that he may not be transferred during the pendency of this petition; and
2 that this court make an order to show cause. Petitioner requests Respondents be
3 required to provide a response within three days or alternatively timing pursuant to
4 Chief Judge Order No. 144.

5 **JURISDICTION**

6 10. This action arises under the Constitution of the United States and the Immigration
7 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

8 11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
9 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States
10 Constitution (Suspension Clause).

11 12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et.*
12 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs
13 Act, 28 U.S.C. § 1651.

14 13. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of
15 jurisdiction. Petitioner is not contesting the commencement or adjudication of
16 removal proceedings against him, nor is he raising an issue with respect to the
17 execution of removal. Petitioner does challenge his classification under Section
18 1225(b)(2) instead of Section 1226(a) and the Board of Immigration Appeals'
19 ("BIA") decision that immigration judges lack authority to provide a bond hearing
20 on that basis. The petition is independent of the removal proceedings and all
21

1 questions related to the commencement of removal proceedings or any part of the
2 removal process. “[C]laims that are independent of or collateral to the removal
3 process do not fall within the scope of § 1252(b)(9).” *J.E.F.M. v. Lynch*, 837 F.3d
4 1026, 1032 (9th Cir. 2016). Additionally, Section 1252(g) “does not prohibit
5 challenges to unlawful practices merely because they are in some fashion
6 connected to removal orders.” *Ibarra-Perez v. United States*, 154 F.4th 989, 997
7 (9th Cir. 2025). Thus, this Court is not stripped of jurisdiction by Sections 1252(g)
8 and 1252(b)(9).

9 **VENUE**

10 14. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center
11 in the County of San Diego, which is within the jurisdiction of this District.
12 Further, a substantial part of the events or omissions giving rise to his claims
13 occurred in this District (Petitioner was leaving a Home Depot parking lot in San
14 Diego County) and no real property is involved in this action. 28 U.S.C. § 1391(e).

15 **REQUIREMENTS OF 28 U.S.C. § 2243**

16 15. The Court must grant the petition for writ of habeas corpus or issue an order to
17 show cause (OSC) to the respondents “forthwith,” unless the petitioner is not
18 entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court
19 must require respondents to file a return “within *three days* unless for good cause
20 additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

21 16. Courts have long recognized the significance of the habeas statute in protecting

1 individuals from unlawful detention. The Great Writ has been referred to as
2 “perhaps the most important writ known to the constitutional law of England,
3 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
4 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

5 **PARTIES**

6 ***Petitioner***

7 17. Petitioner, Mr. Mendez-Vasquez, is a Mexican national who is in custody at the
8 Otay Mesa Detention Center located at 7488 Calzada De La Fuente, San Diego,
9 CA 92154. When at liberty, he and his son reside in San Diego, California. He is
10 in the custody, and under the direct control, of Respondents and their agents.

11 ***Respondents***

12 18. Respondent U.S. Attorney General² is sued in their official capacity as the
13 Attorney General of the United States and the senior official of the U.S.
14 Department of Justice (“DOJ”). In that capacity, they have the authority to
15 adjudicate removal cases and to oversee the Executive Office for Immigration
16 Review (“EOIR”), which administers the immigration courts and the Board of
17 Immigration Appeals. Respondent U.S. Attorney General is a legal custodian of
18 Petitioner.

19
20 ² According to the federal rules, a U.S. government official may be named by official
21 title instead of the official’s name. Fed. R. Civ. P. 17(d). Current U.S. Attorney
General Pamela Bondi’s termination was announced on April 2, 2026.

1 19. Respondent Markwayne Mullin Secretary of U.S. Department of Homeland
2 Security (“DHS”) is sued in their official capacity as the Secretary of the DHS. In
3 this capacity, Respondent Secretary is responsible for the implementation and
4 enforcement of the Immigration and Nationality Act, and oversees U.S.
5 Immigration and Customs Enforcement, the component agency responsible for
6 Petitioner’s detention and custody. Respondent Secretary is a legal custodian of
7 Petitioner.

8 20. Respondent Todd Lyons is sued in his official capacity as the Senior Official
9 Performing the Duties of the Director ICE. Respondent Lyons is the legal
10 custodian of Petitioner.

