

I. INTRODUCTION

The Petitioner, Mr. Domingo Alonso Velasquez (“Petitioner” or “Mr. Alonso Velasquez”), is a 44-year-old male and native citizen of Guatemala. Due to repeated life-threatening events in his home country, he fled to the United States and entered on March 25, 2019 seeking protection. Petitioner, who does not speak English and reads and writes only limited Spanish, hand-wrote and filed an application for asylum, withholding of removal, and protection under the Convention Against Torture on February 3, 2020, entirely without the assistance of counsel.

Since the denial of his I589 application for relief, the Petitioner has been detained on July 22, 2025 by ICE and remains detained to this day, 280 days later. He has had three bond redetermination hearings by an immigration judge. The first two were denied for lack of jurisdiction, and the third was finally heard on the merits after a Habeas mandated that the Respondents arrange a bond hearing. The immigration judge found he is a “flight risk” because he only had a circuit asylum appeal pending along with the then pending Motion to Reopen and no other avenues of relief and an undocumented sponsor. The Petitioner now has an additional form of relief—a U visa that is pending—and a US citizen sponsor.

The Petitioner has no crimes in the United States nor anywhere in the world.

Because his prior bond hearing was not constitutionally meaningful, the Petitioner respectfully asks this Court to find that the United States government is wrongfully detaining him and to order his immediate release because:

- The Petitioner's prolonged detention violates due process,
- The bond hearing did not satisfy constitutional requirements, and
- Detention has become unreasonable in length given the posture of the case.

II. JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

III. VENUE

Venue is proper because Petitioner is detained at OTAY MESA

DETENTION CENTER in San Diego CA, which is within the jurisdiction of this District.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

1. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
2. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

V. PARTIES

1. Petitioner sought asylum at the border and is currently seeking review at the 9th Circuit Court of Appeals for dismissal of his appeal to the BIA. Petitioner



is currently detained at OTAY DETENTION CENTER and as such, he is in the custody, and under the direct control, of Respondents and their agents.

2. Respondent CHRISTOPHER J. LAROSE is the Warden of OTAY DETENTION CENTER, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent LAROSE is a legal custodian of Petitioner.
3. Respondent TODD LYONS is sued in his official capacity as the Acting Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent LYONS is a legal custodian of Petitioner and has authority to release him.
4. Respondent MARKWAYNE MULLIN is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent MULLIN is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent MULLIN is a legal custodian of Petitioner.
5. Respondent TODD BLANCHE is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S.



Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent BLANCHE is a legal custodian of Petitioner.

VI. STATEMENT OF FACTS

A. Background and Entry

1. Petitioner Domingo Alonso Velasquez is a 44-year-old native and citizen of Guatemala and a member of the Indigenous Maya Achi community. He fled Guatemala after experiencing severe, life-threatening persecution, including an incident in 2017 in which an armed assailant pointed a firearm at him and attempted to shoot him, only for the weapon to misfire. Following that incident, Petitioner relocated his residence, yet continued to be followed and targeted. Petitioner's wife was later the victim of an attempted kidnapping, which was reported to the police. As a result, the family was forced to relocate again and live with Petitioner's father-in-law in a different town.
2. Fearing for his life, Petitioner fled Guatemala and entered the United States on March 25, 2019, without inspection, together with his minor son, 

3. The Petitioner has no crimes anywhere in the world.

B. Initial Detention and Release Under ISAP

4. After crossing the Rio Grande near El Paso, Texas, Petitioner and his son were encountered by U.S. Customs and Border Protection (“CBP”) and detained for approximately four days at the Paso del Norte Bridge facility in El Paso, Texas. They remained in CBP custody until March 29, 2019.
5. Prior to release from CBP custody, DHS affirmatively exercised its discretion to release Petitioner under the Intensive Supervision Appearance Program (“ISAP”). As a condition of that release, Petitioner was fitted with an electronic ankle monitoring device and required to comply with ongoing ICE supervision, including regular in-person check-ins and telephonic reporting. Petitioner’s minor son was released without an ankle monitor.
6. On March 29, 2019, Petitioner and his son were transferred to a halfway house in El Paso, Texas, which coordinated onward transportation and provided temporary lodging. On March 30, 2019, they traveled to 
 California, where Petitioner has resided continuously since that time.

C. Continuous Supervision and Compliance (2019–2025)

7. From March 2019 until his arrest on July 22, 2025, Petitioner remained continuously present in the United States under DHS supervision. During this more than six-year period:

- Petitioner never departed the United States and never re-entered;
- Petitioner appeared at all immigration court hearings;
- Petitioner complied with all ISAP requirements, including monthly in-person ICE check-ins and routine telephonic location verification;
- Petitioner committed no crimes anywhere in the world; and
- Petitioner remained at a known residence and place of employment at all times.

8. In approximately 2022, ICE removed Petitioner's ankle monitoring device. Nevertheless, Petitioner remained subject to ISAP supervision and continued to comply with all reporting requirements, including pre-arranged in-person and telephonic check-ins with ICE.

D. Removal Proceedings and Asylum Application

9. On July 12, 2019, DHS initiated removal proceedings against Petitioner and his son by filing Notices to Appear charging removability under INA § 212(a)(6)(A)(i). On January 25, 2019, Petitioner admitted the factual allegations and conceded removability. The Immigration Court sustained the charge and designated Guatemala as the country of removal.
10. On February 3, 2020, Petitioner filed an application for asylum, withholding of removal, and protection under the Convention Against Torture (Form I-

589). Petitioner prepared and filed the application pro se and in English, despite primarily speaking Achi and having only limited Spanish proficiency and a first-grade education.

11. On March 5, 2025, Petitioner and his son appeared pro se for an Individual Hearing on the merits. The Immigration Judge denied all relief the same day. Petitioner timely appealed to the Board of Immigration Appeals on April 2, 2025. That appeal was dismissed. A Petition for Review was filed on November 24, 2025 with the 9th Circuit Court and a temporary stay of removal is in place pursuant to a motion for stay of removal for the duration of the appeal which has not been adjudicated. That appeal is currently pending.
12. The Petitioner also filed a Motion to Reopen his removal proceedings with the BIA which was denied. The denial has been appealed to the Ninth Circuit and is currently pending. The Motion to Reopen denial has been appealed to the 9th Circuit on April 14, 2026 and is currently pending. See **Exhibit C**, proof of pending matters at the 9th Circuit. Additionally, the Petitioner has become eligible for a new avenue of immigration relief--a U visa-- and it has been filed and is pending with USCIS. See **Exhibit B**, proof of filing U visa with USCIS.

E. ISAP Compliance Immediately Preceding Arrest

13. In early July 2025, Petitioner experienced an accidental malfunction of his ankle monitoring device, which broke. Within minutes, ICE contacted Petitioner. Petitioner immediately cooperated and appeared at the San Francisco ISAP office on July 17, 2025. ICE replaced the ankle monitor and did not detain Petitioner at that time.

14. Petitioner also had a regularly scheduled future ISAP check-in later that same month.

F. Detention and Denial of Release on Bond

15. Despite Petitioner's full compliance with ISAP supervision and his pending appeal before the BIA, ICE arrested Petitioner on July 22, 2025, at his workplace in Corte Madera, California. ICE provided no advance notice that his long-standing supervised release would be terminated and no individualized determination that he posed a flight risk or danger.

16. Petitioner has been continuously detained at the Otay Mesa Detention Center since July 22, 2025. As of April 28, 2026, Petitioner has been detained for approximately 280 days.