11 21. Respondent Patrick Divver is sued in his official capacity as the Field Office
12 Director of the San Diego ICE Office. Respondent Divver is a legal custodian of
13 Petitioner and has authority to release him.

14 22. Respondent Jorge Velarde is sued in his official capacity as Assistant Field Office
15 Director of the ICE at the Otay Mesa Detention Center. Respondent Velarde is a
16 legal custodian of Petitioner and has direct authority to release him.

17 23. Respondent Christopher J. LaRose is sued in his official capacity as the Senior
18 Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical
19 custodian of Petitioner and has direct authority to release him.

20 **STATEMENT OF FACTS**

1 24. Petitioner, Mr. Mendez-Vasquez, a 36-year-old Mexican national, has lived in the
2 United States since his single entry without inspection or admission in
3 approximately February 2005, when he was 15 years old. Ex. A, ¶ 4. He has firm
4 roots in the United States. *Id.* ¶ 5.

5 25. Mr. Mendez-Vasquez is a loving father to his U.S. citizen son age 11. Ex. A, ¶ 5.
6 He also maintains a close relationship with his 11-year-old step-son, though he is
7 presently separated from the Lawful Permanent Resident mother, his wife. *Id.*

8 26. On February 26, 2026, while Mr. Mendez-Vasquez was leaving a Home Depot
9 parking lot on his way to work, ICE officers stopped him, claimed they had an
10 arrest warrant for him and then transported him to their processing facility. Ex. A,
11 ¶ 9. While being processed, ICE officers confessed Mr. Mendez-Vasquez was not
12 the person they were looking for that day, but still kept him detained and
13 eventually transferred him to the Otay Mesa Detention Center, where he remains
14 today³. *Id.*

15 27. After apprehending Mr. Mendez-Vasquez on or about February 26, 2026, the
16 DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has
17 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as
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19 _____
20 ³ Counsel would like to highlight this illegal stop, but believes it is in the best interest
21 of Mr. Mendez-Vasquez to receive the benefit of a bond determination and so for the
purpose of this petition does not challenge his illegal stop, but will raise this issue
before the immigration judge.

1 someone who entered the United States without inspection and is present without
2 admission. Ex. B.

3 28. Mr. Mendez-Vasquez is a Bond Eligible Class member to the class outlined in
4 *Maldonado Bautista*. Moreover, as fully discussed therein, he is detained under 8
5 U.S.C. § 1226(a) and eligible for bond.

6 29. Petitioner is detained pursuant to 8 U.S.C. 1226(a), which governs the detention
7 of noncitizens “inside the United States” and “present in the country.” *Jennings v.*
8 *Rodriguez*, 583 U.S. 281, 288–89 (2018).

9 30. Section 1225(b)(2), in contrast, authorizes the detention of applicants for
10 admission who are “seeking admission” but “not clearly and beyond a doubt
11 entitled to be admitted.” Unlike section 1226(a), section 1225(b)(2) provides that
12 individuals who fall under its authority “shall be detained” during the pendency
13 of proceedings, though they too remain eligible for release through the parole
14 process. *Jennings*, 583 U.S. at 300 (holding that release on “parole” under 8
15 U.S.C. 1182(d)(5)(A) remains available even for people held under otherwise-
16 mandatory detention pursuant to section 1225(b)). Courts in this district have
17 repeatedly reached the same conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-
18 cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez*
19 *Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.
20 302025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal.

21

1 Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-*
2 *Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.
3 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
4 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-
5 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-
6 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*,
7 No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*,
8 No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova*
9 *v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19,
10 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
11 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
12 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB,
13 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

14 31. Petitioner was unquestionably detained in the interior of the country following
15 the issuance of the NTA. Ex. B.

16 32. Therefore, Mr. Mendez-Vasquez requests this court issue a habeas order
17 requiring a lawful bond hearing before a fair, neutral, and open-minded arbiter be
18 held for Mr. Mendez-Vasquez so that his unlawful detention does not continue.