17. A Petition for a Writ of Habeas Corpus was granted on January 29, 2026 which mandated the government Respondents to arrange a bond hearing before an immigration court pursuant to 8 USC Section 1226(a). As a consequence, a Bond Redetermination hearing was conducted by Immigration Judge Andersen on February 2, 2026 who denied the bond. The Immigration Judge denied release essentially stating “flight risk” as the reason for denial. To arrive at her decision, the IJ relied on the fact that the Petitioner’s asylum claim had been denied by EOIR and was pending review at the 9th Circuit, that he had no sponsors with legal status and that the then pending Motion to Reopen, was speculative. See **Exhibit A**, decision of Immigration Judge. Since then, the Petitioner now has a sponsor with legal status. See **Exhibit D**, letter in support.

18. The Petitioner remains detained during the pendency of his appellate process, which is now before the United States Court of Appeals for the Ninth Circuit. As of the date of filing, Petitioner has been detained for over 280 days (8 months and 37 days) as of April 28, 2026.

19. Petitioner’s continued detention is unconstitutional and unlawful. He possesses a compelling fundamental interest in liberty, an interest that is “at its apex” in civil immigration detention, where individuals receive fewer procedural protections than criminal defendants despite the severe restraints

on liberty. Moreover, his release during the appellate process is not reasonably foreseeable, as the complex legal issues on appeal include substantial due-process violations that occurred during his pro se immigration proceedings.

20. Accordingly, to vindicate Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant Petition for a Writ of Habeas Corpus.

VII. LEGAL FRAMEWORK


A. The Petitioner is in the physical custody of Respondents because the Executive Office of Immigration Review (EOIR) has deprived him of a meaningful bond hearing.

i. PETITIONER'S REMOVAL ORDER WAS NOT FINAL AND RELIEF REMAINED PENDING

In the Ninth Circuit, due process requires that DHS prove by clear and convincing evidence that a detainee is a danger or flight risk to justify continued detention. *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011). The Ninth Circuit reaffirmed this rule in *Hernandez v. Sessions*, emphasizing that detention may not continue unless the government meets this heightened burden because “Due

process requires the government to prove by clear and convincing evidence that continued detention is justified.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).

At the February 2026 bond redetermination hearing mandated by this court, DHS presented no documentary evidence, no individualized risk assessment, and no testimony supporting flight risk. Instead, DHS merely offered conclusory assertions at the hearing. Such a record cannot satisfy the clear-and-convincing standard required by *Singh* and *Hernandez*. The Immigration Judge nevertheless denied bond, stating only that Petitioner was a “significant flight risk such that no bond is appropriate.”

Moreover, bond determinations must be individualized and based on evidence, not speculation or categorical assumptions. See *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). The record before the Immigration Court included overwhelming evidence of stability and compliance, including multiple letters of support and a confirmed sponsor who offered housing, financial support, and assurance of appearance. For example, Petitioner’s son submitted a sworn declaration guaranteeing that Petitioner would attend all hearings and comply with ICE requirements, and confirming that Petitioner would live with him upon release at a fixed address in  California. In addition, community members—

including church leadership—submitted letters describing Petitioner’s long-standing ties, moral character, and deep integration into the community. Indeed, the church leadership letter refers to the Petitioner as attending church with “devotion” and on a weekly basis. Two additional U.S.-based supporters also submitted written endorsements confirming Petitioner’s reliability and community presence. This evidence directly rebuts any claim that Petitioner lacks a sponsor or community support.

The Immigration Judge’s reasoning appears inconsistent with the Board’s analysis in *Matter of Dobrotvorskii*, 24 I&N Dec. 90 (BIA 2007). In *Dobrotvorskii*, the Board upheld denial of bond where the respondent had no stable sponsor or community support, lacked meaningful equities to ensure appearance and presented a record that did not support conditional release.

By contrast, Petitioner Domingo Alonso Velazquez submitted exactly the type of evidence that was missing in *Dobrotvorskii*:

- A verified sponsor and residence
- Multiple letters of support
- Strong church and community ties
- A demonstrated history of compliance with supervision

Petitioner's son specifically affirmed that he would ensure Petitioner attends all court hearings and ICE check-ins and that Petitioner would reside with him at a stable address. Supporters likewise emphasized Petitioner's dedication, work ethic, and role in the community.

Thus, unlike *Dobrotvorskii*, this Petitioner does not lack a support system. The Immigration Judge's conclusion that "no bond is appropriate" ignores the very equities that distinguish Petitioner from cases where flight risk was supported.

Finally, under *Matter of Guerra*, the Board evaluates flight risk based on factors such as:

- Fixed address (fixed officially with filing of form E33 at EOIR since November of 2019—still his son's address and the address he would return to if released). See Bond Exhibit 5-9.
- Family and community ties
- Employment history
- Prior compliance with immigration proceedings
- Likelihood of relief

Petitioner satisfies these factors strongly as he has a confirmed residence with his son sponsor, he has extensive community support, he has no criminal history, he complied with ICE supervision for years without a single failure to appear and he

had ongoing litigation including a Motion to Reopen and Ninth Circuit review.

Under *Guerra*, these equities compel release on reasonable bond.

At the time of the February 2026 bond hearing, the Petitioner's asylum denial was pending Petition for Review at the Ninth Circuit, a stay of removal was in place and a timely Motion to Reopen based on due process violations and new material evidence had been filed. The Motion to Reopen was based on:

- Failure of the IJ to develop the record despite Respondent's pro se status
- Language barriers (Achi-speaking Indigenous respondent) and minimal education (first grade)
- Newly available evidence of Indigenous persecution and political discrimination

The Motion to Reopen was denied by the BIA but it has been appealed and is pending at the 9th Circuit.

Because DHS failed to prove flight risk by clear and convincing evidence, and because Petitioner presented substantial sponsor and community evidence unlike the respondent in *Dobrotvorskii*, the Immigration Judge's bond denial was legally erroneous and unsupported by the record. The Board should reverse and order Respondent released on reasonable bond, or mandate a new bond redetermination hearing applying the correct burden.

ii. THE IJ'S FLIGHT RISK FINDING WAS SPECULATIVE AND IMPROPER

The Immigration Judge found Petitioner was a flight risk primarily because the Petitioner lacked family members with lawful immigration status and the rider in Petitioner's case, his son, had a removal order. These factors are not lawful substitutes for evidence. Petitioner's actual record shows the opposite:

a. Six Years of Compliance

From 2019 until his arrest in July 2025, Petitioner was continuously supervised and never missed a single ICE check-in.

b. Stable Residence and Updated Address History

Petitioner remained at a known residence and workplace at all times. See Eoir-33 on Record of Proceedings since November 2019—still his address when detained and would be his address upon release.

c. DHS Previously Trusted Petitioner on Release

DHS itself released Petitioner under ISAP for more than six years.

d. Cooperation Even When Monitoring Malfunctioned

When Petitioner's ankle monitor broke in July 2025, he immediately reported to ICE and cooperated fully.

The IJ's conclusion that no bond amount could ensure appearance is an extreme finding.

The BIA has repeatedly held that flight risk must be based on evidence, not conjecture. *Matter of Andrade*, 19 I&N Dec. 488 (BIA 1987). Bond decisions cannot rest on speculation:

“The record must support the conclusion that the respondent is likely to abscond.” *Andrade*, 19 I&N Dec. at 490.

Here, the IJ's reasoning is speculative and based her decision also on the fact the Petitioner has no family with lawful status. The Ninth Circuit has warned against categorical reasoning.