19 **CLAIM FOR RELIEF**
20 **Violation of the INA**

1 33. Petitioner repeats, re-alleges, and incorporates by reference each and every
2 allegation in the preceding paragraphs as if fully set forth herein.

3 34. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
4 release on bond under 8 U.S.C. § 1226(a). While a stay is in place precluding
5 enforcement of class membership presently, the legal framework supporting Mr.
6 Mendez-Vasquez's eligibility for bond under 8 U.S.C. § 1226(a) remains.

7 35. The final order in *Maldonado Bautista* holds that Respondents violate the INA in
8 applying the mandatory detention statute at § 1225(b)(2) to class members. A
9 multitude of cases have concluded the same, that 8 U.S.C. § 1226(a) is the
10 appropriate standard for bond in Petitioner's circumstance and that applying
11 Section 1225 "(1) disregards the plain meaning of section 1225(b)(2)(A); (2)
12 disregards the relationship between sections 1225 and 1226; (3) would render a
13 recent amendment to section 1226(c) superfluous; and (4) is inconsistent with
14 decades of prior statutory interpretation and practice." *Lepe v. Andrews*, 801 F.
15 Supp. 3d 1104, 1112 (E.D. Cal. 2025) (citing cases).

16 36. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
17 subject to mandatory detention under § 1225(b)(2), Respondents violate
18 Petitioner's statutory rights under the INA.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner prays that this Court grant the following relief:

21 a. Assume jurisdiction over this matter;

- 1 b. Issue an order preventing Respondents from transferring Petitioner away from
2 the Otay Mesa Detention Center;
- 3 c. Issue an order to show cause and require a response within three days from
4 Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. §
5 2243;
- 6 d. Issue a writ of habeas corpus requiring Respondents to release Petitioner unless
7 they provide a bond hearing under 8 U.S.C. § 1226(a) and that the bond hearing must
8 be before a fair, neutral, open-minded arbiter, and if the bond hearing is not fair and
9 neutral, Petitioner be released immediately;
- 10 e. Award Petitioner attorney's fees and costs under the Equal Access to Justice
11 Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
12 law; and
- 13 f. Grant any other and further relief that this Court deems just and proper.

14
15 Dated: April 9, 2026

Respectfully submitted,

16 /s/ Leah L. Chavarria
17 Leah L. Chavarria
18 *Counsel for Petitioner*

1 **LIST OF EXHIBITS**

2 EXHIBIT A: Declaration of Tessa Cabrera

3 EXHIBIT B: Notice to Appear

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

7 I represent Petitioner, Joel Mendez-Vasquez, and submit this verification on his
8 behalf. I hereby verify under penalty of perjury under the laws of the United States
9 and the State of California that the factual statements made in the foregoing Petition
10 for Writ of Habeas Corpus are true and correct to the best of my knowledge.

11 Dated this 9th day of April, 2026.

12

/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

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EXHIBIT A
DECLARATION OF TESSA CABRERA

1 Leah L. Chavarria, Esq.
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Attorney for Petitioner
4

5 UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

6 Joel Mendez-Vasquez,)
)
7 Petitioner,)
)
8 vs.)
)
9 Attorney General U.S. Department of)
Justice, *et al.*,)
10 Respondents.)
11)

Agency No. 

12 **DECLARATION OF TESSA CABRERA**

13 I, Tessa Cabrera, declare:
14 1. I will represent Petitioner (hereinafter “my client” or “Mr. Mendez-Vasquez”)
15 in his bond request matters before the Otay Mesa Immigration Court upon an
16 order from this Court on his habeas petition.
17 2. I write this declaration in support of Petitioner’s habeas corpus petition.
18 3. I am admitted to practice law in the State of California (State Bar No. 304233).
19 I am also admitted to appear before the Executive Office for Immigration
20 Review (“EOIR”). I have been practicing immigration law for over 10 years
21

1 and have represented hundreds of clients before EOIR and U.S. Citizenship and
2 Immigration Services.

3 4. My client, Mr. Mendez-Vasquez, is a 36-year-old Mexican national. Mr.
4 Mendez-Vasquez has resided in the United States since approximately
5 February 2005, after entering without inspection or admission at or near
6 Calexico, CA, at age 15 years old. He has remained in the United States since.