A person can have deep ties, stable address, community support and long residence even if family members lack status. *Matter of Fatahi*, 26 I&N Dec. 791 (BIA 2016). Immigration status alone does not establish flight risk and therefore his son's removability or lack of lawful status is insufficient by itself. (*Fatahi*, 26 I&N Dec. at 793). Nothing in the bond statute or case law requires that a sponsor must have lawful status and bond decisions must be individualized. An IJ cannot rely on generalized assumptions such as: “undocumented families don't ensure appearance”. *Matter of R-A-V-P-*, 27 I&N Dec. 803 (BIA 2020). That is exactly the type of reasoning R-A-V-P- rejects.

iii. PETITIONER HAS STRONG EQUITIES AND NO INCENTIVE TO FLEE

Petitioner has substantial humanitarian and legal equities, including:

- Indigenous identity and political persecution history
- Severe threats, attempted kidnapping, and attempted assassination in Guatemala
- Ongoing discrimination against the Achí community
- New government resolutions issued after his hearing affecting his ability to return

Petitioner is actively pursuing lawful relief, including reopening based on due process violations and new evidence. A respondent with strong pending litigation and a demonstrated history of compliance has no rational incentive to abscond.

Additionally, the Petitioner now has a U visa pending with USCIS and a US citizen sponsor.

VIII. CLAIMS FOR RELIEF

COUNT I

Violation of Due Process

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
3. Petitioner has a fundamental interest in liberty and being free from official restraint.
4. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

IX. PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the SOUTHERN CALIFORNIA DISTRICT while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner;
- e. Declare that Petitioner's detention is unlawful;
- f. In alternative, order a bond-redetermination hearing at EOIR requiring proper application of judicial jurisprudence and given the time in detention that DHS bear the "clear and convincing" burden of proof;
- g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ LILIANA GALLELLI
Liliana Gallelli, Esq.,
Counsel for Petitioner

Dated: April 29, 2026

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

I represent Petitioner, DOMINGO ALONSO VELASQUEZ, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 29th day of April, 2026.


/s/ LILIANA GALLELLI
Liliana Gallelli, Esq.,
Attorney for Petitioner

TABLE OF EXHIBITS

	<u>PAGES</u>
Exhibit A: EOIR Immigration Judge Order dated 02/26/2026	1-4
Exhibit B: U visa filing with USCIS	5-7
Exhibit C: Pending Matters at the 9 th Circuit	8
Exhibit D: Letter of Support for Bond Release (US Citizen)	9

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT
7488 Calzada de la Fuente
San Diego, California 92154

File No.: ) Date: February 26, 2026
)
In the Matter of)
)
) **IN BOND PROCEEDINGS**
)
Domingo ALONSO VELASQUEZ,)
)
)
)
The respondent)

ON BEHALF OF THE RESPONDENT:
Liliana Caterina Gallelli, Esquire
131A Stony Circle, Suite 475
Santa Rosa, California 95401

ON BEHALF OF THE DEPARTMENT OF HOMELAND SECURITY:
Mark Tomines, Assistant Chief Counsel
P.O. Box 438150
San Diego, California 92143-8150

BOND MEMORANDUM OF THE IMMIGRATION JUDGE

The Department of Homeland Security (“the DHS”) filed a Notice to Appear (“NTA”) with the Court on July 12, 2019, charging Domingo Alonso Velasquez (“the respondent”), a native and citizen of Guatemala, as a noncitizen present in the United States without admission or parole in violation of Section 212(a)(6)(A)(i)(I) of the Immigration and Nationality Act. The Court conducted a custody redetermination hearing on February 2, 2026, where the parties conceded jurisdiction pursuant to a district court order granting the respondent’s Petition for Writ of Habeas Corpus and directing the immigration court to conduct an individualized bond hearing “within fourteen (14) days” of the order dated January 29, 2026. Exh. 1 (*Alonso Velasquez v. LaRose*, 3:26-cv-00400-RSH-BJW (S. D. Cal. 2026)). At the conclusion of this hearing, the Court found that the respondent poses an extreme flight risk such that no amount of bond would secure his presence at subsequent hearings and, therefore, denied the respondent’s request for a change in his custody status. Order of the Immigration Judge (Feb. 2, 2026). On February 5, 2026, the respondent timely appealed the Court’s decision to the Board of Immigration Appeals (“the BIA”). The Court now provides this memorandum to facilitate review of the respondent’s appeal. *See* Immigr. Ct. Prac. Man., Chap. 9.3(e) (vii).

Under Section 236(a) a respondent in bond proceedings must establish, to the satisfaction of the Immigration Judge, that he or she would not pose a danger to property or persons if released from custody, and that he does not pose a flight risk. *See Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006). An Immigration Judge should only assess the respondent’s risk of flight if the respondent can demonstrate that he or she does not pose a danger to the community. *Matter of Drysdale*, 20 I&N Dec. 815, 17-18 (BIA 1994). If the respondent does not meet his or her burden to show that his or her “release would not pose a danger to property or persons,” then the

respondent must remain in custody without bond. *Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009).

In determining whether a respondent merits release from custody, as well as the amount of bond that is appropriate, an Immigration Judge may consider the following factors:

(1) Whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States.

Guerra, 24 I&N Dec. at 40; *see also Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011) (noting that a court should consider the extensiveness, recency, and seriousness of criminal activity when determining dangerousness). The BIA made clear that the Court "has extremely broad discretion in deciding whether or not to release an alien on bond." *Guerra*, 24 I&N Dec. at 39. Additionally, the Court "may choose to give great weight to one factor over others, as long as the decision is reasonable." *Id.* at 40.

At the respondent's custody redetermination hearing on February 2, 2026, the parties conceded that the respondent does not pose a danger to the community. However, the Court found that the respondent did not meet his burden to demonstrate that he is not a flight risk.

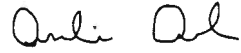
The Court considered all the information, evidence, and arguments presented by the parties in making its determination. *See Guerra*, 24 I&N Dec. at 40. The Court is cognizant of the positive equities that weigh in the respondent's favor, including his time in the United States, his community ties, and his lack of a criminal record. However, the Court cannot ignore the respondent's minimal chances of relief regarding his merits case, given that an Immigration Judge denied the respondent's asylum application on March 5, 2025. Order of the Immigration Judge (Mar. 5, 2025). While the respondent, through counsel, argues that the respondent is actively appealing and moving to reopen proceedings, the respondent's case nevertheless remains speculative at this juncture, and the respondent's limited chances of relief negatively impact his probability of complying with future court directives. *See Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987) (holding that a respondent's eligibility for relief may provide an "incentive or disincentive for him to appear at his deportation hearing.").

Moreover, the respondent named his son as his purported sponsor with whom he would reside, even though his son does not have any lawful status to remain in the United States and respondent's counsel confirmed that the respondent's son was a rider in the respondent's case-in-chief, which was ultimately denied, although it is currently on appeal. Exh. 5 at 6-7. Thus, the Court found that the respondent poses an extreme flight risk such that no amount of bond would be able to secure his appearance at future court hearings. *See Matter of Matter of R-A-V-P-*, 27 I&N Dec. 803 (BIA 2020) (affirming an Immigration Judge's flight risk finding on the grounds that the



respondent did not establish a probably path to obtain lawful status) abrogated on other grounds by *Hernandez-Lara v. Lyons*, 10 F.4th 19, (1st Cir. 2021).

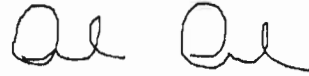
Accordingly, the Court denied the respondent's bond redetermination request.



Amelia Anderson,
Immigration Judge



Order of the Immigration Judge



Immigration Judge: ANDERSON, AMELIA 02/26/2026

Certificate of Service

This document was served:

Via: M] Mail | P] Personal Service | E] Electronic Service | U] Address Unavailable

To:] Alien |] Alien c/o custodial officer | E] Alien atty/rep. | E] DHS

Respondent Name : | A-Number :

Riders:

Date: 02/26/2026 By: BEDOLLA, BRENDA, Court Staff