7 5. Mr. Mendez-Vasquez works in landscaping and is the primary financial
8 provider for his 11-year-old United States citizen (“USC”) son. Mr. Mendez-
9 Vasquez had his son with his now ex-partner and his son resides with him the
10 majority of the time. Mr. Mendez-Vasquez’s ex-partner was abusive and on
11 one occasion she was physically violent against Mr. Mendez-Vasquez and the
12 police were called and she was arrested. He intends to pursue a U visa as the
13 victim of domestic violence.

14 6. Mr. Mendez-Vasquez is married to a lawful permanent resident (“LPR”) but
15 they are currently separated. She also has an 11-year-old son, who Mr.
16 Mendez-Vasquez is close with and still maintains a relationship with.

17 7. According to Mr. Mendez Vasquez, he did have some criminal issues as a
18 juvenile but he worked to develop his character and has no criminal record as
19 an adult.

20 8. Before he was taken into custody, Mr. Mendez-Vasquez was the principle
21 financial provider for himself and his son.

1 9. On February 26, 2026, Mr. Mendez-Vasquez was leaving a Home Depot
2 parking lot in San Diego County when he was surrounded by SUV's and
3 pulled over. Immigration and Customs ("ICE") officers told them they had an
4 arrest warrant for him and detained him. Upon arriving in downtown-San
5 Diego at ICE's processing facility in the Federal Building at 880 Front Street,
6 officers told him that they were actually looking for someone else and that he
7 was not the person they were looking for; nevertheless, they issued a Notice to
8 Appear in removal proceedings, and transferred him to the Otay Mesa
9 Detention Center.

10 10. It is my personal experience that immigration judges are once again declining
11 to find jurisdiction over bond hearings for individuals similarly situated to
12 Petitioner and that it is futile to request a bond hearing at the Otay Mesa
13 Immigration Court. Despite the final order in *Lazaro Maldonado Bautista et*
14 *al. v. Santacruz*, from December 18, 2025, the immigration judges continued to
15 cite *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as their
16 justification for finding they lacked jurisdiction to grant bond, and completely
17 disregarded the final order. In fact, there is a leaked internal EOIR email that I
18 have read with instructions given to immigration judges to not find jurisdiction
19 in a bond hearing for someone similarly situated to Petitioner. There was a
20 period of 16 days following the district court vacating *Matter of Yajure*
21 *Hurtado* on February 18, 2026, in which immigration judges were finding

1 jurisdiction over bond matters for individuals similarly situated to Petitioner,
2 but once again they are not.

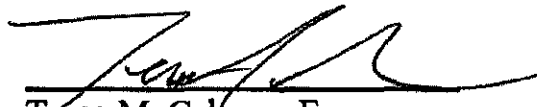
3 11. It is my opinion that the immigration court has jurisdiction over my client's
4 custody redetermination hearing for all the reasons stated in the *Maldonado*
5 *Bautista* case.

6 12. Should my client's habeas petition be granted, I will immediately request a
7 custody redetermination hearing for my client.

8 I declare under penalty of perjury that the foregoing is true.

9 Dated: April 8, 2026

Respectfully submitted,



Tessa M. Cabrera, Esq.
Petitioner's Counsel before EOIR
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tessa@hurwitzholt.com

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**EXHIBIT B
NOTICE TO APPEAR**

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

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: JOEL MENDEZ-VASQUEZ

currently residing at:

7488 Calzada de la Fuente San Diego, CALIFORNIA 92154

(619) 671-8700

(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 MEXICO and a citizen of MEXICO.
3. You entered the United States at or near CALEXICO, CALIFORNIA , on or about February 20, 2005.
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.

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.

- 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:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER

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

on March 9, 2026 at 8:30 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

J. 9825 DE CASTRO - SDDO

(Signature and Title of Issuing Officer)

Date: February 26, 2026

SAN DIEGO, CALIFORNIA

(City and State)

EOIR - 1 of 6

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

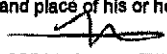
This Notice To Appear was served on the respondent by me on February 26, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

- 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)


M D05544 COVARRUBIAS - 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.